

ORDINANCES AND RESOLUTIONS UP FOR INTRODUCTION

FINANCE COMMITTEE

**- Chair
- Co-Chair
All Council Members**

ACTION

S-09-01-05

AN ORDINANCE approving additional increase of the Star Financial Bank Services Agreement between Star Financial Bank and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

An increase of \$60,000 of the 2005 Star Financial Bank Services Agreement - Total service costs for 2008 will Exceed \$100,000

S-09-01-06

AN ORDINANCE approving extension of the Star Financial Bank Services Agreement between star Financial Bank and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Extension of the 2005 Star Financial Bank Services Agreement during 2009 - involving a total cost of One Hundred Sixty Thousand and no/100+/-

S-09-01-07

AN ORDINANCE approving the awarding of annual funding commitment for the Fort Wayne Allen County Economic Development Alliance by the City of Fort Wayne, Indiana, by and

through its Department of Economic Development
Annual funding commitment during 2009 - \$200,000

FINANCE COMMITTEE CONTINUED

ACTION

S-09-01-11

AN ORDINANCE certifying and approving the need for the services of a consultant (RW Armstrong) to provide professional design and bidding services for the sewer separation and extension for the Woodrow/Vance Partial Sewer Separation Project

Services of a consultant to provide professional design
And bidding services - amount to be paid \$270,564

S-09-01-03

AN ORDINANCE approving grants to be funded from the Cable TV Fund

Total amount grant awards \$92,562.15

R-09-01-12

A RESOLUTION approving the purchase of certain real estate (1906, 1914, 2106, 2112 and 2206 Melbourne Court; and 5310 Kenton Lane) for the City of Fort Wayne, Indiana

The above properties are necessary to be purchased for the Stormwater Management Flood Mitigation Plan for the Lawrence Drain

R-09-01-13

A RESOLUTION approving the purchase of certain real estate for the City of Fort Wayne, Division of City Utilities

Total cost of \$22,500

R-09-01-14

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly

known as 620 East Berry Street, Fort Wayne, Indiana 46802 (525 W. Jefferson, LLC/Prairie Quest, Inc.)

TO BE PASSED THIS EVENING

FINANCE COMMITTEE CONTINUED

ACTION

R-09-01-15

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 620 East Berry Street, Fort Wayne, Indiana 46802 (525 W. Jefferson, LLC/Prairie Quest, Inc.)

PUBLIC HEARING 1-27-09 – 5:30 P.M.

REGULATIONS COMMITTEE

Chair

- Co-Chair

All Council Members

G-09-01-01

AN ORDINANCE repealing and replacing Chapter 152: Housing and Building Standards" of the City of Fort Wayne, Indiana, Code of Ordinances

Housing and Building Standards is hereby repealed in its entirety and replaced with the new Chapter 152

PUBLIC HEARING 1-27-09 – 5:30 P.M.

G-09-01-02

AN ORDINANCE repealing and replacing Chapter 150 of the City of Fort Wayne, Indiana, Code of Ordinances
Minimum Conditions and Maintenance of Commercial,

Industrial and other property or premises

PUBLIC HEARING 1-27-09 – 5:30 P.M.

REGULATIONS COMMITTEE CONTINUED

ACTION

G-09-01-16

AN ORDINANCE requiring monthly financial reports to Common Council

PUBLIC WORKS COMMITTEE

- Chair

- Co-Chair

All Council Members

S-09-01-08

AN ORDINANCE approving Project Coordination Project - Work Order #11848, Auburn Road: Clinton Street to Cook Road between Indiana Department of Transportation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$250,000

Federal Share

\$200,000

City's Share

\$ 50,000

S-09-01-09

AN ORDINANCE approving Work Order #12116, Des. #0710199, East State Boulevard Safe Routes to School Project between Indiana Department of Transportation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$250,000

CITY UTILITIES COMMITTEE

- Chair

- Co-Chair

All Council Members

ACTION

S-09-01-04

AN ORDINANCE approving the awarding of IT #2910 - annual requirements for sewer construction material by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Midwest Tile, HD Supply and Underground Pipe and Valve for the Water Pollution Control Maintenance/Stormwater Maintenance Departments

Total cost of \$146,000

Midwest	\$95,000
HD	\$24,000
Underground	\$27,000

S-09-01-10

AN ORDINANCE approving Resolution #1950-2007, State Road 14 (Illinois Road) Stormwater Improvements between Brooks Excavating, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$670,497.15

BILL NO. G-09-01-01

GENERAL ORDINANCE NO. G-

**AN ORDINANCE REPEALING AND REPLACING
CHAPTER 152: HOUSING AND BUILDING STANDARDS”
OF THE CITY OF FORT WAYNE, INDIANA, CODE OF
ORDINANCES.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That Chapter 152: “HOUSING AND BUILDING STANDARDS” of
the City of Fort Wayne, Indiana, Code of Ordinances is hereby repealed in its entirety
and replaced with the following new Chapter 152 as follows:

CHAPTER 152: HOUSING AND BUILDING STANDARDS

General Provisions

152.01 Purpose

152.02 Interpretation

- A. Scope
- B. Interchangeability
- C. Terms Defined in Other Codes
- D. Terms Not Defined
- E. Parts

152.03 Definitions

Safe Housing; Minimum Standards

152.04 General Requirements

- A. General

1. Scope
 2. Responsibility
 3. Vacant Structures and Land
 4. Unsafe Building Law
 5. Certain Building Conditions Deemed Unsafe
- B. Handrails and Guardrails
 - C. Exterior Property Areas
 - D. Exterior Structure
 - E. Trash & Debris
 - F. Extermination

152.05 Interior Structure

- A. General
- B. Structural Members
- C. Interior Surfaces
- D. Floors, Stairs and Walking Surfaces
- E. Interior Doors
- F. Basements and Crawl Spaces
- G. Kitchen & Kitchen Facilities

152.06 Light, Ventilation and Occupancy Limitations

- A. General
- B. Light
- C. Ventilation
- D. Occupancy Limitations

152.07 Plumbing Facilities & Fixture Requirements

- A. General
- B. Required Facilities
- C. Plumbing Systems & Fixtures
- D. Water Systems

- E. Sanitary Drainage System
- F. Storm Drainage

152.08 Mechanical and Electrical Requirements

- A. General
- B. Heating Facilities
- C. Mechanical Equipment
- D. Electrical Facilities
- E. Electrical Equipment

152.09 Discontinuance of Utilities or Service

- A. Required
- B. Restrictions

152.10 Safety and Sanitary Maintenance

- A. General
- B. Means of Egress
- C. Fire Protection Systems

152.11 Rooming Houses, Dormitories and Other Occupancies

- A. General
- B. Sanitation and Cleanliness
- C. Violations and Notice
- D. Standards and Minimum Requirements

152.12 Enforcement and Penalties

- A. Enforcement
- B. Notice of Violation
- C. Order for Abatement
- D. Manner of Serving Notice
- E. Emergencies

- F. Civil Remedies
- G. Deposit in Unsafe Building Fund
- H. Natural Disaster
- I. Order to Vacate. Time Allowed to Vacate
- J. Access to Premises in Violation of this Chapter
- K. Affirmative Defense

152.13 Hearing Officer

- A. Establishment
- B. Duties
- C. Hearings/Appeals

152.14 Administration and enforcement

- .A. Delegation of Enforcement Power
- B. Conflict of Interest
- C. Provisions for Inspection Authority
- D. Statistical Data
- E. Severability
- F. Building Code Compliance
- G. Safe Housing and Building Advisory Committee
- H. Sunset Provision

152.01 Title and Purpose

The provisions of this subchapter shall be cited as the “Safe Housing Standards.” This subchapter articulates the commitment of the City of Ft Wayne IN, hereinafter referred to as the City, to protect, preserve and promote the physical and mental health and social well being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health and safety and to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health; by establishing legislation which provides for the administration and enforcement of minimum standards for the following:

- A. Basic equipment and facilities with respect to light, ventilation and thermal conditions;
- B. Safety from fire and accidents;
- C. The use, location and amount of space for human occupancy; and
- D. The determination of the responsibilities of owners, operators and occupants of dwellings.

152.02 Interpretation

- A. **Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this subchapter, have the meanings shown in this Chapter.
- B. **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.

- C. Terms Defined in Other Codes.** Where terms are not defined in this subchapter, such terms shall have the meanings ascribed to them as stated in those codes.
- D. 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.
- E. Parts.** Whenever the words “premises”, “building”, or “story” are stated in this subchapter, they shall be construed as though they were followed by the words “or any part thereof”.

152.03 Definitions

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

ACCESSORY STRUCTURE. A detached building or other structure in a secondary or subordinate capacity from the main or principal structure on the same premises.

APPROVED. Approved by the Enforcement Authority.

APPURTENANCE. A subordinate portion of a structure attached to the primary structure.

BASEMENT. The portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any habitable room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CENTRAL HEATING. The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

CHIMNEY. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

CITY. The City of Fort Wayne, Indiana.

CODE OFFICIAL. The City of Fort Wayne official, or any duly authorized representative, including but not limited to the Enforcement Authority, who is charged in his or her official duties with the administration and enforcement of this ordinance, and who has been given a special police commission granted by the Board of Public Safety authorizing him or her to enforce this chapter.

CONDEMN. To adjudge unsafe and/or unfit for occupancy.

DILAPIDATED. No longer adequate for the purpose or use for which it originally was intended.

DWELLING. A structure, partly or wholly, intended for or being used for residential purposes.

- (1) **SINGLE-FAMILY DWELLING.** A building containing a one or two family dwelling unit.
- (2) **MULTI-FAMILY DWELLING.** A building or portion thereof containing three or more dwelling units.

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.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EGRESS. An arrangement of exit facilities to assure a safe means of exit from a building to ground level.

ENFORCEMENT AUTHORITY. Department of Neighborhood Code Enforcement of the City of Fort Wayne, which is responsible for the administration and enforcement of the provisions of this Chapter.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

FAMILY. One individual living alone or two or more individuals living together, whether related by birth or not, and having common housekeeping facilities.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE SPACE. A space in a building for living, sleeping, eating, or cooking.

Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HEARING OFFICER. As used in this Chapter, "Hearing Officer" shall have the same meaning as "Hearing Authority" under IC 36-7-9-2, and same is incorporated thereto by reference.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to a structure or premises, of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reasons including but not limited to: wrecked, abandoned, in disrepair, or incapable of being moved under its own power.

LEAD-BASED PAINT. Any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products. The current level is 0.5%.

LET FOR OCCUPANCY or LET. To permit possession or occupancy of a dwelling or dwelling unit by a person who shall be the legal owner of record or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or licensee, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANT. Any individual, living, sleeping, cooking or eating in or having possession of a dwelling unit, structure, or premises.

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 a 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 a receiver, trustee, conservator or the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERMISSIBLE OCCUPANCY. The maximum number of individuals permitted to reside in a dwelling or dwelling unit.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes a firm, entity partnership or corporation, or their successors or assigns, or the agent of any aforesaid.

PLUMBING. The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances used for, or intended to be used for the transfer of water or liquid waste.

PLUMBING FIXTURE. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water there from; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PROPERLY CONNECTED. Connected in accordance with all applicable State and local codes and ordinances. The application of this definition shall not require the alteration or replacement of any existing connection in good working order and not constituting a hazard to health or safety or deterioration of property.

PUBLIC NUISANCE. Includes the following:

1. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures; or the required precautions against trespassers have not been provided; or
2. Any premises from which the plumbing, heating, electrical and/or facilities required by this Chapter have been removed or from which utilities have been disconnected, destroyed, removed or rendered ineffective; or
3. Any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises; or
4. Any structure where the paint has been severely removed by time or where the paint is checked or bleeding; or
5. Any condition on a premises including but not limited to: improper drainage, weeds, or any similar condition affecting the general health and/or safety of the community.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REFUSE. All waste solids (except body wastes) including garbage, rubbish, ashes and dead animals.

REFUSE CONTAINER. A watertight container that is constructed of metal or other durable material such as vinyl or plastic that is capable of being serviced without creating unsanitary conditions.

ROOMING HOUSE. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator for occupancy by three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner operator.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used as a residence, but not for cooking or eating purposes.

SAFE AND SAFETY. The condition of being reasonably free from danger and hazards which may cause accidents, injuries or disease.

SPACE HEATER. A self-contained heating appliance of either the conventional type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.

STAIRWAY. One or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one floor or level to another in a building or structure.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to

prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

SUBSTANTIAL PROPERTY INTEREST. The definition of “Substantial Property Interest” under IC 36-7-9-2 is hereby incorporated into this Chapter by reference.

SUPPLIED. Paid for, furnished by, provided by, or under the control of the owner, operator or agent.

TEMPORARY HOUSING. Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TOXIC SUBSTANCE. Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

TRASH AND DEBRIS. Combustible waste materials, except garbage, including 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, tires, and other similar materials.

UNSAFE BUILDING LAW. The Indiana Unsafe Building Law codified as Indiana Code 36-7-9-1 through 36-7-9-29, as it may be amended from time to time.

UNSAFE PREMISES. A tract of real property that may or may not contain a building or structure, excluding land used for agriculture, that is found to be a fire hazard, a hazard to public health, a public nuisance, or dangerous to a person or property because of a violation of a statute or an ordinance.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Done in a reasonably skillful manner, especially when used in reference to maintenance and repair and according to current industry standards, or otherwise applicable State and local codes and ordinances.

152.04 General Requirements

A. General

1. Scope

- a) The provisions of this subchapter shall apply to all residential structures and residential portions of mixed occupancy buildings existing at the date of the adoption of this Chapter and thereafter erected, and shall apply to all conversions and future conversions of existing buildings from nonresidential to residential or partially residential.
- b) Material used in making any repairs shall be of a quality suitable for the purpose. Such repair shall be accomplished in a

workmanlike manner and according to the accepted standards and practices of the appropriate trade.

2. **Responsibility**

a) **Owner**

- (1) **Prohibited occupancy.** No owner shall rent, lease or permit the subletting to another for occupancy any vacant or vacated dwelling or dwelling unit which does not comply with the provisions of this standard, unless permission for such occupancy has been granted by the Enforcement Authority. Such permission shall not be unreasonably withheld by the Enforcement Authority.
- (2) **Sanitary maintenance.** Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and the premises thereof.
- (3) **Garbage and refuse.** For every dwelling containing three or more dwelling units, the owner shall provide in a location accessible to all dwelling units an adequate number of receptacles into which garbage, rubbish and ashes from the dwelling unit receptacles may be emptied for storage between the days of collection.
- (4) **Heat.** If the heating facilities of any dwelling or dwelling unit are not under the control of the occupant thereof, and except as otherwise provided herein, it is

the responsibility of the owner, operator or agent in charge to operate the heating facilities, during the period between **September 1 to May 1**, and to maintain an inside temperature as required in Sec. 152.08(B-2).

(5) **Rodent proofing and pest extermination.** Every owner shall be responsible for the eradication of any insects, rodents or other pests in dwellings containing two or more dwelling units and in the shared or public parts thereof.

(6) **Posts of identification of owner or agent.** In any dwelling in which the owner does not reside, the name, address and telephone number of the owner or his agent or other responsible person, if any, shall be:

(a) Supplied in writing to the occupants of the dwelling; and

(b) Posted in a public or prominent place on the premises visible from outside the structure or, in the alternative, provided to Neighborhood Code Enforcement. The information shall be legible, accurate, and kept up to date. A Post Office box number shall be unacceptable for the address required by this section.

b) **Occupants**

(1) **Prohibited occupancy.** An occupant or tenant shall not sublet any dwelling or dwelling unit which does not comply with the provisions of this standard. In particular, but not by way of limitation, an occupant

shall not permit any portion of a dwelling or dwelling unit to be occupied in violation of the standards and requirements for light, ventilation and occupancy as provided in this standard.

- (2) **Sanitary maintenance.** Every occupant of a dwelling or dwelling unit shall keep it in a clean and sanitary condition (that part of the dwelling or dwelling unit) and the premises thereof which he occupies or controls.
- (3) **Pest extermination.** Every owner or occupant of a single family dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises.
- (4) **Garbage and refuse.** Every occupant of a structure or part thereof shall dispose of all garbage and rubbish in a clean and sanitary manner by placing it in storage containers as required by this standard.
- (5) **Egress.** The occupant of any dwelling or dwelling unit shall not obstruct in any manner any means of egress from any portion of the premises.
- (6) **Flammable liquids or gases or combustible materials.** The occupant of any dwelling or dwelling unit shall not have or store flammable or combustible liquids or gas within the dwelling or dwelling unit in an amount considered dangerous by the Enforcement Authority and/or Fire Department.

(7) **Access for repairs.** Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such inspection and such repairs or alterations which are necessary to effect compliance with the provisions of this standard or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provision of this standard.

(8) **Heat**

(a) Where the heating facilities of any dwelling are under the control of the occupant thereof, it shall be the responsibility of the occupant to operate the heating facilities in order to maintain above freezing temperature at all times in all portions of the dwelling and the premises he occupies and controls so as to prevent damage to water pipes and plumbing.

(b) If an occupant has control of the heat in any other dwelling unit in addition to their own dwelling unit, said occupant shall comply with the provisions as set forth in Sec. 152.08 (B-2).

3. **Vacant structures and land**

a) Vacant or unoccupied residential structures shall not be required to meet the same interior standards as operational, occupied residential structures. It is not the purpose of this Chapter to impede or inhibit development of residential

properties. Therefore, the interior standards of the structure shall be limited to maintaining it in a safe and sanitary condition, free of hazards, trash and debris, infestation, or any issues which potentially create a health and safety concern to the community. All exterior and property standards of this Chapter shall apply regardless of occupancy or operation of residential properties.

b) Unsecured openings in any building, dwelling, dwelling unit or structure shall be secured according to Neighborhood Code Enforcement specifications. Other boarding specifications may be approved by the department.

4. **Unsafe building law.** The City hereby adopts the Unsafe Building Law pursuant to and cited as IC 36-7-9-1 through IC 36-7-9-29, as may be amended, pursuant to the authority granted there under. Any citation in this Chapter to a section of the Unsafe Building Law shall be deemed to apply to any subsequent amendment to or replacement of said section.

5. **Certain building conditions deemed unsafe.** The description of an unsafe building contained in IC 36-7-9-4 is hereby supplemented to provide minimum standards for building conditions or maintenance in the City. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building provided that such conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered:

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 stress in any materials, member or portion thereof, due to all dead and live loads, is more than $1\frac{1}{2}$ times the working stress or stresses approved for new buildings of similar structure, purpose or location;
- c) 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 approved minimum requirements for new buildings of similar structure, purpose or location;
- d) Whenever any portion, member or appurtenance thereof is likely to fail, become detached or dislodged or to collapse and thereby injure persons or damage property;
- e) 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 50% of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses approved for such building; or 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 approved in the case of similar new construction;

- f) 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;
- g) Whenever the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- h) 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 1/3 of the footer, this item shall not be the sole criteria for evaluating uninhabited accessory structures;
- i) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;
- j) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated so as to become an attractive nuisance to children, or freely accessible to persons for the purpose of committing unlawful acts;
- k) Whenever any building or structure that has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such

building or structure provided by the regulations of the Allen County Building Department or of any State and local code and ordinance of this state or city relating to the condition, location of structures or buildings;

- l) Whenever any building or structure, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 66% of the strength, fire resisting and/or weather resisting qualities or characteristics, approved by law in the case of a newly constructed building of like area, height and occupancy in the same location;
- m) Whenever a building or structure, used or intended to be used for residential or nonresidential purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities or otherwise is determined by the Enforcement Authority to be unfit for human occupancy, to be unsanitary or in such a condition that is likely to cause sickness or disease;
- n) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate egress, lack of sufficient fire resistive construction, faulty electric wiring, gas connection or heating apparatus or other cause is determined by the Enforcement Authority to be a fire hazard; or
- o) 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 6 months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

B. Handrails and Guardrails. Every exterior and interior flight of stairs more than 30 inches above the grade below shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guardrails.

1. **Handrails and guards provision.** Every handrail and guardrail shall be firmly fastened and shall be capable of supporting normally imposed loads and shall be maintained in good condition.
2. **Height.** Guardrails shall not be less than 36 inches in height. Handrails shall have a minimum height of 30 inches and maximum height of 34 inches measured vertically from the nosing of the treads on at least one side of the stairway.
3. **Minimum width.** Minimum width between vertical balusters or ornamental patterns shall comply with all State and local codes and ordinances.

C. Exterior Property Areas

1. **Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. Examples of unclean, unsafe and unsanitary conditions may include, but not be limited to, the following:
 - a) Any wastewater, filth, offal, garbage, rubbish, animal waste,

or human excrement, which is deposited, allowed or caused to be upon any public or private property.

b) Any dead animal or animal parts.

2. **Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water, or within any structure thereon located.
3. **Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be exterminated by processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
4. **Exhaust vents.** Pipes, ducts, conductors, fans and blowers shall be properly maintained when discharging gases, steam, vapor, hot air, grease, smoke, odors, dust or other gaseous or particulate wastes and shall be installed according to State and Local Building Codes.
5. **Accessory structures.** All accessory structures, including detached garages, sheds, fences, walls, pools and all similar structures or buildings, shall be maintained to be structurally sound and in good repair.
6. **Motor vehicles.** Except as provided for in other regulations, no inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or

dismantled.

7. **Prohibited outdoor storage.** It shall be unlawful and prohibited for any occupant to cause, keep, permit or maintain a public nuisance. Public nuisance shall include, but not be limited to, the following:

- a) Building materials stored on any lot, except the following: building materials and equipment placed or stored on lots zoned as residential or commercial during the process of building on said lot, or for a period of no longer than 30 days prior to a commencement of building and no longer than 10 days after the completion of building on said lot.
- b) Any furniture, appliances or household items not originally designed or manufactured solely for outdoor use.
- c) Any furniture, bicycles or children's toys which were originally designed or manufactured for outdoor use and which are now dilapidated, deteriorated or dismantled.

D. Exterior Structure

1. **General**

- a) Every building and all parts thereof intended for use as a residential dwelling and premises shall, while in use or at any time when the lack of maintenance affects neighboring property, be kept in good repair and in safe condition.
- b) Any place, part or attachment of the structure not securely fixed as to be in danger of falling or being dislodged by the elements so that it may possibly injure any person or property shall be secured, removed or replaced.

2. **Protective treatment.** All exterior surfaces, including but not limited to: doors, windows, door and window frames and sashes, 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. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. 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. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation or non-ferrous materials are exempt from this requirement.
3. **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
4. **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks. They shall be kept in such condition so as to prevent entry of rodents and other pests. Basement and crawl spaces shall be maintained reasonably free of dampness to prevent conditions conducive to decay or deterioration of the structure. Basements, crawl spaces, or other similar below grade structures shall be kept free of standing or stagnant water to ensure public health and safety.
5. **Exterior walls.** 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.

6. **Roofs and drainage.** The roof and flashing shall be sound, tight and free of defects that admit moisture. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Drainage must be in accordance with State and Local codes.
7. **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features or appurtenances shall be maintained in good repair with proper anchorage and in a safe condition.
8. **Overhang extensions.** All overhang extensions including, but not limited to canopies and awnings 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.
9. **Stairways, decks, porches and balconies.** 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. All exterior steps and stairways shall be maintained so as not to have any broken, warped or loose treads and risers.
10. **Chimneys and towers.** All chimneys, flues 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.

11. **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
12. **Glazing.** All glazing materials shall be maintained free from cracks and holes.
13. **Operable windows.** Every window, other than a fixed window, shall be easily operable and capable of being held in position by window hardware.
14. **Exterior Doors.** All exterior doors, door assemblies and hardware shall be in good condition, structurally sound and be maintained so as to be weather tight, watertight and rodent-proof. All exterior doors shall also be a suitable means of ingress and egress pursuant to state and local fire codes.
15. **Building security.** Doors, windows or hatchways for a structure shall be provided with devices designed to provide security for the occupants and property within. All such devices shall be installed according to the manufacturer's specifications and maintained in good working order.
 - a) **Exterior door hardware.** Doors providing access to a structure other than marked exit doors shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need

for keys, special knowledge or effort.

- b) **Windows.** Operable windows located in whole or in part within 12 feet above ground level or a walking surface below that provide access to a structure shall be equipped with a window sash locking device.
- c) **Basement hatchways.** Basement hatchways shall be maintained to be structurally sound, weather tight, watertight, and rodent proof. Hatchways shall also be equipped with locking devices which secure the unit from unauthorized entry.

17. **Defacement of property.** Defacement of the exterior surfaces of any structures by marking, carving, tagging, or graffiti shall be properly abated by the owner or operator of the premises.

18. **Premise identification.** No person, who may be the owner, lessee or occupant of any building required to be numbered by this subchapter or any subsequent ordinance, shall refuse or neglect to correctly number their building in conformity with this ordinance. The numbers shall consist of figures not less than three (3) inches in height and placed in a conspicuous location on the front of the primary structure in a manner which is clearly discernable from the street or roadway.

If the address numbers affixed to the structure are not easily read from the street due to lot configuration, obstructed view, or other condition, an additional marker or placard must be prominently displayed on the premises visible from the street or roadway.

19. **Insect screening.** All openings requiring screening for ventilation of habitable rooms shall be supplied with tightly fitting screens

maintained in good repair, properly fitted to the opening in conformance with State and Local Ordinance. The owner of a dwelling unit shall be responsible for providing and hanging all screens whenever the same are required under the provisions of this Chapter.

E. Trash and Debris. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of trash and debris.

1. **Disposal of trash and debris.** Every occupant of a structure shall dispose of all refuse in a clean and sanitary manner by placing in refuse containers.
2. **Refuse containers.** The owner of every occupied premise shall be responsible to supply covered refuse containers for trash sufficient to meet the needs of the occupants.

F. Extermination. All structures shall be kept free from insect and rodent infestation.

1. **Infestation.** All structures in which insects, rodents, or other undesirable animals are found shall be cleared of such infestation by an extermination that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
2. **Owner.** The owner of any structure shall be responsible for extermination or abatement within the structure or upon the premises.

152.05 Interior Structure

A. General. The interior of a structure and equipment therein shall be

maintained in good repair, structurally sound and in a sanitary condition.

- B. Structural Members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- C. Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be removed, painted or covered. Cracked or loose plaster, drywall, decayed wood and other defective surface conditions shall be corrected. No paint shall be used for interior painting or any dwelling, dwelling unit, rooming house or rooming unit that is lead-based.
- D. Floors, Stairs and Walking Surfaces**
 - 1. All interior stairways, landings and appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. All interior steps and stairways and landings shall be maintained so as not to have any broken, warped or loose treads and risers.
 - 2. Floors shall be maintained free of holes, large cracks or loose and deteriorated materials so that parts which become defective do not constitute a hazard to the occupants. Split, splintered or badly worn floor boards shall be replaced. Unsanitary floor coverings shall be cleaned and or replaced.
- E. Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed and latched by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
- F. Basements and Crawl Spaces.** Basements and crawl spaces shall be maintained reasonably free of dampness to prevent conditions conducive

to decay or deterioration of the structure.

G. Kitchen and Kitchen Facilities

1. Every dwelling unit shall contain a room or space for the preparation and cooking of food which shall include space and connections for stoves or other cooking facilities and a space for refrigerated food storage.
2. Every dwelling unit shall contain a sink in good working condition which shall be properly connected to both hot and cold water lines and to the public sanitary sewer or a private sewage disposal system approved by Allen County Board of Health. A lavatory basin shall not meet this requirement of a kitchen sink.
3. The use of gasoline stoves or other similar fuel burning appliances using highly flammable liquids and the use of portable kerosene stoves or other similar fuel burning portable appliances for cooking is prohibited.
4. Hoods and ducts over kitchen ranges shall be reasonably free from the collection of grease or other flammable residues that collect therein.

152.06 Light, Ventilation and Occupancy Limitations

A. General

1. **Scope.** The provisions of this subchapter shall govern the minimum conditions and standards for light, ventilation and space for occupancy of a structure.
2. **Responsibility.** The owner of the structure shall provide and maintain light fixtures, 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 subchapter.

3. **Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the State and local codes and ordinances shall be permitted.

B. Light

1. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room, shall be 8 percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 percent of the total floor area of such room.
2. **Means of egress: common halls and stairways.** Every common hall and stairway in residential structures shall be lighted with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area of equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. Every public hall and stairway in structures devoted solely to a dwelling occupancy and containing not more than three dwelling units shall be supplied with conveniently located light switches, controlling a

lighting system which may be turned on when needed, instead of full time lighting.

3. **Other spaces.** All habitable 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 and in accordance with International, State and local codes and ordinances.

C. Ventilation

1. **Habitable spaces.** Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45 percent of the minimum window area size or minimum skylight type window size, as required in division (B) above, except where there is supplied by mechanical means or some other device affording ventilation and approved by the Enforcement Authority.
2. **Bathrooms and toilet rooms.** Every bathroom and toilet room shall have at least one openable window with a minimum glazed area of 8 percent of the total floor area. The total openable area of the window shall be a minimum of 45 percent of the minimum glazed window area. A window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge directly to the outdoors and shall not be re-circulated in accordance with State and local codes and ordinances.
3. **Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems, and discharged directly to the

outdoors in accordance with State and local building codes and ordinances.

4. **Screens.** The owner of a dwelling unit shall be responsible for providing and hanging all screens whenever the same are required under the provisions of this Chapter. Every window or other device with openings to outdoor space, used or intended to be used for ventilation shall likewise be supplied with screens. Screens shall be required during April 1 through November 1 to provide protection against bats, mosquitoes, flies and other insects.

D. Occupancy Limitations

1. No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements.

2. General requirements

- a) For every dwelling unit there shall be at least 150 square feet of floor area for the first occupant and at least 100 additional square feet of floor area for each additional occupant. The floor area shall be calculated on the basis of the total floor area of the dwelling unit exclusive of stairways. For the purpose of such calculation, only the floor area in a basement meeting the requirements for basement occupancy shall be counted.
- b) No room used for sleeping purposes shall have a floor area of less than 70 square feet. No room shall be used for sleeping purposes by two or more persons unless there is at

least 50 square feet of floor area for each person 12 years of age and over and at least 35 square feet of floor area for each child over 1 year of age and less than 12 years of age.

- c) No dwelling or dwelling unit, containing two or more sleeping rooms, shall have room arrangements such that access to a bathroom or water closet compartment 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 or water closet compartment.
- d) At least 50 percent of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five 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.

2. **Basement occupancy.** No basement space shall be used as a habitable room or dwelling unit unless:

- a) The floor and walls are impervious to leakage of underground and surface runoff water and the area is insulated against dampness.
- b) The total of window area in each room is equal to at least the minimum window area sizes as required in § Chap 152.06 C-1.

3. **Prohibited uses.** Kitchens and uninhabitable or public spaces shall not be used for sleeping purposes. No basement space shall be used as a habitable space unless it conforms to the minimum requirements of this Chapter.

152.07 Plumbing Facilities and Fixture Requirements

A. General

1. **Scope.** The provisions of this Chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
2. **Responsibility.** 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 Chapter.

B. Required Facilities

1. **Water closet and lavatory facilities.** Every dwelling unit shall contain, within a room which affords privacy, a water closet and a lavatory basin in good working condition which shall be properly connected to the public sanitary sewer, or private sanitary sewer system approved by the Allen County Board of Health. Such water closet and lavatory basin shall be within and accessible from within the dwelling unit. The lavatory basin shall be properly connected to both hot and cold water lines, and the water closet shall be properly connected to a cold water line.
2. **Bathing facilities.** Every dwelling unit shall contain within a room which affords privacy, a bathtub or shower in good working condition which shall be properly connected to both hot and cold

water lines and to the public sanitary sewer, or private sanitary sewer system approved by the Allen County Board of Health. Such bathing facilities shall be within and accessible from within the dwelling unit.

C. Plumbing Systems and Fixtures

1. **General.** 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.
2. **Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

D. Water Systems

1. **General.** The water supply system of every building used in whole or in part for dwelling purposes shall be furnished from an approved source. The water supply system shall be installed and maintained to provide at all times, while the dwelling or dwelling unit is occupied, a supply of water to plumbing fixtures in sufficient volume and at a pressure adequate to enable them to function satisfactorily.
2. **Supply.** 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.

3. **Water heating facilities.** Every dwelling unit shall contain water heating facilities which are properly installed, operated and maintained in safe and good working condition and are properly connected to the bathtub or shower, sink and lavatory basin. Such water heating facilities shall be capable of automatically heating water to such a temperature as to permit water to be drawn at every required bathtub or shower, sink and lavatory basin at a temperature of not less than 120° F. All gas-fired water heaters shall be vented to the outside.

E. Sanitary Drainage System

1. **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to a private sewage disposal system approved by Allen County Board of Health.
2. **Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstruction, leaks and defects.

F. Storm Drainage

1. **General.** Storm water runoff of roofs and paved areas, yards and courts, and other surfaces on the premises shall not be discharged in a manner that creates a public nuisance.

152.08 Mechanical and Electrical Requirements

A. General

1. **Scope.** The provisions of this Chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

2. **Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Chapter.

B. Heating Facilities

1. **Facilities required.** Primary heating facilities shall be provided in structures as required by this section.
2. **Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances and portable heating devices shall not be used to provide primary heating to meet the requirements of this section.
3. **Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.
4. **Room temperature measurement.** The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

C. Mechanical Equipment

1. **Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning 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.
2. **Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are Underwriters Laboratories (UL) labeled for unvented operation.
3. **Clearances.** All required clearances to combustible materials shall be maintained in accordance with State and local Codes and ordinances.
4. **Safety controls.** All safety controls for fuel-burning equipment shall be maintained in proper working order.
5. **Combustion air.** 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 such equipment.
6. **Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved and conforms to State and local codes and ordinances.

D. Electrical Facilities

1. **Facilities required.** Every occupied building shall be provided with

an electrical system in compliance with State and local codes and ordinances.

2. **Service.** Every dwelling unit and all public and common areas shall be supplied with adequate electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in accordance with State and local codes and ordinances.

E. Electrical Equipment

1. **Installation/Maintenance.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
2. **Receptacles.** Every habitable room shall contain at least two separate duplex convenience outlets. Outlets shall be so located as to reasonably provide service to appliances in different parts of the room. Duplex convenience outlets as herein provided, which may be lacking in owner-occupied single family dwellings otherwise meeting the provision of this standard, shall be installed no later than one year from the passage of this Chapter.

Exception: A ceiling fixture may be substituted for one of the required duplex outlets in each habitable room except the kitchen, living room and family room.

- a) Each bathroom shall have one convenience duplex outlet and all receptacles installed in bathrooms shall have GFCI protection in conformance with State and local codes and ordinances.

- b) All receptacles that serve kitchen countertop services shall have GFCI protection in conformance with State and local codes and ordinances. Each kitchen shall have at least one separate duplex convenience electrical outlet connected to a 20-amp circuit and be located so as to supply power for the refrigerator area and for other electrical appliances.
 - c) Every outlet and receptacle must be covered in an approved manner to prevent contact of its wiring or terminals with the body or splashing water.
3. **Electrical fixtures.** At least one supplied ceiling or wall-type electric light fixture shall be provided in every toilet room, bathroom, laundry room, furnace room, hall, stairway, basement or any other area in which artificial light is required for the safety and welfare of the occupants.

152.09 Discontinuance of Utilities or Service

- A. Required.** No owner, operator or occupant shall cause any service, facility or utility which is required to be supplied under this standard to be removed from, shut off from or discontinued from any occupied dwelling let or 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 Enforcement Authority.
- B. Restrictions.** Utilities or services required under this Chapter shall not be caused to be shut off to an occupied dwelling or dwelling unit by an owner, operator, or agent in order to evict the occupant from a dwelling or dwelling unit. However, an owner, operator or agent may shut off utilities or services at the time the owner, operator or agent has obtained an order of possession to the premises, pursuant to state law.

152.10 Safety and Sanitary Maintenance

A. General

1. **Scope.** The provisions of this Chapter shall govern the minimum conditions and standards for safety and sanitary maintenance relating to structures and premises.

2. **Responsibility.** No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements and a clean and sanitary condition shall include, but is not limited to, the following standards:
 - a) Floors, floor coverings and other walking surfaces shall be kept free of filth, garbage, human and animal wastes, litter, refuse and any other unsanitary matter.

 - b) Walls, ceilings, windows and doorways shall be kept free of dirt, greasy film, soot and any other unsanitary matter.

 - c) Water closets, lavatories, sinks, showers and bathtubs shall be kept in a clean and sanitary condition; no material shall be deposited in any such fixture which may result in the obstruction of such fixture or of any connected plumbing lines.

B. Means of Egress

1. **General.** Every dwelling, dwelling unit and rooming house shall have at least two safe unobstructed means of egress leading to

safe and open space at ground level. At least one means of egress must have a minimum head room of 6 feet 6 inches.

2. **Exits.** All exits intended for use as a means of egress shall be readily openable for emergency exit without the need for keys, special knowledge or effort in accordance with State and Local building and fire codes.

C. Fire Protection Systems

1. **General.** Every building used in whole or in part for dwelling purposes shall be provided with the fireproofing and fire protection systems according to State and local fire codes.
2. **Smoke alarms.** Smoke alarms are to be in proper working order and installed according to State and local fire codes.

152.11 Rooming Houses, Dormitories and Other Occupancies

- A. General.** No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy, any dormitory room and/or rooming unit in any rooming house or dormitory which is not in compliance with the appropriate provisions of every section of this Chapter.
- B. Sanitation and Cleanliness.** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings; maintenance of a sanitary condition in every other part of the rooming house and the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

C. Violations and Notice. Whenever, upon inspection of any rooming house, the Enforcement Officer finds that conditions or practices exist which are in violation of any provision of this Chapter, the Enforcement Officer shall give notice in writing that unless such conditions or practices are corrected within a reasonable period, to be determined by the Enforcement Authority, the operation of such premises as such rooming house shall be discontinued and, if such rooming house operation is licensed by any duly constituted governmental agency, a recommendation that such license be revoked for the protection of public health shall be given to such licensing governmental body or agency by the Enforcement Authority. At the end of such period the Enforcement Officer shall re-inspect such rooming house and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that such operations shall cease, and, if such rooming house operation is licensed by any duly constituted governmental agency, the Enforcement Authority shall recommend the immediate revocation of such license by such issuing agency. Upon receipt of such notice from the Enforcement Authority such operator shall immediately cease operation of such rooming house and no person shall occupy, for sleeping or living purposes, any rooming unit within the house.

D. Standards and Minimum Requirements. No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which does not comply with the following standards and minimum requirements.

1. **Water closet.** At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Enforcement Authority and in good

working condition, shall be supplied for each six persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the facilities provided:

- a) That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 50 percent the required number of water closets and provided that there shall be at least one water closet.
- b) That all such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway and provided that such facilities are not located more than one floor above or below the rooming unit(s) served.
- c) That every lavatory basin and bathtub or shower shall be supplied with hot and cold water under pressure at all times.
- d) That, if the rooming house has only one bathroom for use by the occupants of the rooming units, such bathroom shall not be located below grade.

2. **Cooking facilities.** The following provision shall apply in all rooming houses and dormitories concerning cooking facilities and food service:

- a) Cooking in dormitory rooms and rooming units is prohibited.
- b) All food service and dining facilities provided in a rooming house or dormitory for the occupants of the same shall comply with applicable food service legislation.

3. **Access doors.** Access doors to rooming units and dormitory rooms shall have operating locks to ensure privacy.
4. **Habitable room.** Every rooming unit shall comply with all requirements of this Chapter pertaining to habitable rooms.
5. **Occupancy.** Every rooming unit occupied by one person shall contain at least 80 square feet of floor space and every rooming unit occupied by more than one person shall contain at least 60 square feet for each occupant thereof.
6. **Egress.** Every rooming unit shall have immediate access to two or more approved means of egress, with minimum head room of 6 feet and 6 inches, appropriately marked, leading to a safe and open space at ground level or as required by State and local codes and ordinances.
7. **Handrails and guardrails.** All buildings containing rooming units, dormitories or dormitory units shall comply with all requirements of this Chapter pertaining to handrails and guardrails.
8. **Separation of rooming units.** Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.
9. **Application of section to motels and hotels.** Every provision of this subchapter which applies to rooming houses shall also apply to motels, motor lodges and hotels except to the extent that any such provision may be found in conflict with State and local codes and ordinances.

152.12 Enforcement and Penalties

- A. **Enforcement.** Whenever, upon inspection of any residential property, the

Code Official finds that conditions or practices exist which are in violation of any provision of this Chapter, or the Unsafe Building Law, IC 36-7-9-1 through IC 36-7-9-29, the Code Official shall give written notice in accordance with the provisions of this subchapter. Unless such conditions or practices are corrected within a reasonable period, to be determined by the Enforcement Authority, the owner or person responsible for such property shall be subject to the penalties outlined in this Chapter.

- B. Notice of Violation.** If the Code Official finds that a violation of any portion of this Chapter exists on the property or premises, the officer shall issue a written notice of violation to the property owner or person responsible for such property establishing 60 days to correct the violations. Subsequent to the notice of violation, the property owner or person responsible for such property and the Enforcement Authority may enter into a work plan for the abatement of the violations. The work plan shall set a date by which the required work shall be completed. The date established in the work plan may extend beyond the 60 days established in the notice of violation. The Enforcement Authority may modify or rescind a work plan as warranted by the status of the violations and the work to correct same.
- C. Order for Abatement.** The Code Official shall re-inspect the property upon the expiration of the time period given in the notice of violation, or upon the expiration of the time identified in the work plan. If the same violation or violations of this Chapter exists, the Code Official shall issue an order requiring action pursuant to IC 36-7-9-5. The Enforcement Authority may cause work to be performed by others to address such violations pursuant to IC 36-7-9-10 and IC 36-7-9-11.

D. Manner of Serving Notice

1. A notice of violation issued pursuant to Section 152.12(B) shall be served in accordance with IC 36-7-9-25.
2. Notice of an order issued under section 152.12(C) shall be served as provided in IC 36-7-9-25.

E. Emergencies. The Enforcement Authority may take emergency action with respect to unsafe premises to protect life, safety or property pursuant to IC 36-7-9-9. Such emergency action may be taken without issuing a notice of violation under Section 152.12(B) or issuing an order under Section 152.12(C), but shall be limited to the action necessary to abate any immediate danger.

F. Civil Remedies. The Enforcement Authority may bring a civil action for a violation of this Chapter and/or Unsafe Building Law in the Allen County Circuit or Superior Court pursuant to IC 36-7-9-17, and seek the remedies authorized by IC 36-7-9-18 through 22, or pursuant to IC 36-1-6-4. The civil remedies provided for include injunctive relief, monetary civil penalties, posting of a performance bond, appointment of a receiver, authorizing of work to be performed by others, and cause action to be taken in the case of emergencies. Any civil penalty imposed by the Circuit or Superior Court under IC 36-7-9-19 may be certified to the County Auditor and become a special assessment as provided under IC 36-7-9-13.5.

G. Deposit in Unsafe Building Fund. Monetary civil penalties collected pursuant to this chapter shall be deposited in the Unsafe Building Fund and may be used according to IC 36-7-9-14(c).

H. Natural Disaster. Structures damaged as a result of fire, flood, storm, tornado, or other natural disasters, and verified by the Enforcement Authority, may be excluded from the enforcement provisions of this Chapter for 6 months following the date of the damage. Subsequently, said properties shall be fully subject to the provisions of this Chapter.

I. Order to Vacate - Time Allowed to Vacate

1. **Buildings unsafe for human occupancy.** Whenever a building, dwelling, dwelling unit, rooming house or rooming unit is declared by the Enforcement Authority as unsafe or unfit for human occupancy, the Enforcement Authority may post an Order to Vacate placard requiring such building to be vacated and to remain vacated. Such placard shall be authorized by the Enforcement Authority. It shall contain the address and phone number of the department and the date by which the occupant shall vacate the building, dwelling or dwelling unit or portion thereof. The Enforcement Authority may issue an Order to Vacate pursuant to IC 36-7-9-5 or 36-7-9-17 if the owner or occupant fails to vacate the unsafe premises.

Conditions include:

- a) Damage, decay, dilapidation, abandonment, unsanitary conditions or vermin or rodent infestation which constitute a hazard to the health or safety of occupants or the public;
- b) The lack of required sanitation, illumination, ventilation, heating, electrical, plumbing or other facilities and systems adequate to protect the health and safety as to create a hazard to the occupants or the public;
- c) Conditions or defects described in IC 36-7-9-4.

- d) Any building, dwelling or dwelling unit condemned as unfit for human occupancy and so designated and placarded by the Enforcement Authority, shall be vacated as ordered by the Enforcement Authority pursuant to IC 36-7-9-5 and IC 36-7-9-9.
- 2. **Tampering with placard.** It shall be unlawful for any person to deface, remove or alter any notice or placard from any structure or dwelling which has been placarded under this Chapter except by the express written permission of the Enforcement Authority.
- 3. **Removal of placard.** No building or dwelling unit which has been placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from, and such placard is removed by, the Enforcement Authority. The Enforcement Authority shall remove such placard whenever the defect(s) upon which the condemnation and placard action were based have been corrected.
- 4. **Penalties.** Any violation of IC 36-7-9-28 or any provision of this Chapter for which another penalty is not provided, shall, upon conviction by the court, be imposed by a penalty not to exceed \$2,500 per violation. Each and every day on which the condition exists shall constitute a separate and distinct violation. All penalties and costs recovered by the City pursuant to this Chapter shall be placed in the Unsafe Building Fund.
- J. **Access to Premises in Violation of this Chapter.** If the Enforcement Authority has issued an Order to Vacate an unsafe building, the owner or person in possession of same may only enter such building upon signing

an affidavit of acknowledgment to the Enforcement Authority establishing the limited purposes and time for such entry. Any unauthorized entry or use of premises or structures subject to an order issued by the Enforcement Authority is subject to the sanctions specified in IC 36-7-9-28.

- K. Affirmative Defense.** It shall be an affirmative defense to a notice-order issued pursuant to Sec. 152.66 if an owner can show, by clear and convincing evidence, that said owner could not legally enter the premises in order to correct the violation at the time the notice-order was issued.

152.13 Hearing Officer

- A. Establishment.** The Hearing Officer shall be appointed by the Mayor, and shall not be an employee of the Enforcement Authority. More than one hearing officer may be appointed should the case load require more than one. The Hearing Officer shall serve a two-year term unless removed by the Mayor for cause. The Hearing Officer may be appointed to successive terms. The Hearing Officer shall be compensated as prescribed by the City Council.

- B. Duties.** The Hearing Officer shall conduct administrative hearings as may be required pursuant to orders issued under the Unsafe Building Law as provided in IC 36-7-9-7, or as provided in Section 152.13(C) below.

- C. Hearings/Appeals**

- 1. An order issued by the Enforcement Authority is subject to review at a hearing conducted by the Hearing Officer as provided in IC 36-7-9-7.

- a) The Hearing Officer may affirm, rescind or modify the order as provided in IC 36-7-9-7(d).
 - b) The Hearing Officer may also impose a civil penalty of up to \$2,500.
 - c) As provided in IC 36-7-9-7(i), any civil penalty so imposed may be collected as judgment under IC 36-7-9-13, or may be processed as a special assessment as provided under IC 36-7-9-13.5.
2. Appeals of a decision made by the Hearing Officer may be appealed pursuant to IC 36-7-9-8.

152.14 Administration and Enforcement

- A. Delegation of enforcement power.** The Enforcement Authority may delegate to other City/County Officials the authority to enforce all or part of the provisions of this chapter. Such officials shall include but not be limited to the City/County Board of Health and the Fire Department.
- B. Conflict of Interest.** No Code Official or employee connected with the Enforcement Authority shall have a financial interest in the furnishing of labor, material or appliances for the repair, alteration or maintenance of a building, dwelling or dwelling unit on which a notice or order by the Enforcement Authority has been issued or in the making of plans or specifications therefrom, unless he or she is the owner of such building.

C. Provisions for Inspection Authority. The Code Official shall inspect any premises or structures, as defined in this Chapter based on the following provisions:

1. The Enforcement Authority is authorized and directed to make inspections where probable cause exists or with consent of the owner, agent or occupant to determine the condition of the premises or structures located within the City in order that they may perform their duty of safeguarding the health and safety of the occupants of such premises or structures and of the general public.
 - a) For the purpose of making such inspections, the Enforcement Authority is authorized to enter, examine and survey at all reasonable times all such premises or structures.
 - b) In the event the owner or occupant of any such premises or structures, or the person in possession, refuses to give the Enforcement Authority free access for inspection purposes, the Code Official may apply for an inspection warrant pursuant to IC 36-7-9-16.
2. Where conditions of an area, the nature of the premises or structures, or a need to conduct an area-wide inspection exists, and where a showing of such is made by affidavit, an inspection warrant shall be issued by a court of record in Allen County directing the inspection of the property concerned.
3. The Enforcement Authority is authorized and directed to proceed with a full inspection of any premises or structures that are deemed

to be a public nuisance by the fact that they are unsealed, unsecured and vacant.

- D. Statistical Data.** Accurate statistical data shall be recorded and maintained by the Enforcement Authority employee hired specifically to assist in such data collection and maintenance, and other duties as described, so data can be provided with a full accounting upon request to City Council to determine the effectiveness of data collected to date.
- E. Severability.** The invalidity of any section, clause, sentence or provision of the Chapter shall not affect the validity of any other part of this Chapter.
- F. Building Code Compliance.** Whenever this Chapter refers to compliance with State and local codes and ordinances, additions and alterations to any structure shall conform to that required of a new structure without requiring the existing structure to comply with all the requirements of this code, provided it was in compliance with applicable state and local building codes when originally constructed. However, any building or element thereof that has deteriorated to a point that such condition is considered to be unsafe under this Chapter, the repair and or replacement of such building or element thereof shall be subject to the enforcement provisions contained herein and must conform to current state and local building code provisions.
- G. Safe Housing and Building Advisory Committee.** The Safe Housing and Building Advisory Committee is the commission or board having control over the Enforcement Authority. The Safe Housing and Building Advisory Committee was formed prior to the adoption of this Chapter pursuant to Fort Wayne Municipal Code Sections 152.70 through 152.75. The Committee shall be subject to the following:

 - 1. **Establishment and composition.** The Mayor shall appoint one member from the Fire Department and three citizen members with

express knowledge and interest in the building and housing trades.
The Common Council shall select one member with express knowledge and interest in the building and housing trades.

2. **Appointment and terms.** The Safe Housing and Building Advisory Committee shall be appointed:

- a) On January 1 of each year.
- b) To serve a three-year term, terms to be staggered. No limit shall be set on the numbers of terms a member can serve. All members are to serve without compensation.
- c) At the outset by the Mayor: one person to serve one year; one person to serve two years; and two persons to serve three years. The Common Council appointee shall serve two years.

3. **Meetings and organization**

- a) The first meeting of the Safe Housing and Building Advisory Committee shall be convened by the Director of the Department of Neighborhood Code Enforcement.
- b) The Committee shall elect a Chair and Secretary from among its members.
- c) The Secretary shall be charged with the duty of keeping and maintaining the necessary minutes and other records.
- d) In the absence of the Chair at a meeting, the Secretary shall chair the meeting.

4. **Rules.** The Committee shall meet at the request of the Enforcement Authority at least two times a year or upon special call

by the Chair; or upon written request to the Chair by any three members.

5. **Quorum.** Three members of the Safe Housing and Building Advisory Committee shall constitute a quorum to do business.

6. **Vacancies.** In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise, the appointment to fill the vacancy so occurring shall be made by the Mayor for the unexpired term only. In case of vacancy of the member appointed by the Common Council, the Council shall fill the vacancy for the unexpired term only.

7. **Duties.** The Safe Housing and Building Advisory Committee shall adopt a schedule setting forth the maximum amount of performance bonds applicable to various types or orders pursuant to IC 36-7-9-7(f), and determine the amount of the average processing expense pursuant to IC 36-7-9-12.

H. Sunset Provision. The provisions of this Chapter shall expire three (3) years from the date of enactment unless after review and evaluation, the City Council votes affirmatively to keep the amendments in full force and effect. Should this Chapter expire any enforcement action for which a notice of violation or order was issued prior to the expiration day may proceed under the terms of this Chapter until fully adjudicated.

SECTION 2. That this Ordinance shall be in full force and effect April 1, 2009, and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

**AN ORDINANCE REPEALING AND REPLACING
CHAPTER 150 OF THE CITY OF FORT WAYNE, INDIANA,
CODE OF ORDINANCES.**

SECTION 1. That Chapter 150 of the City of Fort Wayne, Indiana, Code of Ordinances is hereby repealed in its entirety and replaced with the following new Chapter 150 as follows:

**CHAPTER 150: MINIMUM CONDITIONS AND MAINTENANCE OF COMMERCIAL,
INDUSTRIAL, AND OTHER PROPERTY OR PREMISES**

150.01 Applicability for Commercial Code. The provisions of this chapter shall be cited as the “Minimum Maintenance Standards for Commercial, Non-Residential, and Mixed-use Structures”. The purpose of this chapter is to ensure maintenance of privately and publicly owned properties, to maintain adequate sanitation and public health enhance property values, and to encourage development. This chapter establishes legislation which provides for administration and enforcement of, and cites minimum standards for the following:

- A.** The determination of the responsibilities of owners, operators, and occupants of commercial, non-residential, and mixed-use buildings to maintain their buildings and properties.

- B.** Safety from fire and accidents.

C. Basic equipment and facilities with respect to light, ventilation, and thermal conditions.

The provisions of this chapter shall apply to all commercial, non-residential, and mixed-use properties existing at the date of the adoption of this chapter and thereafter erected, and shall apply to all conversions and future conversions of existing buildings from non-residential to residential, residential to commercial, or mixed use structures and property.

Vacant or unoccupied non-residential, commercial and mixed-use structures shall not be required to meet the same interior standards as operational or occupied structures. It is not the purpose of this chapter to impede or inhibit development of non-residential properties. Therefore the interior standards of the structure shall be limited to maintaining it in a safe and sanitary condition, free of hazards, trash and debris, infestation, or any issues which potentially creates a health and safety concern to the community. All exterior and site standards of this chapter shall apply regardless of occupancy or operation of these properties.

150.02 Interpretation

- A. Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this subchapter, have the meanings shown in this chapter.
- B. 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.
- C. Terms defined in other codes.** Where terms are not defined in this subchapter, such terms shall have the meanings ascribed to them as stated in those codes.

- D. 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.
- E. Parts.** Whenever the words “premises”, “building”, or “story” are stated in this subchapter, they shall be construed as though they were followed by the words “or any part thereof”. (International Property Maintenance Code herein after IMPC 2006 Sec. 201)

150.03 Definitions

ACCESSORY STRUCTURE. A detached building or other structure in a secondary or subordinate capacity from the main or principal structure on the same premises.

APPROVED. Approved by the Enforcement Authority.

APPURTENANCE. A subordinate portion of a structure attached to the primary structure.

BASEMENT. The portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any habitable room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CENTRAL HEATING. The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet

compartments from a source outside of these rooms.

CHIMNEY. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

CITY. The City of Fort Wayne, Indiana.

CODE OFFICIAL. The City of Fort Wayne official, or any duly authorized representative, including but not limited to the Enforcement Authority, who is charged in his or her official duties with the administration and enforcement of this ordinance and who has been given a special police commission granted by the Board of Public Safety authorizing him or her to enforce this chapter.

CONDEMN. To adjudge unsafe and/or unfit for occupancy.

DILAPIDATED. No longer adequate for the purpose or use for which it originally was intended.

DWELLING. A structure, partly or wholly, intended for or being used for residential purposes.

(3) **SINGLE-FAMILY DWELLING.** A building containing a one or two family dwelling unit.

(4) **MULTI-FAMILY DWELLING.** A building or portion thereof containing three or more dwelling units.

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.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EGRESS. An arrangement of exit facilities to assure a safe means of exit from a building to ground level.

ENFORCEMENT AUTHORITY. Department of Neighborhood Code Enforcement of the City of Fort Wayne, which is responsible for the administration and enforcement of the provisions of this chapter.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HEARING OFFICER. As used in this Chapter, “Hearing Officer” shall have the same meaning as “Hearing Authority” under IC 36-7-9-2, and the same is incorporated by reference herein.

HOTEL. A building providing, for compensation, sleeping accommodations and customary lodging services where guests enter through a main lobby of the building to get to each rental unit. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to a structure or premises, of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reasons including but not limited to being wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

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 the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

MOTEL. A building or series of buildings, typically one or two stories, in which sleeping accommodations are offered for compensation, and which is distinguished from a hotel/motel primarily by providing independent exterior access to, and adjoining parking for, each rental unit.

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

OCCUPANT. Any individual, living, sleeping, cooking or eating in or having possession of a dwelling unit, structure, or premises.

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 a 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 a receiver, trustee, conservator or the guardian of the estate of any such person, and the executor or administrator of the estate of such 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, entity partnership or corporation, or their successors or assigns, or the agent of any aforesaid.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PROPERLY CONNECTED. Connected in accordance with all applicable state and local codes and ordinances. The application of this definition shall not require the alteration or replacement of any existing connection in good working order and not constituting a hazard to health or safety or deterioration of property.

PUBLIC NUISANCE. Includes the following:

1. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures; or the required precautions against trespassers have not been provided; or
2. Any premises from which the plumbing, heating, electrical and/or facilities required by this chapter have been removed or from which utilities have been disconnected, destroyed, removed or rendered ineffective; or
3. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter; in danger of collapse or failure and is dangerous to anyone on or near the premises; or
4. Any structure where the paint has been severely removed by time or where the paint is chipped or bleeding; or
5. Any condition on a premises including but not limited to: improper drainage, weeds, or any similar condition affecting the general health and/or safety of the community.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REFUSE. All waste solids (except body wastes) including garbage, rubbish, ashes and dead animals.

REFUSE CONTAINER. A watertight container that is constructed of metal or other durable material such as vinyl or plastic that is capable of being serviced without creating unsanitary conditions.

ROOMING HOUSE. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator for occupancy by three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner operator.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used as a residence, but not for cooking or eating purposes.

SAFE AND SAFETY. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

STAIRWAY. One or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one floor or level to another in a building or structure.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

SUBSTANTIAL PROPERTY INTEREST. The definition of "Substantial Property

Interest” under IC 36-7-9-2 is hereby incorporated into this Chapter by reference.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TOXIC SUBSTANCE. Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

TRASH AND DEBRIS. Combustible waste materials, except garbage, including 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, tires, and other similar materials

UNSAFE BUILDING LAW. The Indiana Unsafe Building Law codified as Indiana Code 36-7-9-1 through 36-7-9-29, as it may be amended from time to time.

UNSAFE PREMISES. A tract of real property that may or may not contain a building or structure, excluding land used for agriculture, that is found to be a fire hazard, a hazard to public health, a public nuisance; or dangerous to a person or property because of a violation of a statute or an ordinance.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Done in a reasonably skillful manner, especially when used in reference to maintenance and repair and according to current industry standards, or otherwise applicable state and local codes and ordinances. ('74 Code Sec. 14, 7-1)

(ORD G-31-85, passed 12-23-85; Am. ORD. G-25-99, passed 12-14-99) (IPMC 2006 Sec. 202) (International Residential Code, hereinafter IRC, 2006 Sec. R202)

150.04 General Requirements

- A. Scope.** The provisions of this subchapter shall govern the minimum conditions and the responsibilities of persons for maintenance of commercial, industrial, non-residential, or mixed-use structures, mechanical equipment, premises, and exterior property.
- B. Responsibility.** The owner, occupant, or responsible person 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 chapter.
- C. Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem, adversely affect the public health and/or safety, or decrease property values.
- D. Adoption of State laws.** Indiana Code 36-7-9-1 through 36-7-9-29, collectively entitled "The Unsafe Building Law," are hereby adopted in their entirety, incorporated by reference and made a part hereof as if copied verbatim. These provisions are further supplemented by the provisions of this chapter. All proceedings within the city for the inspection, repair and removal of unsafe buildings shall be governed by IC 36-7-9-1 through 36-7-9-29 and by the provisions of this chapter and any other applicable city ordinance. ('74 Code, Sec. 4.7-5) (Ord. G-31-85, passed 12-23-85)

E. Handrails and guardrails. Every exterior and interior flight of stairs 30 inches or more above the grade below shall have a handrail on one side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guardrails.

1. Handrails and guardrails provision. Every handrail and guard shall be firmly fastened and shall be capable of supporting normally imposed loads and shall be maintained in good condition. Handrails shall be between 34 inches and 38 inches height, measured above stair tread nosing, or finish surface or ramp slope and shall be uniform.

2. Minimum height. Guardrails shall not be less than 42 inches in height, measured vertically above the leading edge of the tread, or adjacent walking surface.

3. Minimum width. Minimum width between vertical balusters or ornamental patterns shall comply with all stat and local codes and ordinances. (International Building Code, hereinafter IBC, 2006 Sec. 1012-1013) (IPMC 2006 Sec. 306)

F. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

G. Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

H. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained

free from hazardous conditions.

- I. **Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 9 inches. All noxious weeds or other undesirable plants shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than properly maintained trees or shrubs provided; however, this term shall not include cultivated flowers and gardens and shall exclude property that is defined in City Code Sec. 100.16, as “Excluded Property”.
- J. **Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be exterminated by processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- K. **Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall be properly maintained when discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes and shall be installed according to state and local codes and ordinances.
- L. **Accessory structures.** All accessory structures, including detached garages, sheds, fences, walls, pools and all similar structures or buildings, shall be maintained structurally sound and in good repair.
- M. **Motor vehicles.** Except as provided for in other regulations, no inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. (IPMC 2006 Sec. 302) ('74 Code Sec. 32-2) (ORD G-04-88, passed 5-24-88; Am. ORD G-06-92, passed 2-20-92; AM. ORD G-11-02, passed 4-23-02)

N. Exterior Structure

- 1. General.** 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.
- 2. Protective treatment.** All exterior surfaces, including but not limited to, doors, windows, door and window frames and sashes, 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. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. 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. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation or non-ferrous materials are exempt from this requirement.
- 3. Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- 4. Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks. They shall be kept in such condition so as to prevent entry of rodents and other pests. Basement and crawl spaces shall be maintained reasonably free of dampness to prevent conditions conducive to decay or deterioration of the structure. Basements, crawl spaces, or other similar below grade structures shall be

kept free of standing or stagnant water to ensure public health and safety.

5. **Exterior walls.** 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.
6. **Roofs and drainage.** The roof and flashing shall be sound, tight and free from defects that admit moisture. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Drainage must be in accordance with state and local codes and ordinances.
7. **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features or appurtenances shall be maintained in good repair with proper anchorage and in a safe condition.
8. **Overhang extensions.** 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.
9. **Stairways, decks, porches and balconies.** 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.
10. **Chimneys and towers.** 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.

11. **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
12. **Glazing.** All glazing materials shall be maintained free from cracks and holes.
13. **Operable windows.** Every window, other than a fixed window, shall be easily operable and capable of being held in position by window hardware.
14. **Exterior doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition, and be a suitable means of ingress and egress pursuant to local fire codes.
15. **Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
16. **Building security.** Doors, windows or hatchways for a structure shall be provided with devices designed to provide security for the occupants and property within.
 - a. **Exterior door hardware.** Doors providing access to a structure other than marked exit doors shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order
 - b. **Windows.** Operable windows located in whole or in part within 12

feet above ground level or a walking surface below that provide access to a structure shall be equipped with a window sash locking device.

c. Basement hatchways. Basement hatchways shall be maintained to be structurally sound, weather tight, watertight, and rodent proof. Hatchways shall also be equipped with locking devices which secure the unit from unauthorized entry.

17. Defacement of property. Defacement of the exterior surfaces of any structures by marking, carving, tagging, or graffiti shall be properly abated by the owner or operator of the premises.

18. Swimming pools and spas. Pools, spas, hot tubs shall be maintained in a safe and sanitary manner, in conformance with state and local codes and ordinances.

19. Premise identification. No person, who may be the owner lessee or occupant of any building required to be numbered by this subchapter or any subsequent ordinance, shall refuse or neglect to correctly number his building in conformity with this ordinance. The numbers shall consist of figures not less than 3 inches in height and placed in a conspicuous location on the front of the primary structure in a manner which is clearly discernable from the street or roadway.

If the address numbers affixed to the structure are not easily read from the street due to lot configuration, obstructed view, or other condition, an additional marker or placard must be prominently displayed on the premises visible from the street or roadway.

The egress to the rear portion of the building or other structure shall be affixed with numbers placed in a conspicuous location indicating the official address in characters no less than 3 inches tall.

20. **Insect screening.** All openings requiring screening for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens maintained in good repair, properly fitted to the opening in conformance with state and local codes and ordinances.

Exception: Screens shall not be required where other approved means are employed.

21. **Loose building components.** Any place, part or attachment of the structure not securely fixed so as to be in danger of falling or being dislodged by the elements creating the possibility of injury to person or property shall be secured, removed or replaced.

O. Trash and Debris. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of trash and debris.

1. **Disposal of trash and debris.** Every occupant of a structure shall dispose of all refuse in a clean and sanitary manner by placing such rubbish in refuse containers.

2. **Trash storage facilities.** The owner of every occupied premise shall supply covered refuse containers for trash, and the owner of the premises shall be responsible for the removal of the trash. (IPMC 2006 Sec. 307)

P. Extermination. All structures shall be kept free from insect and rodent infestation.

1. **Infestation.** All structures in which insects, rodents, or other undesirable animals are found shall be cleared of such infestation by extermination processes that will not be injurious to human health. After extermination

or abatement, proper precautions shall be taken to prevent re-infestation.

2. **Owner.** The owner of any structure shall be responsible for extermination or abatement within the structure or premises.

150.05 Interior Structure

- A. **General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel/motel, a dormitory, three or more dwelling units or any nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure.
- B. **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- C. **Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
- D. **Stairs and walking surfaces.** Every floor, stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- E. **Interior doors.** 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.

150.06

Light, Ventilation and Occupancy Limitations

- A. Scope.** The provisions of this subchapter shall govern the minimum conditions and standards for light, ventilation and space for occupancy of a structure.
- B. Responsibility.** 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 subchapter.
- C. Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the state and local codes and ordinances shall be permitted.
- D. Light**

 - 1. Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room in compliance with state and local codes and ordinances.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

2. **Means of egress: Common Halls and Stairways.** Every common hall and stairway in residential occupancies, other than single and multi-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.
3. **Other spaces.** All occupiable 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 and in accordance with state and local codes and ordinances.

E. Ventilation

1. **Occupiable spaces.** All occupiable spaces shall be provided with natural or artificial ventilation to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures and in accordance with state and local codes and ordinances.
2. **Bathrooms and toilet rooms.** Every bathroom and toilet room shall have at least one openable window with a minimum glazed area of 8 percent of the total floor area. The total openable area of the window shall be a minimum of 45 percent of the minimum glazed window area. A window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge directly to the outdoors and shall not be re-circulated in accordance with state and local codes and ordinances.
3. **Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or

dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

4. **Process ventilation.** 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 re-circulated to any space.
5. **Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems, and discharged directly to the outdoors in accordance with state and local codes and ordinances.

F. Occupancy Limitations

1. **Privacy.** Dwelling units, hotel/motel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
2. **Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.
3. **Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions: Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

4. **Bedroom and living room requirements.** Every bedroom and living room shall comply with the requirements of state and local codes and ordinances.
5. **Room area.** Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.
6. **Access from bedrooms.** 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.

Exception: Units that contain fewer than 2 bedrooms.

7. **Toilet room accessibility.** Every bedroom shall have access to at least one toilet room without passing through another bedroom. Every bedroom in such a dwelling unit shall have access to at least one toilet room located on the same story as the bedroom or an adjacent story.
8. **Prohibited occupancy.** Kitchens, living rooms, dining rooms, other public or common areas, and non-habitable spaces shall not be used for sleeping purposes.

150.07 Plumbing Facilities and Fixture Requirements

- A. **Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- B. **Responsibility.** 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 chapter.

C. Required Facilities

1. **Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, toilet room and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the toilet room 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.
2. **Rooming houses/sleeping units.** At least one toilet room, lavatory and bathtub or shower shall be supplied for each four rooming/sleeping units.
3. **Hotel/motels.** Where private toilet rooms, lavatories and baths are not provided, one toilet room, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
4. **Employees' facilities.** A minimum of one toilet room, one lavatory and one drinking facility shall be available to employees.
5. **Drinking facilities.** Drinking facilities shall consist of a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

D. Toilet Rooms

1. **Privacy.** 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.

Exception: A toilet room designed for use by multiple individuals at once shall not be required to provide facilities with doors and interior locking devices. However, privacy from public view shall be

afforded by means of adequate screening or configuration of structural components as required by state and local codes and ordinances.

2. **Location.** Toilet rooms and bathrooms serving hotel/motel units, rooming units, sleeping units, dormitory units, or housekeeping units shall have access by traversing not more than one adjacent story and shall have access from a common hall or passageway.
3. **Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

4. **Floor surface.** In other than dwelling units, every toilet room floor shall be maintained to be a hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

E. Plumbing Systems and Fixtures

1. **General.** 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.

2. **Fixture Clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

F. **Water Systems**

1. **General.** 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 approved 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 state and local codes and ordinances.
2. **Contamination.** The water supply shall be maintained free from contamination, 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 approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
3. **Supply.** 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.
4. **Water heating facilities.** 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 (49°C). 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.

G. Sanitary Drainage System

1. **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
2. **Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstruction, leaks and defects.

H. Storm drainage. Storm water runoff of roofs and paved areas, yards and courts, and other surfaces on the premises shall not be discharged in a manner that creates a public nuisance.

150.08 Mechanical and Electrical Requirements

A. Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

B. Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

C. Heating Facilities

1. **Facilities required.** Primary heating facilities shall be provided in structures as required by this section.
2. **Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all

habitable rooms, bathrooms and toilet rooms. Cooking appliances and portable heating devices shall not be used to provide space heating to meet the requirements of this section.

3. **Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.
4. **Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

- a. Processing, storage and operation areas that require cooling or special conditions.
 - b. Areas in which persons are primarily engaged in physical activities.
5. **Room temperature measurement.** The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

D. Mechanical Equipment

1. **Mechanical appliances.** 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.
2. **Removal of combustion products.** All fuel-burning equipment and

appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

3. **Clearances.** All required clearances to combustible materials shall be maintained in accordance with state and local codes and ordinances.
4. **Safety controls.** All safety controls for fuel-burning equipment shall be maintained in proper working order.
5. **Combustion air.** 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.
6. **Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved and conforms to state and local codes and ordinances.

E. Electrical Facilities

1. **Facilities Required.** Every occupied building shall be provided with an electrical system in compliance with state and local codes and ordinances.
2. **Service.** The size of the building or structure and equipment shall serve as a basis for determining the need for additional facilities in accordance with state and local codes and ordinances.

F. Electrical Equipment

1. **Installation/maintenance.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and

approved manner.

2. **Receptacles.** When electrical receptacles are replaced, GFCI circuits must be installed where required by state and local codes and ordinances.

G. Elevators, Escalators and Dumbwaiters

1. **General.** Elevators, dumbwaiters and escalators shall be maintained in proper working order in compliance with State regulations. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter
2. **Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing for a period not to exceed 72 hours.

150.09 Fire Safety Requirements

- A. **Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.
- B. **Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with State and local fire codes. 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 chapter.

C. Means of Egress

3. **General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with state and local codes and ordinances.
4. **Aisles.** The required width of aisles shall be unobstructed in accordance with state and local codes and ordinances.
5. **Doors.** All doors intended for use as a means of egress shall be readily openable for emergency exit without the need for keys, special knowledge or effort in accordance with state and local codes and ordinances.
6. **Emergency escape openings.** Required emergency escape openings shall be marked "Exit" and maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

D. Fire Resistant Ratings

1. **General.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
2. **Opening protectives.** Required opening protectives shall be maintained

in an operative condition. All fire and smoke stop doors shall be maintained in operable condition.

3. **Fire and smoke barrier obstruction.** Fire doors and smoke barrier doors shall not be blocked, obstructed by, or otherwise made inoperable.

E. Fire Protection Systems

1. **General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with state and local codes and ordinances.
2. **Smoke alarms.** Smoke alarms are to be in proper working order and installed according to current state and local codes and ordinances.

150.10 Enforcement and Penalties

- A. **Enforcement.** Whenever, upon inspection of any commercial property, the Code Official finds that conditions or practices exist which are in violation of any provision of this chapter or the Unsafe Building Law, IC 36-7-9-1 through IC 36-7-9-29. The Code Official shall give written notice in accordance with the provisions of this subchapter. Unless such conditions or practices are corrected within a reasonable period, to be determined by the Enforcement Authority, the owner or person responsible for such property shall be subject to the penalties outlined in this chapter.
- B. **Notice of violation.** If the Code Official finds that a violation of any portion of this chapter exists on the property or premises, the officer shall issue a written notice of violation to the offender establishing 60 days to correct the violations.

Subsequent to the notice of violation, the offender and the Enforcement Authority may enter into a work plan for the abatement of the violations. The work plan shall set a date by which the required work shall be completed. The date established in the work plan may extend beyond the 60 days established in the notice of violation. The Enforcement Authority may modify or rescind a work plan as warranted by the status of the violations and the work to correct same.

C. Order for abatement. The Code Official shall re-inspect the property upon the expiration of the time period given in the notice of violation, or upon the expiration of the time identified in the work plan. If the same violation or violations of this chapter exists, the Code Official shall issue an order requiring action pursuant to IC 36-7-9-5. The Enforcement Authority may cause work to be performed by others to address such violations pursuant to IC 36-7-9-10 and IC 36-7-9-11.

D. Manner of Serving Notice

1. A notice of violation issued pursuant to Section 150.10(B) shall be served in accordance with IC 36-7-9-25.
2. Notice of an order issued under section 150.10(C) shall be served as provided in IC 36-7-9-25.

E. Emergencies. The Enforcement Authority may take emergency action with respect to unsafe premises to protect life, safety or property pursuant to IC 36-7-9-9. Such emergency action may be taken without issuing a notice of violation under Section 150.10(B) or issuing an order under Section 150.10(C), but shall be limited to the action necessary to abate any immediate danger.

F. Civil Remedies. The Enforcement Authority may bring a civil action for a violation of this Chapter and/or Unsafe Building Law in the Allen County Circuit or Superior Court pursuant to IC 36-7-9-17, and seek the remedies authorized by IC 36-7-9-18 through 22, or pursuant to IC 36-1-6-4. The civil remedies provided

for include injunctive relief, monetary civil penalties, posting of a performance bond, appointment of a receiver, authorizing work to be performed by others, and cause action to be taken in the case of emergencies. Any civil penalty imposed by the Circuit or Superior Court under IC 36-7-9-19 may be certified to the County Auditor and become a special assessment as provided under IC 36-7-9-13.5.

G. Deposit in Unsafe Building Fund. Monetary civil penalties collected pursuant to this chapter shall be deposited in the Unsafe Building Fund and may be used according to IC 36-7-9-14(c).

H. Natural Disaster. Structures damaged as a result of fire, flood, storm, tornado, or other natural disaster and verified by the Enforcement Authority may be excluded from the enforcement provisions of this chapter for 6 months following the date of the damage. Subsequently, said properties shall be fully subject to the provisions of this chapter.

I. Order to Vacate. Time Allowed to Vacate

a. Buildings unsafe for human occupancy. Whenever a building, dwelling, dwelling unit, rooming house or rooming unit is declared by the enforcement authority as unsafe or unfit for human occupancy, the Enforcement Authority may post an “Order to Vacate” placard requiring such building to be vacated and to remain vacated. Such placard shall be authorized by the Enforcement Authority. It shall contain the address and phone number of the department and the date by which the occupant shall vacate the building, dwelling or dwelling unit or portion thereof. The Enforcement Authority may issue an order to vacate pursuant to IC 36-7-9-5 or 36-7-9-17 if the owner or occupant fails to vacate the unsafe premises. Conditions include:

1. Damage, decay, dilapidation, abandonment, insanitation or vermin or rodent infestation which constitute a serious hazard to the health or safety of occupants or the public;

2. The lack of required sanitation, illumination, ventilation, heating, electrical, plumbing or other facilities and systems adequate to protect the health and safety as to create a serious hazard to the occupants or the public;
 3. Conditions or defects described in IC 36-7-9-4.
- b. Placarding.** Any building, dwelling or dwelling unit condemned as unfit for human occupancy and so designated and placarded by the enforcement authority, shall be vacated as ordered by the enforcement authority pursuant to IC 36-7-9-5 and IC 36-7-9-9.
 - c. Placard tampering.** It shall be unlawful for any person to deface, remove or alter any notice or placard from any structure or dwelling which has been placarded under this chapter except by the express written permission of the enforcement authority.
 - d. Re-occupation.** No building or dwelling unit which has been placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from and such placard is removed by the enforcement authority. The enforcement authority shall remove the placard whenever the defect(s) upon which the condemnation and placarding action were based have been eliminated.
 - e. Penalties.** Any violation of IC 36-7-9-28 or any provision of this chapter for which another penalty is not provided, shall, upon conviction by the court, be punished by a fine not to exceed \$2,500 per violation. Each and every day on which the condition exists shall constitute a separate and distinct violation. All fines and costs recovered by the city pursuant to this chapter shall be placed in the Unsafe Building Fund.
- J. Access to Premises in Violation of this Chapter.** If the Enforcement Authority has issued an order to vacate an unsafe building, the owner or person in

possession of same may only enter such building upon signing an affidavit of acknowledgment to the Enforcement Authority establishing the limited purposes and time for such entry. Any unauthorized entry or use of premises or structures subject to an order issued by the Enforcement Authority is subject to the sanctions specified in IC 36-7-9-28.

150.11 Hearing Officer

- A. Establishment.** The Hearing Officer shall be appointed by the Mayor, and shall not be an employee of the Enforcement Authority. More than one hearing officer may be appointed should the case load require more than one. The Hearing Officer shall serve a two-year term unless removed by the Mayor for cause. The Hearing Officer may be appointed to successive terms. The Hearing Officer shall be compensated as prescribed by the City Council.

- B. Duties.** The Hearing Officer shall conduct administrative hearings as may be required pursuant to orders issued under the Unsafe Building Law as provided in I.C. 36-7-9-7, or as provided in Section 150.11(C) below.

- C. Hearings/appeals.** An order issued by the Code Official is subject to review at a hearing conducted by the Hearing Officer as provided in IC 36-7-9-7.
 - 1. The Hearing Officer may affirm, rescind or modify the order as provided in IC 36-7-9-7(d).

 - 2. The Hearing Officer may also impose a civil penalty of up to \$2,500.

 - 3. In accordance with IC 36-7-9-7(i), civil penalties imposed for unpaid costs may be collected as judgment under IC 36-7-9-13, or may be processed as a special assessment as provided under IC 36-7-9-

13.5.

4. Appeal of a decision made by the Hearing Officer may be taken pursuant to IC 36-7-9-8.

150.12 Administration and enforcement

- A. Delegation of enforcement power.** The Enforcement Authority may delegate to other City/County Officials the authority to enforce all or part of the provisions of this chapter. Such officials shall include but not be limited to the City/County Board of Health and the Fire Department.

- B. Conflict of interest.** No Code Official or employee connected with the Enforcement Authority shall have a financial interest in the furnishing of labor, material or appliances for the repair, alteration or maintenance of a building, dwelling or dwelling unit on which a notice or order by the Enforcement Authority has been issued or in the making of plans or specifications there from, unless he or she is the owner of such building.

- C. Provisions for inspection authority.** The Enforcement Authority shall inspect any premises or structure, as defined in this chapter, based on the following provisions:
 - 1. The Enforcement Authority is authorized and directed to make inspections where probable cause exists or with consent of the owner, agent or occupant to determine the condition of the premises or structures located within the city in order that they may perform their duty of safeguarding the health and safety of the occupants of such premises or structures and of the general public.

- a. For the purpose of making such inspections, the Enforcement Authority is authorized to enter, examine and survey at all reasonable times all such premises or structures.
 - b. In the event the owner or occupant of any such premises or structures, or the person in possession, refuses to give the Enforcement Authority free access for inspection purposes, the Enforcement Authority may apply for an inspection warrant pursuant to IC 36-7-9-16.
2. Where conditions of an area, the nature of the premises or structure, or a need to conduct an area-wide inspection exists, and where a showing of such is made by affidavit, an inspection warrant shall be issued by a court of record in Allen County directing the inspection of the property concerned.
 3. The Enforcement Authority is authorized and directed to proceed with a full inspection of any premises or structure that is deemed to be a public nuisance by the fact that it is unsealed, unsecured and vacant.
- D. Stastical data.** Accurate statistical data shall be recorded and maintained by the Enforcement Authority employee hired specifically to assist in such data collection and maintenance, and other duties as described, so data can be provided with a full accounting upon request to City Council to determine the effectiveness of data collection to date.
- (E. Severability.** The invalidity of any section, clause, sentence or provision of the chapter shall not affect the validity of any other part of this chapter.
- F. Building code compliance.** Wherever this chapter refers to compliance with state and local codes and ordinances, additions and alterations to any structure shall conform to that required of a new structure without requiring the

existing structure to comply with all the requirements of this code, provided it was in compliance with applicable state and local codes and ordinances when originally constructed. However, any building or element thereof that has deteriorated to a point that such condition is considered to be unsafe under this chapter, the repair and or replacement of such building or element thereof shall be subject to the enforcement provisions contained herein and must conform to current state and local codes and ordinances.

G. Safe housing and building advisory committee. The Safe Housing and Building Advisory Committee is the commission or board having control over the Enforcement Authority. The Safe Housing and Building Advisory Committee was formed prior to the adoption of this Chapter pursuant to Fort Wayne Municipal Code Sections 152.70 through 152.75. The Committee shall be subject to the following:

- 1. Establishment and composition.** The Mayor shall appoint one member from the Fire Department and three citizen members with express knowledge and interest in the building and housing trades. The Common Council shall select one member with express knowledge and interest in the building and housing trades.
- 2. Appointment and terms.** The Safe Housing and Building Advisory Committee shall be appointed:
 - a. On January 1 of each year.
 - b. To serve a three-year term, terms to be staggered. No limit shall be set on numbers of terms a committee member can serve. All members are to serve without compensation.
 - c. At the outset by the Mayor: one person to serve one year; one person to serve two years; and two persons to serve three years. The Common Council appointee shall serve two years.

- 3. Meetings and Organization.** The first meeting of the Safe Housing and Building Advisory committee shall be convened by the director of Neighborhood Code Enforcement. At the initial meeting, the committee shall elect a Chair and Secretary from among its members. At that meeting and each subsequent meeting:

 - a. The Secretary shall be charged with the duty of keeping and maintaining the necessary minutes and other records.
 - b. In the absence of the Chair at a meeting, the Secretary shall chair the meeting.
- 4. Rules.** The committee shall meet at the request of the Enforcement Authority at least two times a year or upon special call by the Chair; or upon written request to the Chair by any three members.
- 5. Quorum.** Three members of the Safe Housing and Building Advisory Committee shall constitute a quorum to do business.
- 6. Vacancies.** In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise, the appointment to fill the vacancy so occurring shall be made by the Mayor for the unexpired term only. In case of vacancy of the member appointed by the Common Council, the Council shall fill the vacancy for the unexpired term only.
- 7. Duties.** The Safe Housing and Building Advisory Committee shall adopt a schedule setting forth the maximum amount of performance bonds applicable to various types or orders pursuant to IC 36-7-9-7(f), and determine the amount of the average processing expense pursuant to IC 36-7-9-12.
- H. Sunset provision.** The provisions of this chapter shall expire 3 years from the date of enactment unless after review and evaluation, the City Council votes

affirmatively to keep the amendments in full force and effect. Should this Chapter expire, any enforcement action for which a notice of violation or order was issued prior to the expiration date, may proceed under the terms of this Chapter until fully adjudicated.

SECTION 2. That this Ordinance shall be in full force and effect April 1, 2009, and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. G-09-01-16

GENERAL ORDINANCE. G-_____

**AN ORDINANCE REQUIRING MONTHLY FINANCIAL
REPORTS TO COMMON COUNCIL**

WHEREAS, Indiana Code 36-4-9-6 establishes the appointment of the City Controller in second-class cities; and,

WHEREAS, Indiana Code 36-4-10-5 designates the fiscal officer of a second-class city to manage the finances and accounts of the city, subject to ordinances of the legislative body; and

WHEREAS, the legislative body is the fiscal body of the City of Fort Wayne; and

WHEREAS, challenging economic times require the members of the Common Council to be apprised of the fiscal condition of the City with substantial and ongoing frequency;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. Chapter 37, Finance and Revenue, shall be amended to add Section 37.04 as follows:

37.04 - Monthly Financial Reports to Common Council.

A. That the City Controller shall cause to be prepared and transmitted a monthly financial report to members of the Common Council;

B. The monthly financial report shall include the total expenditures of the major funds of the City for the prior month, total revenues by source received by the City of and allocated to the major funds of the City, and year-to-date totals of revenue and expenditures by the major funds.

C. The monthly report shall be transmitted to members of the Common Council by the 21st day of the month following the month which is the subject of the report.

Section 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Attorney for City Council

BILL NO. R-09-01-12

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL ESTATE (1906, 1914, 2106, 2112 and 2206 MELBOURNE COURT; and 5310 KENTON LANE) FOR THE CITY OF FORT WAYNE, INDIANA.

WHEREAS, the City of Fort Wayne desires to purchase property located at **1906, 1914, 2106, 2112 and 2206 Melbourne Court;** and **5310 Kenton Lane**, specifically described in "Exhibits A, B, C, D, E, F," respectively, attached hereto and made a part hereof; and

WHEREAS, the purchase of these properties is necessary for the City Utilities – Stormwater Management’s flood mitigation plan for the Lawrence Drain.

WHEREAS, the purchase price for these properties is:

1906 Melbourne Court	\$204,500.00
1914 Melbourne Court	\$ 81,000.00
2106 Melbourne Court	\$ 94,000.00
2112 Melbourne Court	\$ 93,000.00
2206 Melbourne Court	\$ 84,500.00
5310 Kenton Lane	\$ 94,000.00

WHEREAS, Sec. 37-19 of the City of Fort Wayne Code of Ordinances,

requires the Common Council approval of any purchase or conveyance of real estate by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The purchase of properties located at **1906, 1914, 2106, 2112 and 2206 Melbourne Court;** and **5310 Kenton Lane,** by the City of Fort Wayne, is hereby approved and agreed to.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-09-01-13

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL ESTATE
FOR THE CITY OF FORT WAYNE, DIVISION
OF CITY UTILITIES.**

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase property located at 642 Wagner Street, specifically described in the Residential Real Estate Purchase Agreement, Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase this property for future expansion/projects of the Water Filtration Plant; and

WHEREAS, the purchase price for the property is TWENTY-TWO THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS – (\$22,500.00) **WHEREAS**, Sec. 37-19 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any purchase of real estate by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The purchase of real estate by the City of Fort Wayne through its Division of Public Works, located at 642 Wagner Street, specifically described in the Residential Real Estate Purchase Agreement, Exhibit "A," is hereby approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents

necessary to accomplish said purchase.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 620 East Berry Street, Fort Wayne, Indiana 46802 (525 W. Jefferson, LLC/Prairie Quest, Inc.)

WHEREAS, Petitioner has duly filed its petition dated December 30, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and

I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create one full-time and two part-time, permanent jobs for a total new, annual payroll of \$40,000, with the average new annual job salary being \$13,333 and retain six full-time, permanent jobs for a total current annual payroll of \$260,813, with the average current, annual job salary being \$43,468; and

WHEREAS, the total estimated project cost is \$165,500; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to both a deduction of the assessed value of real estate and personal property for new information technology equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation and the estimate of the value of new information technology equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of new information technology equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.6321/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6321/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.6321/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.9753/\$100.

- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9753/\$100 (the change would be negligible).
- (f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9753/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and the deduction from the assessed value of the new information technology equipment shall be for a period of ten years.

SECTION 8. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 620 East Berry Street, Fort Wayne, Indiana 46802 (525 W. Jefferson, LLC/Prairie Quest, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create one full-time and two part-time, permanent jobs for a total additional annual payroll of \$40,000, with the average new annual job salary being \$13,333 and retain six full-time, permanent jobs for a current annual payroll of \$260,813, with the average current annual job salary being \$43,468; and

WHEREAS, the total estimated project cost is \$165,500; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new information technology equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of redevelopment or rehabilitation and estimate of the value of the new information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new information technology equipment.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.6321/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6321/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.6321/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.9753/\$100.
- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9753/\$100 (the change would be negligible).
- (f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9753/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the

deduction from the assessed value of the real property shall be for a period of ten years, and that the deduction from the assessed value of the new information technology equipment shall be for a period of ten years.

SECTION 7. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For new information technology equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 9. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 10. The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new information technology equipment acquired.

- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

SECTION 11. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 12. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 13. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

BILL NO. S-09-01-03

SPECIAL ORDINANCE NO. S-_____

**AN ORDINANCE approving grants
to be funded from the Cable TV Fund.**

WHEREAS, Ordinance No. G-27-95 provides that a minimum of 10% of the City's Cable TV Fund is to be set aside annually for Non-Access Channel Originator Grants for access programming by not-for-profit agencies or educational or governmental agency within the City of Fort Wayne; and

WHEREAS, Ordinance No. G-27-95 provides that the Cable Fund Access Board (CFAB) is to make recommendations for the non-access channel originator grant awards from the Cable TV Fund; and

WHEREAS, CFAB recommends the following Non-Access Channel Originator Grant awards:

HUMANE EDUCATION ADVISORY COUNCIL	\$ 3,639.00
FORT WAYNE DANCE COLLECTIVE INC.	\$ 5,261.00
NET LITERACY	\$ 3,000.00
JEFFERSON MIDDLE SCHOOL	\$11,379.00
CONCORDIA HIGH SCHOOL	\$12,075.00
MOST PRECIOUS BLOOD SCHOOL	\$13,763.00
NORTHWOOD MIDDLE SCHOOL	\$14,301.00
NORTH SIDE HIGH SCHOOL	\$15,871.25

IPFW DEPARTMENT OF COMMUNICATION	\$13,272.00
TOTAL RECOMMENDED FOR AWARD	<u>\$92,562.15</u>

and

WHEREAS, the Division of Public Works states that the details of each grant proposal are available for inspection.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following Non-Access Channel Originator Grant awards from the Cable TV fund are approved:

HUMANE EDUCATION ADVISORY COUNCIL	\$ 3,639.00
FORT WAYNE DANCE COLLECTIVE INC.	\$ 5,261.00
NET LITERACY	\$ 3,000.00
JEFFERSON MIDDLE SCHOOL	\$11,379.00
CONCORDIA HIGH SCHOOL	\$12,075.00
MOST PRECIOUS BLOOD SCHOOL	\$13,763.00
NORTHWOOD MIDDLE SCHOOL	\$14,301.00
NORTH SIDE HIGH SCHOOL	\$15,871.25
IPFW DEPARTMENT OF COMMUNICATION	\$13,272.00
TOTAL RECOMMENDED FOR AWARD	<u>\$92,562.15</u>

SECTION 2. That this Ordinance shall be in full force and effect from and after

its passage and any and all necessary approval by the Mayor, and shall expire on July 1, 2009.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-01-04

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #2910 - ANNUAL REQUIREMENTS FOR SEWER CONSTRUCTION MATERIAL by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MIDWEST TILE, HD SUPPLY AND UNDERGROUND PIPE AND VALVE for the WATER POLLUTION CONTROL MAINTENANCE/STORMWATER MAINTENANCE DEPARTMENTS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That ITB #2910 - ANNUAL REQUIREMENTS FOR SEWER CONSTRUCTION MATERIAL between the City of Fort Wayne, by and through its Department of Purchasing and MIDWEST TILE, HD SUPPLY AND UNDERGROUND PIPE AND VALVE for WATER POLLUTION CONTROL MINTENANCE/STORMWATER MAINTENANCE DEPARTMENTS, respectfully for:

purchase of sewer construction material for 2009 for the Water Pollution control Maintenance/Stormwater Maintenance Departments

involving a total cost of ONE HUNDRED FORTY-SIX THOUSAND AND NO/100 DOLLARS - (\$146,000.00) - (MIDWEST - \$95,000.00; HD - \$24,000.00; UNDERGROUND - \$27,000.00) all as more particularly set forth in said ITB #2910 - ANNUAL REQUIREMENTS FOR SEWER CONSTRUCTION MATERIAL which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-01-05

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving an additional increase of the STAR FINANCIAL BANK SERVICES AGREEMENT between STAR FINANCIAL BANK and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the additional increase of the STAR FINANCIAL BANK SERVICES AGREEMENT by and between STAR FINANCIAL BANK and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

An increase of \$60,000 of the 2005 STAR Financial Bank Services Agreement to fund the processing to print bills, ebills, mail bills, print and mail disconnect notices, print and mail low consumption letters, other printing and mass mailings, and processing of electronic payments:

involving a total cost of SIXTY THOUSAND AND NO/100 DOLLARS - (\$60,000.00). Total service costs for 2008 will exceed \$100,000.00. A copy said Service Agreement is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-11-12

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving INCREASE FOR THE 2008 GARBAGE AND RECYCLING SERVICES between NATIONAL SERV-ALL and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the INCREASE FOR THE 2008 GARBAGE AND RECYCLING SERVICES by and between NATIONAL SERV-ALL and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for increase for the National Serv-All 2008 garbage and recycling services;:

involving a total cost of TWO HUNDRED THOUSAND AND NO/100 DOLLARS - (\$200,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-01-06

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving EXTENSION OF THE STAR FINANCIAL BANK SERVICES AGREEMENT between STAR FINANCIAL BANK and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the EXTENSION OF THE STAR FINANCIAL BANK SERVICES AGREEMENT during 2009 by and between STAR FINANCIAL BANK and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

extension of the 2005 STAR Financial Bank Services Agreement during 2009 to print bills, ebills, mail bills, print and mail disconnect notices, print and mail low consumption letters, other printing and mass mailings, and processing of electronic payments:

involving a total cost of ONE HUNDRED SIXTY THOUSAND AND NO/100+/- DOLLARS - (\$160,000.00+/-). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-01-07

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ANNUAL FUNDING COMMITMENT FOR THE FORT WAYNE ALLEN COUNTY ECONOMIC DEVELOPMENT ALLIANCE by the City of Fort Wayne, Indiana, by and through its Department of Economic Development.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That ANNUAL FUNDING COMMITMENT FOR THE FORT WAYNE ALLEN COUNTY ECONOMIC DEVELOPMENT ALLIANCE between the City of Fort Wayne, by and through its Department of Purchasing for the DEPARTMENT OF ECONOMIC DEVELOPMENT, respectfully for:

 funding for the Fort Wayne Allen County Economic Development Alliance for Economic Development Activities and services during 2009;

involving a total cost of TWO HUNDRED THOUSAND AND NO/100 DOLLARS - (\$200,000.00) all as more particularly set forth in said ANNUAL FUNDING COMMITMENT FOR THE FORT WAYNE ALLEN COUNTY ECONOMIC DEVELOPMENT ALLIANCE, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its

passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-01-08

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROJECT CORDINATION PROJECT - WORK ORDER #11848, AUBURN ROAD: CLINTON STREET TO COOK ROAD between INDIANA DEPARTMENT OF TRANSPORTATION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the PROJECT CORDINATION PROJECT - WORK ORDER #11848, AUBURN ROAD: CLINTON STREET TO COOK ROAD by and between INDIANA DEPARTMENT OF TRANSPORTATION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Project Coordination Project for Work Order #11848, Auburn Road: Clinton Street to Cook Road:

involving a total cost of TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS - (\$250,000.00) - (FEDERAL SHARE - \$200,000.00; CITY'S SHARE - \$50,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-01-09

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving WORK ORDER #12116, DES #0710199, EAST STATE BOULEVARD SAFE ROUTES TO SCHOOL PROJECT between INDIANA DEPARTMENT OF TRANSPORTATION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That the WORK ORDER #12116, DES #0710199, EAST STATE BOULEVARD SAFE ROUTES TO SCHOOL PROJECT by and between INDIANA DEPARTMENT OF TRANSPORTATION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for WORK ORDER #12116, DES #0710199, East State Boulevard Safe Routes to School Project:

involving a total cost of TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS - (\$250,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-01-10

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving RESOLUTION #1950-2007, STATE ROAD 14 (ILLINOIS ROAD) STORMWATER IMPROVEMENTS between BROOKS EXCAVATING, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the RESOLUTION #1950-2007, STATE ROAD 14 (ILLINOIS ROAD) STORMWATER IMPROVEMENTS by and between BROOKS EXCAVATING, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Resolution #1950-2007, State Road 14 (Illinois Road) Stormwater Improvements:

involving a total cost of SIX HUNDRED SEVENTY THOUSAND, FOUR HUNDRED NINETH-SEVEN AND 15/100 DOLLARS - (\$670,497.15). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-01-11

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR THE SERVICES OF A CONSULTANT (RW Armstrong) TO PROVIDE PROFESSIONAL DESIGN AND BIDDING SERVICES FOR THE SEWER SEPARATION AND EXTENSION FOR THE WOODROW/VANCE PARTIAL SEWER SEPARATION PROJECT.

WHEREAS, the Board of Public Works desires to hire a consultant for professional design and bidding services for the sewer separation and extension for the Woodrow/Vance Partial Sewer Separation Project – Res. #1557-2004, W.O. #74765; and

WHEREAS, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

WHEREAS, it is anticipated that the amount to be paid to said consultant will be TWO HUNDRED SEVENTY THOUSAND, FIVE HUNDRED SIXTY-FOUR AND NO/100 DOLLARS – (\$270,564.00).

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of a consultant (RW Armstrong) to provide professional design and bidding services for the sewer separation and extension for the Woodrow/Vance Partial Sewer Separation Project.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

