** CITY OF BRAZIL**

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**Improvement Location Permit Procedures**

**Construction Requiring a Permit:**

No structure or major infrastructure shall be erected, moved or added to without an Improvement Location Permit issued by the Planning and Zoning Office. No Improvement Location Permit shall be issued unless the project is in conformity with the provision of the Zoning Ordinance, the Subdivision Control Ordinance and all other applicable municipal codes. When applicable, Site Development Plan Review and approval shall be completed prior to the receipt of the Improvement Location Permit. The City of Brazil requires that an Improvement Location Permit be obtained for the following:

1. Any structure, for any use that exceeds 120 square feet in area and/or has a permanent foundation (including structures other than buildings such as towers, antennas, and satellite dishes)
2. Any temporary use of land or temporary structure
3. Signs (as specified by Chapter 156 of the Zoning Ordinance)
4. Additions to all structures
5. Adding or subtracting dwelling units or leased space in multifamily or commercial structures
6. Placement or replacement of manufactured or mobile homes
7. The change of use of any property or mobile homes
8. Parking lot construction or alteration
9. Ponds, lakes, and/or pools
10. Storm sewer hook-ups
11. Driveways
12. Surface and sub-surface drainage work and/or grading (including land alteration) excluding agriculture uses
13. Telecommunications towers, building, and antenna
14. Any exterior construction that adds to or alters the height of the existing structure

Brazil, IN Code of Ordinances

**GENERALLY**

**§ 150.01  TITLE AND PURPOSE OF SUBCHAPTER.**

   (A)   This chapter and all ordinances supplemental and amendatory hereto shall be known as the “Building Code of the City of Brazil, Indiana,” may be cited as so and shall be referred to herein as “Building Code.”

   (B)   The purpose of this Building Code is to protect the life, public safety, health, and general welfare of the citizens of the city, and 2-mile jurisdictional area, and shall be construed in such a manner to effectuate this purpose.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.02  DEFINITIONS.**

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

   ***BUILDING INSPECTOR.***  The duly appointed independent contractor charged with the duties to inspect and enforce all parts of this Building Code.

   ***PLANNING ADMINISTRATOR.***  Includes individuals employed by the Planning and Building Department that are authorized to represent the Building Commissioner.

   ***CLASS 1 STRUCTURE.***  Pursuant to I.C. 22-12-1-4 has the following definitions:

      (1)   Class 1 Structure means any part of the following:

         (a)   Building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

            1.   The public;

            2.   Three or more tenants; or

            3.   One or more persons who act as the employees of another.

         (b)   A site improvement affecting access by persons with physical disabilities to a building or structure described in subsection (a) above;

         (c)   Any class of buildings or structures that the Commission determines by rules to affect a building or structure described in subsection (a) above, except building or structures described in subsections (3) through (6) below;

      (2)   Subsection (1)(a) Includes a structure that contains 3 or more condominium units (as defined in I.C. 32-25-2-9) or other units that:

         (a)   Are intended to be or are used or leased by the owner of the unit; and

         (b)   Are not completely separated from each other by an unimproved space.

      (3)   Subsection (1)(a) does not include a building or structure that:

         (a)   Is intended to be or used only for an agricultural purpose on the land where it is located; and

         (b)   Is not used for retail trade or is a stand used for retail sales of farm produce for 8 or less consecutive months in a calendar year.

      (4)   Subsection (1)(a) above does not include a Class 2 structure.

      (5)   Subsection (1)(a) above does not include a vehicular bridge.

      (6)   Subsection (1)(a) above does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

         (a)   The structure; or

         (b)   Mechanical or electrical equipment located within and affixed to the structure.

      (7)   Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

   ***CLASS 2 STRUCTURE.***  Pursuant to I.C. 22-12-1-5, has the following definition:

      (1)   Any part of the following:

         (a)   A building or structure that is intended to contain or contains only 1 dwelling unit or 2 dwelling units unless any part of the building or structure is regularly used as a Class 1 structure;

         (b)   An outbuilding for a structure described in subsection (a), such as a garage, barn or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

      (2)   Subsection (1) does not include a vehicular bridge.

      (3)   Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

   ***CONSTRUCTION.***  Pursuant to I.C. 22-12-1-7, any of the following:

      (1)   Fabrication of any part of an industrialized building system or mobile structure for use at another site;

      (2)   Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used;

      (3)   Installation of any of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used;

      (4)   Work undertaken to alter, remodel, rehabilitate or add to any part of a Class 1 or Class 2 structure; and/or

      (5)   Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

   ***INDUSTRIALIZED BUILDING SYSTEM.***  Pursuant to I.C. 22-12-1-14, any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

   ***MANUFACTURED HOME.***  Pursuant to I.C. 22-12-1-16 has the meaning set forth in 42 U.S.C. § 5402 as it existed on January 1, 2003, means a structure, transportable in 1 or more sections, which in traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this division except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this 42 U.S.C. §§ 5401 *et seq*. and except that the term shall not include any self-propelled recreational vehicle.

   ***MOBILE STRUCTURE.***

      (1)   Pursuant to I.C. 22-12-1-17, any part of a fabricated unit that is designed to be:

         (a)   Towed on its own chassis; and

         (b)   Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure or another structure.

      (2)   The term includes the following:

         (a)   Two or more components that can be retracted for towing purposes and subsequently expanded for additional capacity; and

         (b)   Two or more units that are separately towable but designed to be joined into 1 integral unit.

   ***PERSON.***  Pursuant to I.C. 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association or governmental entity.

   ***STRUCTURE.***  Both Class 1 and Class 2 structures, unless specifically stated otherwise.

   ***VEHICULAR BRIDGE.***  Pursuant to I.C. 22-12-1-26, means any bridge that is neither:

      (1)   A pedestrian walkway;

      (2)   A passageway for lights vehicles;

      (3)   Suspended between 2 or more parts of a building or between 2 or more buildings.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.03  AUTHORITY.**

   The Planning and Building Administrator is hereby authorized and directed to administer and enforce the following:

   (A)   All of the provisions of this Building Code;

   (B)   Variances granted in accordance with I.C. 22-13-2-11; and

   (C)   Orders issued under I.C. 22-12-7.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.04  SCOPE.**

   (A)   All construction shall be accomplished in compliance with the provisions of this Building Code.

   (B)   Pursuant to I.C. 22-13-2-6, this Building Code shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this Building Code and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.

   (C)   Pursuant to I.C. 22-13-2-9, this Building Code is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.05  SEVERABILITY.**

   Should any provision (section, clause, phrase, word or any other portion) of this chapter be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if the remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this chapter. To this end, the provisions of the ordinances are severable.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.06  EFFECT OF ADOPTION ON PRIOR ORDINANCE.**

   The expressed or implied repeal of amendment of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this chapter. These rights, liabilities and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this chapter had not been adopted.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.07  BUILDING PERMIT REQUIRED.**

   Construction is prohibited unless in conformity with a valid building permit obtained from the Planning Administrator prior to commencement of construction.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)  Penalty, see § 150.99

**§ 150.08  APPLICATION FOR BUILDING PERMIT.**

   (A)   Any person required to have a building permit shall submit a complete application to the Planning Administrator.

   (B)   This application shall be submitted on a form prepared by the Planning Administrator, and shall contain the following:

      (1)   Information that the Planning Administrator determines to be necessary to locate and contact the applicant.

      (2)   A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.

      (3)   A plot plan drawn to scale; provided, however, such plot plan shall not be required in the instance where all such construction is to occur entirely within an existing structure. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.

      (4)   If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a design release for the work to be done that has been issued by the Building Law Compliance Officer pursuant to I.C. 22-15-3.

      (5)   Any additional information that the Planning Administrator finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

      (6)   The fee established by § 150.22.

   (C)   Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The Planning Administrator may require that such an employee or agent provide written authority to apply for a permit.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.09  REVIEW OF APPLICATION.**

   Prior to the issuance of any building permit, the Planning Administrator shall:

   (A)   Review all building permit applications to determine full compliance with the provisions of this subchapter.

   (B)   Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

   (C)   Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair:

      (1)   Uses construction materials and utility equipment that are resistant to flood damage; and

      (2)   Uses construction methods and practices that will minimize flood damage.

   (D)   Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including manufactured homes) is protected from flood damage, is designed, modified, and anchored to prevent flotation, collapse, or lateral movement of the structures, and uses construction methods and practices that will minimize flood damage.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.10  ISSUANCE OF BUILDING PERMIT.**

   The Planning Administrator shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other ordinances or laws.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.11  CERTIFICATE OF OCCUPANCY.**

   No certificate of occupancy for any building or structure shall be issued unless the building or structure was constructed in compliance with the provisions of this Building Code. It shall be unlawful to occupy any building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Planning Administrator.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)  Penalty, see § 150.99

**§ 150.12  TERM OF PERMIT.**

   Any and all permits issued under § 150.07 shall be valid for 1 year from the date of issuance by the Planning Administrator.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.13  GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.**

   (A)   All construction shall be subject to periodic inspections by the Building Inspector irrespective of whether a building permit has been or is required to be obtained.

   (B)   The Building Inspector may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this Building Code or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of the structure. Inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this Building Code and the rules of the Fire Prevention and Building Safety Commission.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.14  INSPECTIONS BY FIRE DEPARTMENT.**

   The Planning Administrator and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with the fire safety laws. (The Fire Department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17).

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.15  WITHHOLD ISSUANCE OF PERMITS.**

   (A)   Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks for insufficient funds, permit fees owed pursuant to § 150.21, or inspection fees owed pursuant to § 150.23) to the Planning Administrator, the Planning Administrator may withhold the issuance of subsequently requested permits until a time that the debt is satisfied.

   (B)   Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinances or other ordinances relating to land use, the Planning Administrator is authorized to withhold the issuance of requested permits until a time that the property is brought into conformance with applicable ordinances.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.16  PERMIT REVOCATION.**

   The Planning Administrator may revoke a building permit when any of the following are applicable:

   (A)   The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact;

   (B)   The application, plans or supporting documents reflect a lack of compliance with building standards and procedures;

   (C)   There is failure to comply with the Building Code; and/or

   (D)   The structure for which the building permit has been issued is not being used or constructed in conformance with applicable zoning ordinances or other ordinances relating to land use.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.17  STOP-WORK ORDER.**

   (A)   The Planning Administrator or Building Inspector may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.

   (B)   The stop-work order shall:

      (1)   Be in writing;

      (2)   State with specificity the construction to which it is applicable and the reason for its issuance;

      (3)   Be posted on the property in a conspicuous place;

      (4)   If practical, be given to:

         (a)   The person doing the construction; and

         (b)   To the owner of the property or the owner's agent.

      (5)   The stop work order shall state the conditions under which construction may be resumed.

   (C)   The Planning Administrator or Building Inspector may issue a stop-work order if:

      (1)   Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this Building Code or any state law pertaining to safety during construction;

      (2)   Construction is occurring in violation of this Building Code or in a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially be difficult to correct the violation; and/or

      (3)   Construction for which a building permit is required is proceeding without a building permit being in force.

   (D)   The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this Building Code.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.18  CIVIL ACTION.**

   Pursuant to I.C. 36-1-6-4, the city may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this Building Code.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.19  RIGHT TO APPEAL.**

   (A)   Any person aggrieved by an order issued under this Building Code shall have the right to petition for review of any of the Planning and Building Administrator or Building Inspector. A person may file a petition using either, or both, of the following procedures.

      (1)   *Appeal to the Fire Prevention and Building Safety Commission*.

         (a)   A person aggrieved by an order issued under this Building Code may appeal to the Fire Prevention and Building Commission, in accordance with I.C. 22-13-2-7.

         (b)   The Commission may modify or reverse any order issued by the city that covers a subject governed by I.C. 22-12, 22-13, 22-14, 22-15, a fire safety or a building rule.

         (c)   The Fire Prevention and Building Safety Commission must review orders that concerns a Class 2 structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within 30 days after the issuance of the order.

         (d)   The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Code.

         (e)   The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

      (2)   *Appeal to the Brazil City Board of Public Works and Safety (hereinafter referred to as "Administrative Body") or court*.

   (B)   If, pursuant to I.C. 36-1-6-9, the city has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with this subchapter. If no administrative body exists, then the person may petition a court for judicial review of the order.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.20  ADOPTION OF REGULATIONS BY REFERENCE.**

   (A)   Pursuant to I.C. 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.

      (1)   Article 13 – Building Codes:

         (a)   Fire and Building Safety Standards;

         (b)   Indiana Building Code;

      (2)   Article 14 – Indiana Residential Code;

      (3)   Article 16 – Indiana Plumbing Code;

      (4)   Article 17 – Indiana Electrical Code;

      (5)   Article 18 – Indiana Mechanical Code;

      (6)   Article 19 – Indiana Energy Conservation Code;

      (7)   Article 20 – Indiana Swimming Pool Code;

      (8)   Article 22 – Indiana Fire Code;

      (9)   Article 24 – Migrant Day Care Nursery Fire Safety Code; and

      (10)   Article 25 – Indiana Fuel Gas Code.

   (B)   Two copies of the above building rules incorporated by reference are on file in the office of the Clerk for the legislative body for public inspection as required by I.C. 36-1-5-4.

   (C)   The Planning and Building Administrator and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this Building Code. Pursuant to I.C. 22-13-2-7 (b), a variance granted by the Planning and Building Administrator is not effective until it has been approved by Fire Prevention and Building Safety Commission.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.21  LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.**

   (A)   Pursuant to I.C. 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices.

   (B)   Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

      (1)   Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016;

      (2)   Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016;

      (3)   Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016;

      (4)   Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016; and

      (5)   Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

   (C)   Two copies of the above lifting device standards incorporated by reference are on file in the office of the Clerk for the legislative body for public inspection as required by I.C. 36-1-5-4.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)

**§ 150.22  FEES.**

   (A)   The fees for permits required by § 150.07 of this chapter shall be paid to the Planning and Building Administrator who shall forthwith pay the same over to the Clerk-Treasurer of the City of Brazil, Indiana.

   (B)   The following fees shall be paid for the following designated categories:

      (1)   For each application for an improvement location permit: a fee of $10;

      (2)   For each application for a certificate of occupancy: a fee of $5;

      (3)   For each application for building permit for all residences, garages and other buildings and structures and room additions:

|  |  |
| --- | --- |
|  ***Cost***  | ***Fee*** |
| $500 to $5,000 | $15 |
| $5,001 to $10,000 | $20 |
| $10,001 to $15,000 | $25 |
| $15,001 to $20,000 | $30 |
| $20,001 to $25,000 | $36 |
| $25,001 to $30,000 | $42 |
| $30,001 to $35,000 | $50 |
| $35,001 to $40,000 | $60 |
| $40,001 to $50,000 | $75 |
| >$50,000 | $1.50 per $1,000 of cost |

      (4)   Manufactured home permit: a fee of $75.

(Ord. 11-2005, passed 5-11-2005; Am. Ord. 10-2006, passed 3-28-2006)  Penalty, see § 150.99

**§ 150.23  INSPECTION FEES.**

   (A)   Permits required by § 150.07 of this chapter shall be issued only upon prior payment of fees provided in § 150.22 and inspection fees of $25 per inspection according to the following schedule:

|  |  |
| --- | --- |
|  ***Type of Construction***  | ***Minimum Number of Required Inspections*** |
| One and 2-family dwellings (duplexes are 8 per unit) | 8 |
| Apartments, hotels and motels | 10 (minimum) |
| Business, commercial, public | 10 (minimum) |
| Educational, institutional, church | 10 (minimum) |
| Industrial, warehouse, bulk storage | 8 |
| Accessory building (residential) | 3 |
| Garages | 4 |
| Additions (including plumbing and heating) | 7 |
| Remodel | 1 (minimum) |
| Windows | 1 |
| Siding | 1 |
| Electrical | 1 |
| Post frame building | 3 |
| Deck | 1 |
| Porch | 2 |
| Manufactured homes (less than 23 feet in width) | 2 |
| Modular homes | 4 |

   (B)   If additional inspections are required for any of the above types of construction, the fee thereof shall be $25 per inspection. The authorized City Building Inspector shall determine if any additional inspections are necessary and required in order that approved building codes have been fully satisfied. The above inspection fees shall be paid and collected by the Planning and Building Administrator at the time the application for a permit is made, and they are applicable to all new construction within the corporate limits of the city and the area of land extending 2 miles from the corporate limits. Fees for additional inspections shall be paid to the Administrator prior to a final issuance of the certificate of occupancy. Fees shall be paid to the Clerk-Treasurer of the City of Brazil, Indiana.

(Ord. 11-2005, passed 5-11-2005; Am. Ord. 10-2006, passed 3-28-2006)  Penalty, see § 150.99

**ENFORCEMENT OF BUILDING STANDARDS**

**§ 150.30  PURPOSE.**

   The purpose of this subchapter is for the protection of the health, welfare and safety of the public and citizens of Brazil, Indiana by adopting applicable provisions of the state enforcement of Buildings Standards law as provided in I.C. 36-7-9-1 through 36-7-9-28, which provides for the enactment of an ordinance specifying procedures to remedy the existence of unsafe buildings and structures within the corporate boundaries of the City of Brazil, and provide penalties for noncompliance and violations hereof.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.31  DEFINITIONS.**

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

   ***ENFORCEMENT AUTHORITY.***  The Building Administrator of the City of Brazil.

   ***HEARING AUTHORITY.***  The Board of Public Works and Safety of the City of Brazil.

   ***SUBSTANTIAL PROPERTY INTEREST.***  Any right in real property that may be affected in a substantial way by actions authorized by this subchapter, including a fee interest, a life estate interest, a future interest, a present possessory interest or an equitable interest of a contract purchaser.

   ***UNSAFE BUILDING OR STRUCTURE.***  Any building or structure, or any part thereof, that is in an impaired structural condition that makes it unsafe to a person or property; a fire hazard; a hazard to the public health; a public nuisance; or dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or vacant and not maintained in a manner that would allow human habitation, occupancy or use under the requirements of a statute or an ordinance.

   ***UNSAFE PREMISES.***  An unsafe building and the tract of real property on which the unsafe building is located.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.32  ORDERS; CONSENTS; NOTICE; EXPIRATION OF ORDERS.**

   (A)   The Building Administrator as the enforcement authority may issue an order requiring action relative to any unsafe premises located in the City of Brazil, including:

      (1)   Vacating of an unsafe building;

      (2)   Sealing an unsafe building against intrusion by unauthorized persons by either locking or securing or securing all possible means of entrance, "Boarding up" of all means of entrance, installing a chain and conspicuous sign prohibiting entrance onto this unsafe premises at all possible means of entrance or by appropriate law enforcement or fire suppression officials prohibiting access thereto;

      (3)   Extermination of vermin in and about the unsafe premises;

      (4)   Removal of trash, debris or fire hazardous material in and about the unsafe premises;

      (5)   Repair of an unsafe building to bring it into compliance with standards for building condition or maintenance as prescribed by law;

      (6)   Removal of part of an unsafe building;

      (7)   Removal of an unsafe building; and/or

      (8)   Requiring, for an unsafe building that will be sealed for a period of more than 90 days:

         (a)   Sealing against intrusion by unauthorized persons and the effects of weather;

         (b)   Exterior improvements to make the building compatible in appearance with other buildings in the area; and

         (c)   Continuing maintenance and upkeep of the building and premises; in accordance with standards established by ordinance.

   (B)   This order must contain the name of the person to whom the order is issued; the legal description or address of the unsafe premises that are the subject of the order; the action that the order requires; the period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given; if a hearing is required, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses and present arguments; if a hearing is not required, a statement that an order to seal an unsafe building against intrusion by unauthorized persons pursuant to division (A)(2) above becomes final 10 days after notice is given, unless a hearing is requested in writing by a person holding a fee interest or life estate interest in the unsafe premises, and the request is delivered to the Building Administrator before the end of the 10-day period; a statement briefly indicating what action can be taken by the Building Administrator if the order is not complied with; a statement indicating the obligation created by § 150.44 relating to notification of subsequent substantial property interest holders and the Building Administrator; the name, address and telephone number of the Building Administrator as the enforcement authority.

   (C)   The order must allow sufficient time, of at least 10 days from the time when notice of the order is given, to accomplish the required action. If the order allows more than 30 days to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within 30 days.

   (D)   Notice of the order must be given pursuant to the provisions of § 150.30 of this subchapter.

   (E)   The order expires 2 years from the day the notice of the order is given, unless 1 or more of the following events occurs within that 2-year period:

      (1)   A complaint requesting judicial review is filed seeking emergency action pursuant to I.C. 36-7-9-9;

      (2)   A contract for action required by the order is let at public bid under I.C. 36-7-9-11; or

      (3)   A civil action is filed under I.C. 36-7-9-17.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.33  RECISSION AND MODIFICATION OF ORDERS; NOTICE.**

   (A)   The Building Administrator may issue an order that modifies or rescinds the order previously issued pertaining to an unsafe building or unsafe premises.

   (B)   All persons who have been issued an order pertaining to an unsafe building or an unsafe premises must be notified of its recission under § 150.44 of this order by means of a written statement including:

      (1)   The name of the person to whom the statement of recission is issued;

      (2)   The legal description or address of the unsafe premises that are the subject of the order being rescinded;

      (3)   The substance of the order being rescinded;

      (4)   A statement that the order is being rescinded; and

      (5)   The name, address and telephone number of the Building Administrator as the enforcement authority.

   (C)   If service of the order being modified or rescinded was by publication, it is sufficient to serve the statement of modification or recission by publication, unless the Building Administrator has received information in writing that enables him or her to make service under § 150.38 by a method other than publication. If service of a statement of recission is by publication, the publication must include the items listed in divisions (B)(1) through (B)(5) above.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.34  HEARING; PROCEDURE.**

   (A)   A hearing must be held relative to each order issued by the Building Administrator except for an order issued for sealing an unsafe building against intrusion by unauthorized persons under § 150.32(A)(2). An order issued under § 150.32(A)(2) becomes final 10 days after notice is given, unless a hearing is requested before the 10-day period ends by a person holding a fee interest or life estate interest in the unsafe premises. The hearing shall be conducted by the Board of Public Works and Safety as the hearing authority.

   (B)   The hearing shall be held on a business day no earlier than 10 days after notice of the order is given. The Board of Public Works and Safety may, however, take action at the hearing, or before the hearing if a written request is received by the Board not later than 5 days after notice is given, to continue the hearing to a business day not later than 14 days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least 5 days before the continued hearing date, in the manner prescribed by § 150.44. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the Building Administrator has received information in writing that enables him or her to make service under § 150.44 by a method other than publication.

   (C)   The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses and present arguments.

   (D)   At the conclusion of any hearing at which a continuance is not granted, the Board of Public Works and Safety as hearing authority may make findings and take action to:

      (1)   Affirm the order;

      (2)   Rescind the order; and/or

      (3)   Modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the Board as hearing authority may modify the order in only a manner that makes its terms less stringent.

   (E)   If, at the hearing, a person to whom an order has been issued requests an additional period to accomplish action requested by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.

   (F)   The Board of Public Works and Safety shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with I.C. 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The Board shall use this schedule to fix the amount of performance bond required under division (E) above.

   (G)   The record of the findings made and action taken by the presiding officer at the hearing shall be available to the public upon request. However, neither the Building Administrator nor the Board of Public Works and Safety is required to give any person notice of the findings and action.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.35  APPEALS.**

   Any action taken under § 150.34(D) is subject to review by the Circuit or Superior Court of Clay County pursuant to I.C. 36-7-9-8. A person requesting judicial review under this section must file a verified complaint including the findings of fact and the action taken by the Board of Public Works and Safety as hearing authority. The complaint must be filed within 10 days after the date when the action was taken. An appeal under this section is action de novo. The Court may affirm, modify or reverse the action taken by the Board.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.36  EMERGENCY ACTION; RECOVERY OF COSTS.**

   (A)   If the Building Administrator finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety or property, it may take that action without issuing an order or giving notice. However, this emergency action must be limited to removing any immediate danger.

   (B)   The Building Administrator may recover the costs incurred by him or her in taking emergency action, by filing a civil action in the Circuit Court or Superior Court of Clay County against the persons who held a fee interest or a life estate interest in the unsafe premises at the time the Building Administrator found it necessary to take emergency action. The Building Administrator is not liable for the costs of this civil action.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.37  ACTION TO ENFORCE ORDERS.**

   (A)   The Building Administrator may cause the action required by an order to seal an unsafe building under § 150.32(A)(2) to be performed by a contractor if:

      (1)   The order has been served, in the manner prescribed by § 150.44, on each person having a fee interest or life estate interest in the unsafe premises that are the subject of the order;

      (2)   The order has not been complied with;

      (3)   A hearing was not requested under § 150.32(B)(6), or, if a hearing was requested, the order was affirmed at the hearing; or

      (4)   The order is not being reviewed under the appeal provisions of this subchapter as provided for in § 150.35.

   (B)   If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement that the Building Administrator intends to perform the work by publication, unless the Building Administrator has received information in writing that enables him or her to make service under § 150.38 by a method other than publication.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.38  PERFORMANCE OF WORK REQUIRED BY ORDERS; PROCEDURE.**

   (A)   The work required by an order of the Building Administration may be performed in the following manner.

      (1)   If the work is being performed under an order other than an order under § 150.32(A)(2), and if the cost of this work is estimated to be less than $10,000, the city, acting through its Building Administrator as enforcement authority or other agents, may perform the work by means of the city's own workers and with equipment either owned or leased by the city. Notice that this work is to be performed must be given to all persons with a substantial property interest, in the manner prescribed in division (C) below, at least 10 days before the date of performance of the work by the Building Administrator. This notice must include a statement that an amount representing a reasonable estimate of the cost incurred by the Building Administrator in processing the matter and performing the work may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest or life estate interest in the unsafe premises.

      (2)   If the work is being performed under an order other than an order under § 150.32(A)(2), and if the estimated costs of this work is $10,000 or more, this work must be let at public bid to a contractor licensed and qualified under law. This obligation to pay costs imposed by § 150.39 is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.

      (3)   If the work is being performed under an order to seal an unsafe building under § 150.32(A)(2), the work may be performed by a contractor who has been awarded a base bid contract to seal unsafe buildings for the Building Administrator, or by the city using its own workers and equipment owned or leased by it. The unsafe building may be sealed without further notice to the persons holding a fee interest or life estate interest, and these persons are liable for the cost incurred by the Building Administrator in processing the matter and performing the work, as provided by § 150.39.

   (B)   Bids may be solicited and accepted for work on more than 1 property if the bid reflects an allocation of the bid amount among the various unsafe premises in proportion to the work to be accomplished. The part of the bid amount attributable to each of the unsafe premises constitutes the basis for calculating the part of the costs described by § 150.39(A)(1).

   (C)   All persons who have a substantial property interest in the unsafe premises and are subject to an order other than an order under § 150.32(A)(2) must be notified about the public bid in the manner prescribed by § 150.44, by means of a written statement including:

      (1)   The name of the person to whom the order was issued;

      (2)   A legal description or address of the unsafe premises that are the subject of the order;

      (3)   A statement that the contract is to be let at public bid to a licensed contractor to accomplish work to comply with the order;

      (4)   A description of work to be accomplished;

      (5)   A statement that both the bid price of the licensed contractor who accomplishes the work and amount representing a reasonable estimate of the costs incurred by the Building Administrator in processing the matter of the unsafe premises may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest or life estate interest in the unsafe premises;

      (6)   The time of the bid opening;

      (7)   The place of the bid opening; and

      (8)   The name, address and telephone number of the Building Administrator.

   (D)   If the notice of the statement that public bids are to be let is served by publication, the publication must include the information required by division (C) above, except that it need only include a general description of the work to be accomplished. The publication must also state that a copy of the statement of public bid may be obtained from the Building Administrator.

   (E)   Notice of the statement that public bids are to be let must be given, at least 10 days before the date of the public bid, to all persons who have a substantial property interest in the property and are subject to an order other than an order under § 150.32(A)(2).

   (F)   If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement that public bids are to be let by publication, unless the enforcement authority has received information in writing that enables it to make service under § 150.44 by a method other than publication.

(Ord. 15-2005, passed 6-29-2005)  Penalty, see § 150.99

**§ 150.39  LIABILITY FOR COSTS.**

   (A)   When action required by an order is performed by the Building Administrator or by a contractor acting under § 150.38 above, each person who held a fee interest or life estate interest in the unsafe premises from the time when the order requiring the work performed was recorded to the time that the work was completed is jointly and severally responsible for following costs:

      (1)   The actual cost of the work performed by the Building Administrator for the bid price of the work accomplished by the contractor; and

      (2)   An amount that represents a reasonable forecast of the average processing expense that will be incurred by the enforcement authority in taking the technical, administrative and legal actions concerning typical unsafe premises that are necessary under this subchapter so that the action required by an order may be performed by a contractor under § 150.38 above. In calculating the amount of the average processing expense, the following costs may be considered:

         (a)   The cost of obtaining reliable information about the identity and location of persons who own a substantial property interest in the unsafe premises;

         (b)   The cost of notice of orders, notice of statements of recission, notice of continued hearing, notice of statements that public bids are to be let or that the enforcement authority intends to accomplish the work and notice that a hearing may be held on the amounts indicated in the record, in accordance with § 150.44;

         (c)   Salaries for employees; and

         (d)   The cost of supplies, equipment and office space.

   (B)   The Building Administrator shall determine the amount of the average processing expense at the public hearing, after notice has been given in the same manner as is required for other official action of the Building Administrator or the Board of Public Works and Safety. In determining the average processing expense, the Building Administrator may fix the amount at a full dollar amount that is an even multiple of 10.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.40  NOTICE OF UNPAID COSTS; FILING; HEARING; JUDGMENT LIEN.**

   (A)   If all or any part of the costs listed in § 150.39 remain unpaid for any unsafe premises other than unsafe premises owned by a governmental entity for more than 15 days after the completion of the work, and if the Building Administrator determines that there is a reasonable probability of obtaining recovery, the Building Administrator shall prepare a record stating:

      (1)   The name and last known address of each person who held a fee interest or life estate interest in the unsafe premises from the time the order requiring the work to be performed was recorded to the time that the work was completed;

      (2)   The legal description or address of the unsafe premises that were the subject of the work;

      (3)   The nature of the work that was accomplished;

      (4)   The amount of the unpaid bid price of the work that was accomplished; and

      (5)   The amount of the unpaid average processing expense. The record must be in a form approved by the State Board of Accounts.

   (B)   The Building Administrator shall swear to the accuracy of the record before the Clerk of the Circuit Court and deposit the record in the Clerk's office. Notice that the record has been filed and that a hearing on the amounts indicated in the record may be held must be sent to the persons named in the record, in the manner prescribed by § 150.44.

   (C)   If, within 30 days after the notice required by division (B) above, a person named in the record files with the Clerk of the Circuit Court a written petition objecting to the claim for payment and requesting a hearing, the Clerk shall enter the cause on the docket of the Circuit or Superior Court as a civil action, and a hearing shall be held on the question in the matter prescribed by I.C. 4-22-2 et seq. At the conclusion of the hearing, the Court shall either sustain the petition or enter a judgment against the persons named in the record for the amounts recorded or for the modified amounts pursuant to I.C. 36-7-9-13(c).

   (D)   If no petition is filed under division (C) above, the Clerk of the Circuit Court shall enter the cause on the docket of the Court and the Court shall enter a judgment for the amounts stated in the record pursuant to I.C. 36-7-9-13(d).

   (E)   A judgment under this section is a debt and a lien on all real and personal property of the person named, or a joint and several debt and lien on the real and personal property of the persons named. The lien may be perfected pursuant to I.C. 36-7-9-13(e).

(Ord. 15-2005, passed 6-29-2005)

**§ 150.41  UNSAFE BUILDING FUND.**

   (A)   The Building Administrator shall establish in its operating budget a fund designated as the Unsafe Building Fund. Any balance remaining at the end of the fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.

   (B)   Money for the Unsafe Building Fund may be received from any source, including appropriations by local, state or federal governments and donations. The following money shall be deposited in the fund:

      (1)   Money received as payment for or settlement of obligations or judgments established under §§ 150.36 through 150.40 and any civil actions, injunctions, civil forfeitures, appointments of receiver, court orders authorizing performances of work and emergency court orders authorizing action to make premises safe, pursuant to I.C. 36-7-9-17 through 36-7-9-22;

      (2)   Money received from bonds posted under § 150.34; and

      (3)   Money received in satisfaction of receivers notes or certificates that were issued under I.C. 36-7-9-20 (appointment of receiver) and were purchased with money from the Unsafe Building Fund.

   (C)   Money in the Unsafe Building Fund may be used for the expenses incurred in carrying the purposes of this subchapter, including:

      (1)   The cost of obtaining reliable information about the identity and location of each person who owns a substantial property interest in unsafe premises;

      (2)   The cost of an examination of an unsafe building by a registered architect or registered engineer not employed by the city;

      (3)   The cost of surveys necessary to determine the location and dimensions of real property on which an unsafe building is located;

      (4)   The cost of giving notice of orders, notice of statements of recission, notice of continued hearing and notice of statements that public bids are to be let in the manner prescribed by § 150.44;

      (5)   The bid price of work by a contractor under this subchapter;

      (6)   The cost of emergency action under this subchapter;

      (7)   The cost of notes or receivers’ certificates issued pursuant to this subchapter; and

      (8)   Payment of money from the Unsafe Building Fund must be made in accordance with applicable law.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.42  INSPECTION WARRANTS.**

   (A)   If the owners or those in possession of a building refuse inspection, the Building Administrator may obtain an inspection warrant from any court of record in the county to determine if the building is an unsafe building pursuant to I.C. 36-7-9-16. The court shall issue the warrant subject to the following conditions.

      (1)   The person seeking a warrant must establish that the building to be searched or inspected is to be searched or inspected as part of a legally authorized program of inspection that naturally includes the building, or that there is probable cause for believing that a condition, object, activity or circumstance legally justifies a search or inspection of that building.

      (2)   An affidavit establishing 1 of the grounds described in division (A)(1) above must be signed under oath or affirmation by the affiant.

      (3)   The court must examine the affiant under oath or affirmation to verify the accuracy of the affidavit.

   (B)   The warrant is valid only if it:

      (1)   Is signed by the judge of the court and bears the date and hour of its issuance above that signature, with the notation that the warrant is valid for only 48 hours after its issuance; and

      (2)   Describes either directly or by reference to the affidavit, the building where the search or inspection is to occur so that the executor of the warrant or owner or the possessor of the building can reasonably determine what property the warrant authorizes an inspection of.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.43  CIVIL REMEDIES.**

   The City of Brazil, acting through its Building Administrator, may bring a civil action regarding unsafe premises in the Circuit or Superior Court of Clay County pursuant to I.C. 36-7-9-17, or seek an injunction against any person that will cause an order issued under this subchapter to be complied with pursuant to I.C. 36-7-9-17, or seek an injunction against any person that will cause an order issued under this subchapter to be complied with pursuant to I.C. 36-7-9-18, a civil forfeiture for noncompliance with an ordered injunction pursuant to I.C. 36-7-9-20, seek a court order authorizing the Building Administrator to cause action required by the order to be performed by a contractor pursuant to I.C. 36-7-9-21, or seek an emergency court order authorizing action to be taken to make unsafe premises safe because of an immediate danger to health and safety of the surrounding community pursuant to I.C. 36-7-9-22.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.44  MANNER OF SERVING NOTICE.**

   (A)   Notice of orders, notice of statements of recision, notice of continued hearings, notice of a statement that public bids are to be let and notice of claims for payment must be given by:

      (1)   Sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified with return receipt requested;

      (2)   Delivering a copy of the order or statement personally to the person to be notified; and/or

      (3)   Leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified.

   (B)   If, after a reasonable effort, service is not obtained by a means described in division (A) above, service may be made by publishing a notice of the order of statement in accordance with I.C. 5-3-1 in the county where the unsafe premises are located. However, publication may be made upon consecutive days. If service of an order is made by publication, the publication must include the information required by § 150.32(B)(1), (2), (4) through (7),  and (9), and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from Building Administrator.

   (C)   When service is made by any of the means described in this section, except by mailing or by publication, the person making service must make an affidavit stating that he or she has made the service, the manner in which service was made, to whom the order or statement was issued, the nature of the order or statement and the date of service. The affidavit must be placed on file with the Building Administrator.

   (D)   The date when notice of the order or statement is considered given is as follows.

      (1)   If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at his or her dwelling or usual place of abode.

      (2)   If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.

      (3)   Notice by publication is considered given on the date of the second day that publication was made.

   (E)   Notice of orders, notice of statement of recision, notice of continued hearings and notice of a statement that public bids are to be let need not be given to a person holding a property interest in an unsafe premises if:

      (1)   No instrument reflecting the property interest held by the person is recorded in the recorder's office of Clay County;

      (2)   The order or statement was recorded in accordance with § 150.31; and

      (3)   The Building Administrator has received neither written information nor actual notice of the identity of the person who holds a property interest in the unsafe premises.

   (F)   A person who fails to record an instrument reflecting an interest in his or her unsafe premises is considered to consent to action taken under this subchapter relative to which notice would otherwise be given.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.45  RECORDING OF ORDERS, STATEMENTS AND RECORDS.**

   The Building Administrator shall record in the Office of the Clay County Recorder, orders issued under § 150.32 or § 150.33, statements of recision issued under § 150.33(B), statements that public bids are to be let under § 150.38. The recorder may not charge a fee for recording these items.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.46  TRANSFERS OF PROPERTY BY PERSONS NOT COMPLYING WITH ORDERS.**

   (A)   A person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order:

      (1)   Must supply full information regarding the order to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest; and

      (2)   Must, within 5 days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the Building Administrator with written copies of:

         (a)   The full name, address, telephone number of the person taking a substantial property interest in the unsafe premises; and

         (b)   The legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

   (B)   If a judgment is obtained against the City of Brazil, the Building Administrator, the Board of Public Works and Safety, for the failure to provide notice to persons holding an interest in unsafe premises in an action taken by the city, Building Administrator or the Board of Public Works and Safety under this subchapter, a person who failed to comply with this section is liable to the city for the amount of the judgment if it can be shown that the city's failure to give notice was the result of that person's failure.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.47  STATE STATUTE INCORPORATED BY REFERENCE.**

   Applicable to provisions of I.C. 36-7-9-1 through 36-7-9-28 (the State Enforcement of Building Standards) that have not already been provided for in this subchapter are hereby incorporated herein by reference and made a part of this chapter.

(Ord. 15-2005, passed 6-29-2005)

**§ 150.99  PENALTY.**

   Any person violating any provision of this Building Code may be subject to a fine in any sum not exceeding $2,500. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this Building Code.

(Ord. 10-2005, passed 5-11-2005; Am. Ord. 5-2006, passed 2-15-2006)