

TOWN OF MICHIANA SHORES, INDIANA

ORDINANCE 2018 - 03

**CODIFICATION OF THE DEMOLITION ORDINANCE
OF THE
TOWN OF MICHIANA SHORES, INDIANA**

WHEREAS, the Town of Michiana Shores enacted an Ordinance establishing A Demolition Ordinance and Amending the Building Permit Fee Schedule for the Town of Michiana Shores in the passage of Ordinance 2018 - 01 on March 13, 2018; and,

WHEREAS, the Town has codified many of its regulatory Ordinances into a Town Code of Ordinances the last publication of which was revised on November 10, 2009; and,

WHEREAS, the provisions of the Demolition Ordinance are of the nature that they should be codified, the Town Council now finds that it should be codified; and,

WHEREAS, the provisions of the Demolition Ordinance itself require additional amendments; and,

WHEREAS, Ordinance 2018 - 01 also revised the Building Permit Fees for the Town and created a new Appendix C of the Code;

NOW THEREFORE BE IT ORDAINED and ENACTED by the Town Council of the Town of Michiana Shores, LaPorte County, Indiana to codify the Demolition Ordinance and Amendments to the Building Permit Fee Schedule of the Town into the Code of Ordinances as follows:

SECTION 1: The Index or Section listing of Title 3, Article I, Chapter 10 shall be amended to strike and remove **3-1-10-22 Water Supply** and **3-1-10-23 Sewage Disposal** and replaced with **3-1-10-22 Demolition Permit Required** and **3-1-10-23 Demolition has no effect on Trash Collection & Disposal Fee.**

SECTION 2: With the adoption of the Demolition Ordinance and this codification of said Ordinance containing additional amendments, Title 3 (Public Health, Safety and Welfare) Article I (General Regulations) at Chapter 10 (Building Code & Procedure) shall be enlarged and the provisions of the Demolition Permit Regulations shall be placed into Chapter 10 as Article VI as follows:

**ARTICLE VI
DEMOLITION PERMITS**

Section 3-1-10-22 Demolition Permit Required

A. No person, partnership, firm or corporation shall demolish or cause to be demolished a building or structure in the Town without obtaining, in advance, a demolition permit.

B. All demolition debris/rubbish shall be completely removed and disposed of in a legal and proper manner within 14 days of the start of the demolition process. Where a Demolition Permit is required, all demolition sites will have some type of barrier to signify to the public that a hazard exists (rope, tape, fencing, etc.), which will enclose or surround the worksite. Any demolition site open for more than five (5) days, must have construction barricades as defined by the Indiana Department of Homeland Security. The demolition site will be completely back-filled with suitable material, graded and seeded with a vegetative cover within 30 days of the start of demolition unless the site is used for a replacement structure.

C. If any person, partnership, firm, entity or corporation shall violate any of the provisions of this subsection, do to any act prohibited herein or by the Town Code or any Town Ordinance or fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this code for each such violation, failure or refusal, such person, firm or corporation shall be fined \$250.

D. Each day of such unlawful activity shall constitute a separate offence.

(Ordinance 2018 - 01, passed March 13, 2018 and Ordinance 2018 - 03, passed May 08, 2018).

Section 3-1-10-23 Demolition has no effect on Trash Collection & Disposal Fee

A. Demolition shall not affect the Town's collection of a Refuse or Trash Collection & Disposal Fee. The Town shall continue to collect a Refuse or Trash Collection & Disposal Fee during the time of demolition and shall not discontinue collection of the fees unless after the demolition of an entire dwelling is complete and there is no replacement structure planned or completed for a period of six (6) months after the completion of demolition and clean up of the demolition and approval by the Town Council.

B. After the passage of time stated in subsection A above, the owner of the property may petition the Council to abate the collection of a Refuse or Trash Collection & Disposal Fee and it may be abated only upon a majority vote of the Council.

(Ordinance 2018 - 03, passed May 8th, 2018)

SECTION 3. Appendix C of the Town Code Shall be Amended to read as Follows:

Appendix C

Building Permit and Demolition Fees

BUILDING FEES

The Town shall assess and collect the other fees, charges and assessments subject to state exemptions as provide in the following Schedule and made part hereof and to be Appendix C of the Town Code of Ordinances.

Permit Fees - Section 2-2-12-1:

Project value: \$ 500.00 to \$ 2,500.00:	\$ 50.00
\$ 2,501.00 to \$ 5,000.00:	\$ 75.00
\$ 5,001.00 to \$ 15,000.00:	\$ 100.00
\$ 15,000.00 to \$ 25,000.00	\$ 150.00
\$ 25,001.00 to \$ 50,000.00	\$ 250.00
\$ 50,001.00 to \$ 100,000.00	\$ 500.00
\$ 100,001.00 and above:	@ \$ 0.75 cents per sq. ft.

Demolition fees:

Complete or partial demolition of a structure appurtenant to a residential use	\$ 50.00
Demolition of a residence structure	\$ 100.00

(Town Code Appendix C amended by Ordinance 2018 - 12, Enacted May 08, 2018)

SECTION 4. Repeal of Conflicting Provisions.

The provisions of those parts of the 2004 and 2007 Building Permit Fee Ordinance and the November 10, 2009 Town Code and any or all other ordinances, resolutions, Town Codes or Town Code provisions in conflict with the provisions hereof are of no further force or effect and hereby superseded and repealed.

SECTION 5. Severability Provision.

If any part or line or entry of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 6. Emergency Enactment Clause.

The Town Council hereby declares that an emergency exists for the immediate taking effect of the provisions set forth in this Ordinance so that it shall become and remain in full force and effect immediately following its passage and adoption by the Town Council and as otherwise provided for by law.

SECTION 7. Publication Requirements. Notice of the Enactment of this Ordinance is required within the time required by law.

ALL OF WHICH IS ORDAINED, ADOPTED AND ENACTED on this 8th day of the month of May, 2018 A.D., by a majority vote of the Town Council of the Town of Michiana Shores, La Porte County, Indiana.

TOWN COUNCIL OF THE TOWN OF MICHIANA SHORES, INDIANA