

DID NOT PASS

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA
AN ORDINANCE ADOPTING THE
INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, Indiana law provides the City of Lebanon ("City") may adopt and enforce certain laws relating to the use and development of real estate within its jurisdiction as provided in I.C. 36-7-4 and I.C. 36-1-3; and

WHEREAS, The City desires to adopt and enforce rules and regulations to establish a property inspection and compliance program to safeguard the interests of property owners and to protect the public health, safety and welfare of the citizens of Lebanon; and

WHEREAS, The City has studied various property maintenance programs in other municipalities and desires to adopt the 2012 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Lebanon; providing for the issuance of permits and collection of fees therefore; repealing any prior inconsistent ordinances, regulations or rules of the City of Lebanon and all other ordinances or parts of laws in conflict therewith.

WHEREFORE, THE COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA DOES HEREBY ADOPT AND ORDAIN AS FOLLOWS:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Lebanon Department of Planning and Zoning Administration, and one (1) copy one file in the Office of the Lebanon Clerk-Treasurer, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Lebanon, in the State of Indiana for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Lebanon are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: City of Lebanon, Indiana.

Section 101.2. Insert: In the event that any provision contained within this Ordinance conflicts with the Rules of the Indiana Fire Prevention and Building Safety Commission ("Commission") contained in 675 IAC, as amended from time to time, The Rules of the Commission shall apply.

Section 102.3. Insert: Any building or structure lawfully in existence at the time of the adoption of any rule of the Commission may have its existence use or occupancy continued without having to comply with such rule, provided that such structure is maintained in conformance with the applicable rules of the Commission, or applicable rules of its predecessor agencies, in effect when constructed, installed, or altered. Any building or structure or part thereof constructed prior to the adoption of applicable rules by the Commission or this Ordinance shall be maintained in a condition at least as safe and sanitary as they were when constructed.

Section 103.5. Insert: As set forth in the attached and incorporated schedule.

Section 112.4. Insert: Fifty Dollars (\$50); One Hundred Dollars (\$100)

Section 302.4. Insert: Eight inches (8")

Section 304.14. Insert: April 1 – November 1.

Section 602.3. Insert: October 1 – April 1.

Section 602.4. Insert: October 1 – April 1.

Section 3. That any previously adopted ordinances or parts thereof in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Lebanon hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the Clerk-Treasurer of the City of Lebanon is hereby ordered and directed to cause this legislation to be published in accordance with Indiana law.

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

Adopted by the Common Council of the City of Lebanon, Indiana, on _____, 2013.

CITY OF LEBANON
PLANNING & ZONING ADMINISTRATION DEPARTMENT
HUCK LEWIS, MAYOR

Charlie Campbell, Director

Building Inspector
Code Enforcement
Lebanon Planning
Board of Zoning

401 S. Meridian Street
Lebanon, IN. 46052
(765) 482-8845 phone
(765) 482-8873 fax
www.cityoflebanon.org/cityplanning

CITY OF LEBANON
O.P.E.N. PROGRAM
FEE SCHEDULE

Registration Fee \$25.00/ per building
This is a one- time registration fee per building you own.

Inspection Fee
Single family inspection fee is \$45.00
Multi-unit buildings are \$40.00 per building plus \$10.00 per unit.

1st Re-inspection fee is free
All re-inspection fees after the first free re-inspection is \$30.00 plus \$10.00 per unit.

Scheduled inspection "no-show" is \$50.00

Fines
The fine for non-compliance with the OPEN program is \$100 per day the non-compliance continues.

Reduced Inspection Fees
All properties that are in full compliance of the O.P.E.N. Program are subject to a 25% discount of the Inspection Fees.

THE COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA

Harold "Huck" Lewis, Mayor

Keith Campbell

John Copeland

Mike Kincaid

Lana Kruse

Jeremy Lamar

Steve Large

Preston Myers

ATTEST:

Tonya Thayer
Clerk-Treasurer

1st Reading Only

ORDINANCE 2013-02

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA
AN ORDINANCE ADOPTING THE
INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, Indiana law provides the C
laws relating to the use and developmen
36-7-4 and I.C. 36-1-3; and

adopt and enforce certain
diction as provided in I.C.

WHEREAS, The City desires to adopt a
inspection and compliance program to safeguard the interests of property owners and to protect
the public health, safety and welfare of the citizens of Lebanon; and

WHEREAS, The City has studied various property maintenance programs in other municipali-
ties and desires to adopt the 2012 edition of the *International Property Maintenance Code*, regu-
lating and governing the conditions and maintenance of all property, buildings and structures; by
providing the standards for supplied utilities and facilities and other physical things and condi-
tions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the
condemnation of buildings and structures unfit for human occupancy and use, and the demolition
of such existing structures in the City of Lebanon; providing for the issuance of permits and col-
lection of fees therefore; repealing any prior inconsistent ordinances, regulations or rules of the
City of Lebanon and all other ordinances or parts of laws in conflict therewith.

WHEREFORE, THE COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA
DOES HEREBY ADOPT AND ORDAIN AS FOLLOWS:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Leb-
anon Department of Planning and Zoning Administration, and one (1) copy one file in the Office
of the Lebanon Clerk-Treasurer, being marked and designated as the *International Property
Maintenance Code*, 2012 edition, as published by the International Code Council, be and is here-
by adopted as the Property Maintenance Code of the City of Lebanon, in the State of Indiana for
regulating and governing the conditions and maintenance of all property, buildings and struc-
tures; by providing the standards for supplied utilities and facilities and other physical things and
conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and
the condemnation of buildings and structures unfit for human occupancy and use, and the demo-
lition of such existing structures as herein provided; providing for the issuance of permits and
collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions
and terms of said Property Maintenance Code on file in the office of the City of Lebanon are he-
reby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the
additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

DID NOT
PASS!

Section 101.1. Insert: City of Lebanon, Indiana.

Section 101.2. Insert: In the event that any provision contained within this Ordinance conflicts with the Rules of the Indiana Fire Prevention and Building Safety Commission ("Commission") contained in 675 IAC, as amended from time to time, The Rules of the Commission shall apply.

Section 102.3. Insert: Any building or structure lawfully in existence at the time of the adoption of any rule of the Commission may have its existence use or occupancy continued without having to comply with such rule, provided that such structure is maintained in conformance with the applicable rules of the Commission, or applicable rules of its predecessor agencies, in effect when constructed, installed, or altered. Any building or structure or part thereof constructed prior to the adoption of applicable rules by the Commission or this Ordinance shall be maintained in a condition at least as safe and sanitary as they were when constructed.

Section 103.5. Insert: As set forth in the attached and incorporated schedule.

Section 112.4. Insert: Fifty Dollars (\$50); One Hundred Dollars (\$100)

Section 302.4. Insert: Eight inches (8")

Section 304.14. Insert: April 1 – November 1.

Section 602.3. Insert: October 1 – April 1.

Section 602.4. Insert: October 1 – April 1.

Section 3. That any previously adopted ordinances or parts thereof in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Lebanon hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the Clerk-Treasurer of the City of Lebanon is hereby ordered and directed to cause this legislation to be published in accordance with Indiana law.

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

Adopted by the Common Council of the City of Lebanon, Indiana, on _____, 2013.

THE COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA

Harold "Huck" Lewis, Mayor

Keith Campbell

John Copeland

Mike Kincaid

Lana Kruse

Jeremy Lamar

Steve Large

Preston Myers

ATTEST:

Tonya Thayer
Clerk-Treasurer