

**TITLE XV: LAND USAGE**

**Chapter**

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## CHAPTER 150: GENERAL PROVISIONS

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### *PLAN COMMISSION*

#### **§ 150.01 ESTABLISHMENT; AUTHORITY.**

(A) Pursuant to I.C. 36-7-1 and all acts of the General Assembly of the state amendatory or supplemental thereto, the town Plan Commission is hereby created with jurisdiction over the town and the contiguous unincorporated territory surrounding the town delineated on a map entitled "Town Jurisdictional Area, 1974," and filed with the County Recorder.

(B) The Plan Commission shall have all the power and authority given by law under and pursuant to I.C. 36-7-1 and all acts amendatory and supplementary thereto.  
(Ord. 1974-4, passed 12-30-1974)

**§ 150.02 MEMBERSHIP.**

(A) The town Plan Commission shall consist of nine members. The Town Council shall appoint three persons in the town government as members. The President of the Council shall appoint four citizen members, not more than two of whom shall be members of the same political party. The Judge of the County Circuit Court shall appoint two citizen members who shall reside in the unincorporated area within the jurisdiction of the Commission. These members shall serve for the time and in the manner as by law provided.

(B) The Judge of the Circuit Court of the county may also appoint as members of the Plan Commission, additional representatives from the unincorporated jurisdictional area in the manner as by law provided.

(Ord. 1974-4, passed 12-30-1974)

**§ 150.03 AUTHORITY TO ADOPT MASTER PLAN.**

The town Plan Commission is authorized and empowered as provided by I.C. 36-7-1, and all acts amendatory or supplementary thereto, to provide for the preparation and enforcement of coordinated plans for the physical development of the town and its jurisdictional area, and there is hereby rested in the Plan Commission all the power and authority as provided by that act of the legislature and acts amendatory or supplementary thereto to make and adopt a master plan for the physical development of the town and its jurisdictional area.

(Ord. 1974-4, passed 12-30-1974)

***REDEVELOPMENT COMMISSION*****§ 150.15 ESTABLISHMENT.**

Under the provisions of I.C. 36-7-4, as amended, there is hereby established a Department of Redevelopment which shall be governed by the town Redevelopment Commission.

(Ord. 1989-3, passed 4-3-1989)

**§ 150.16 ORGANIZATION.**

(A) The town Redevelopment Commission shall consist of five members. Three members of the Commission shall be appointed by the President of the Town Council; the remaining two members shall be appointed by the Town Council. Each appointment shall be for a one-year term. All terms shall expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed.

(B) At its first regular meeting in each year, the Commission shall select a president, a vice president, and a secretary. The vice president shall have authority to act as the president of the Commission during the absence or disability of the president. The secretary shall be responsible for maintaining all minutes, official papers, and records.

(C) The members of the Commission shall receive no compensation in the form of salary, but may be reimbursed for any expenses actually incurred.  
(Ord. 1989-3, passed 4-3-1989)

**§ 150.17 POWERS AND DUTIES.**

The Commission shall have the powers, duties, and responsibilities as are provided by the statute mentioned above, as amended.  
(Ord. 1989-3, passed 4-3-1989)

***WELLHEAD PROTECTION PLAN; LOCAL PLANNING TEAM***

**§ 150.30 ESTABLISHMENT.**

There is hereby created and established a local planning team (LPT) pursuant to and under the authority of the state Wellhead Protection Rule (I.A.C. 327-8-4-1).  
(Ord. 12-1-01, passed 12-11-2001)

**§ 150.31 MEMBERSHIP.**

(A) The LPT shall be composed of a minimum of four members who shall be appointed by the Town Council, and each member of the LPT shall be appointed for a four-year term.

(B) Members of the LPT shall include one or more members of the Town Council, the Water Superintendent, and one or more "affected persons" as defined under the state Wellhead Protection Rule, and the LPT shall elect one of its members to serve as chair of the LPT.  
(Ord. 12-1-01, passed 12-11-2001)

**§ 150.32 DUTIES AND POWERS.**

(A) The LPT shall report directly to the Town Council and shall meet as necessary to complete phase one and phase two of the wellhead protection plan and shall complete the various progress reports

that may be required by IDEM (Indiana Department of Environmental Management) and by the state Wellhead Protection Rules and Regulations.

(B) The responsibilities and tasks for the LPT shall include, but are not limited to, the following:

- (1) Create, define, and delineate the area of the town's wellhead protection plan;
- (2) Develop and maintain a wellhead protection plan (WHPP) that is in compliance with IDEM requirements at I.A.C. 327-8-4-1, Rule 4.1;
- (3) Provide an annual report to the Town Council on the progress of the town WHPP;
- (4) Recommend and advise the Town Council as to changes which may be required and improvements which may be deemed necessary to the WHPP; and
- (5) Act as the primary liaison with the county Wellhead Task Force and the state Department of Environmental Management (IDEM) for wellhead issues.  
(Ord. 12-1-01, passed 12-11-2001)

#### **§ 150.33 AUTHORITY TO ENACT ORDINANCES; TOWN COUNCIL.**

In addition to the foregoing, the Town Council reserves the authority and the right to enact ordinances which, among other things, establish wellhead protection zones, require site and plan review, create development standards and prohibitions, and cover any other matter authorized by or provided in the state Wellhead Protection Statute and Regulations.

(Ord. 12-1-01, passed 12-11-2001)

## CHAPTER 151: BUILDING REGULATIONS; CONSTRUCTION

### Section

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**Cross-reference:**

*For sewage construction standards, see § 51.04*

**BUILDING CODE****§ 151.01 TITLE.**

This chapter and all material included herein by reference shall be known as the "Building Code of Atlanta, Indiana."

(Ord. 11-01-03, passed 11-11-2003)

**§ 151.02 PURPOSE.**

The purpose of this chapter is to protect the life, public safety, health and general welfare of the citizens of Atlanta, Indiana, and shall be construed in such a manner to effectuate this purpose.

(Ord. 11-01-03, passed 11-11-2003)

**§ 151.03 DEFINITIONS.**

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

**BUILDING COMMISSIONER.** Includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.

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

(1) **CLASS 1 STRUCTURE** means any part of the following:

(a) 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.

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).

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

(2) Division (1)(a) includes a structure that contains three 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) Division (1)(a) does not include a building or structure that:

(a) Is intended to be or is 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 eight or less consecutive months in a calendar year.

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

(5) Division (1)(a) does not include a vehicular bridge.

(6) Division (1)(a) does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of the structure or 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) **CLASS 2 STRUCTURE** means any part of the following:

(a) A building or structure that is intended to contain or contains only one dwelling unit or two 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, including an above ground swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

- (2) Division (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, means 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 part 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.
- (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, means 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 and I.C. 36-7-4-1106, has the meaning set forth in 42 U.S.C. 5401 *et seq.* as it existed on January 1, 2003. This definition is as follows: **MANUFACTURED HOME** means a structure, transportable in one or more sections, which, in the traveling mode, is eight 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 such term shall include any structure which meets all the requirements of this paragraph 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.*

**MOBILE STRUCTURE.** Pursuant to I.C. 22-12-1-17, has the following definition:

- (1) **MOBILE STRUCTURE** means any part of a fabricated unit that is designed to be:
  - (a) Towed on its own chassis; and

(2) The term includes the following:

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

(b) Two or more units that are separately towable but designed to be joined into one 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; nor

(2) A passageway for light vehicles;

suspended between two or more parts of a building or between two or more buildings.  
(Ord. 11-01-03, passed 11-11-2003)

#### § 151.04 SCOPE.

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

(B) Pursuant to I.C. 22-13-2-6, this chapter shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this chapter 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 chapter is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.  
(Ord. 11-01-03, passed 11-11-2003)

#### § 151.05 AUTHORITY.

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

(A) All of the provisions of this chapter.

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

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

(Ord. 11-01-03, passed 11-11-2003)

### ***BUILDING PERMITS***

#### **§ 151.15 BUILDING PERMIT REQUIRED.**

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

(Ord. 11-01-03, passed 11-11-2003)

#### **§ 151.16 APPLICATION.**

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

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

(1) Information that the Building Commissioner 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 State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3.

(5) Any additional information that the Building Commissioner 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 the applicable provisions of an applicable zoning ordinance or other ordinances relating to land use.

(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 Building Commissioner may require that such an employee or agent provide written authority to apply for a permit.  
(Ord. 11-01-03, passed 11-11-2003)

**§ 151.17 ISSUANCE.**

The Building Commissioner 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 applicable ordinances or laws.  
(Ord. 11-01-03, passed 11-11-2003)

**§ 151.18 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this chapter. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.  
(Ord. 11-01-03, passed 11-11-2003)

***MINIMUM CONSTRUCTION STANDARDS***

**§ 151.30 ADOPTION OF RULES 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.

(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 Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this chapter. Pursuant to I.C. 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.  
(Ord. 11-01-03, passed 11-11-2003)

#### **§ 151.31 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. 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 American 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.

(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.

(B) 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. 11-01-03, passed 11-11-2003)

**§ 151.32 ADOPTION OF ORDINANCES AND ZONING CODES BY REFERENCE.**

(A) Pursuant to I.C. 36-7-4-100 *et seq.* the following ordinances adopted by the Town of Atlanta pertaining to zoning and other matters relating to land uses are hereby incorporated by reference in this code and shall include any latter amendments to those rules.

(1) The Town of Atlanta master plan and comprehensive plan.

(2) The Town of Atlanta Zoning Ordinance including the various zoning classifications depicted within the ordinance as well as on the Zoning maps of the Zoning Jurisdictional Area.

(3) The Town of Atlanta Subdivision Control Ordinance.

(4) The Town of Atlanta Improvement of Location Permit Ordinance.

(5) The Town of Atlanta Mobile Home Parking Ordinance.

(6) The Town of Atlanta Tourist Camps' Ordinance.

(7) The Town of Atlanta Mobile Home Parks' Ordinance.

(8) The Town of Atlanta Building Commissioner's Ordinance.

(9) The Town of Atlanta Ordinance which sets forth the schedule of fees, charges, and expenses for the Jurisdictional area of the Atlanta Plan Commission.

(B) In the event a violation of any one of the aforementioned ordinances listed in this section imposes a greater or a more comprehensive penalty than set forth in § 151.45 and § 151.99, then the penalty section contained in an ordinance covered under this section shall be applicable to the violation.

(C) Two copies of the ordinances listed hereinabove under this section and which are incorporated herein by reference are on file in the Office of the Clerk of the Legislative Body for Public Inspection as required by I.C. 36-1-5-4.

(Ord. 11-01-03, passed 11-11-2003)

**ENFORCEMENT AND ADMINISTRATION****§ 151.40 GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.**

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

(B) The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this chapter or to the rules of the Fire Prevention And Building Safety Commission is located for the purposes of inspection and investigation of such structure. Such 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 chapter and the rules of the Fire Prevention And Building Safety Commission.

(Ord. 11-01-03, passed 11-11-2003)

**§ 151.41 INSPECTIONS BY FIRE DEPARTMENT.**

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

(Ord. 11-01-03, passed 11-11-2003)

**§ 151.42 WITHHOLD ISSUANCE OF PERMITS.**

(A) Whenever a person who is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to the applicable provisions of an applicable zoning ordinance or other ordinances relating to land use, or inspection fees owed pursuant to the applicable provisions of an applicable zoning ordinance or other ordinances relating to land use to the Building Commissioner) the Building Commissioner may withhold the issuance of subsequently requested permits until such 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 ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

(Ord. 11-01-03, passed 11-11-2003)

**§ 151.43 PERMIT REVOCATION.**

The Building Commissioner 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 this chapter.

(D) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.  
(Ord. 11-01-03, passed 11-11-2003)

**§ 151.44 STOP-WORK ORDER.**

(A) The Building Commissioner 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 practicable, 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 Building Commissioner 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 chapter or any state law pertaining to safety during construction.

(2) Construction is occurring in violation of this chapter or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation.

(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 chapter.

(Ord. 11-01-03, passed 11-11-2003)

#### **§ 151.45 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 chapter.

(Ord. 11-01-03, passed 11-11-2003)

#### **§ 151.46 RIGHT OF APPEAL.**

Any person aggrieved by an order issued under this chapter shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

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

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

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

(3) The Fire Prevention and Building Safety Commission must review orders that concern 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.

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

(5) 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.

(B) Appeal to an Established Local Administrative Body or Court. If, pursuant to I.C. 36-1-6-9 or I.C. 36-7-4-9 *et seq.*, the town has established by ordinance to hear appeals of orders issued under ordinances or has created a Board of Zoning Appeals, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order.  
(Ord. 11-01-03, passed 11-11-2003)

***UNSAFE BUILDING CODE***

**§ 151.60 UNSAFE BUILDING CODE.**

Be it ordained by the Town Council that:

(A) Under the provisions of I.C. 36-7-9, there is hereby established the Town of Atlanta Unsafe Building Law.

(B) I.C. 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the town Unsafe Building Law. All proceedings within the jurisdiction of the town for the inspection, repair, and removal of unsafe buildings shall be governed by the law and the provisions of this subchapter. In the event the provisions of this section conflict with the provisions of I.C. 36-7-9-1 through 36-7-9-28, then provisions of the state statute shall control.

(C) All buildings or portions thereof within the municipal boundaries of the town which are determined after inspection by the Atlanta Building Commissioner, or his or her designee, to be unsafe as defined in this subchapter or in I.C. 36-7-9-1 *et seq.*, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

(D) The Atlanta Building Commissioner, or his or her designee, shall be considered the "enforcement authority" for the implementation of the subchapter and shall be authorized to administer and to proceed under the provisions of the law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(E) Wherever in the Town of Atlanta Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Atlanta Building Commissioner, or any other officer of the Town of Atlanta, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by subchapter have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by subchapter, or to enforce ordinance provisions in an arbitrary or discretionary manner.

(F) The description of an unsafe building contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the jurisdiction of the town, by adding the following definition.

***UNSAFE BUILDING.*** Any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:

- (a) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as not to provide safe and adequate means of exit in case of fire or panic.
- (c) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than 1½ times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.
- (d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.
- (e) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (f) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.
- (g) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes that is required in the case of similar new construction.
- (h) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- (i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe of the purpose for which it is being used.

(j) Whenever the exterior walls or other walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(k) Whenever the building or structure, exclusive of the foundations, 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.

(l) 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 (i) an attractive nuisance to children; or (ii) freely accessible to persons for the purpose of committing unlawful acts.

(m) Whenever any building or structure has been constructed, exists, or is maintained in violation of any building or structure provided by the building regulations of the town, or of any law or ordinance of this state or the town relating to the condition, location, or structure of buildings.

(n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than 50%, or in any supporting part, member, or portion less than 66% of the (i) strength, (ii) fire resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

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

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

(q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(G) The definition of ***SUBSTANTIAL PROPERTY INTEREST*** set forth in I.C. 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

(H) All work for the reconstruction, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in I.C. 22-12-1-3, and as amended from time to time,

adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Atlanta Building Commissioner, or his or her designee.

(I) An Unsafe Building Fund is hereby established in the operating budget of the town in accordance with the provisions of I.C. 36-7-9-14.

(J) No person, firm, or corporation, whether as owner, lessee, sublessee or occupancy, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this subchapter or any order issued by the Atlanta Building Commissioner. Any person violating the provisions of this subchapter or I.C. 36-7-9-28 shall commit a Class C infraction for each day such violation continues.

(K) The Atlanta Town Council shall be and is hereby designated as the Hearing Authority in connection with the terms and provisions of this subchapter and I.C. 36-7-9-1 *et seq.*  
(Ord. 10-01-03, passed 10-28-2003)

### GENERAL REGULATIONS

#### § 151.75 UNIFORM STANDARDS FOR STREET ADDRESSES.

(A) *Single-family residential structure addresses.* Street addresses for single-family residential structures shall consist of Arabic numerals (i.e. 1, 2, 3 and the like) no less than three inches in height and no more than eight inches in height.

(B) *Apartment complex addresses.* Street addresses for apartment complexes shall consist of Arabic numerals (i.e. 1, 2, 3 and the like) no less than five inches in height and no more than ten inches in height. Each apartment complex is required to have each building's address displayed in an obvious location if the entrance into each apartment unit is not clearly labeled with a street address.

(C) *Nonresidential use addresses.* The minimum and maximum height for address numbers varies according to front setback as follows:

(1) If the address is posted 100 feet or less from the road right-of-way, the numbers shall be between five and 12 inches in height.

(2) If the address is posted between 100 and 200 feet from the road right-of-way, the numbers shall be between eight and 16 inches in height.

(3) If the address is posted over 200 feet from the road right-of-way, the numbers shall be between 12 and 20 inches in height.

(D) *Legibility.* All street addresses shall contrast to the color of the surface on which they are mounted and shall be clearly visible and identifiable from the street. Arabic numerals (i.e. 1, 2, 3 and the like) shall also be placed on the side of the structure in which the building is addressed if the front door does not face the correct street address.

(E) *Variance.* Any person or entity whom for whatever reason is unable to comply with the terms and provisions of this section may file and seek a variance from the Town Council.

(F) *Violation.* A person or party who violates any of the terms, provisions, and conditions of this section may be fined \$100 with each day constituting a new and separate violation.  
(Ord. 03-01-06, passed 3-14-2006)

**§ 151.99 PENALTY.**

Any person violating any provision of this chapter is subject to the provisions of § 10.99. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this chapter.  
(Ord. 11-01-03, passed 11-11-2003)



## CHAPTER 152: ZONING

### Section

152.01 Adopted by reference

#### **§ 152.01 ADOPTED BY REFERENCE.**

The town's zoning ordinance, as passed by Ord. 03-02-02 on 3-26-2002 and published by the town, is hereby adopted by reference and shall be incorporated into this code as if set forth in full herein. A copy of the zoning ordinance is attached.

(Am. Ord. 10-01-04, passed 10-12-2004; Am. Ord. 08-14-2007, passed 8-28-2007; Am. Ord. 07-01-09, passed 7-14-2009; Am. Ord. 11-01-2013, passed 11-12-2013)

