

INTRODUCED: 8/11/2025

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councilor Lewis

DIGEST: amends various sections of the Revised Code to reflect fee, penalty, and policy changes regarding enforcement and permitting within the Department of Business and Neighborhood Services

SOURCE:

Initiated by: Department of Business and Neighborhood Services

Drafted by: Department of Business and Neighborhood Services

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_ Date: August 7, 2025

CITY-COUNTY GENERAL ORDINANCE NO. \_\_\_\_\_, 2025

A PROPOSAL FOR A GENERAL ORDINANCE to amend various sections of the Revised Code of the Consolidated City and County to reflect fee, penalty, and policy changes regarding enforcement and permitting within the Department of Business and Neighborhood Services

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been ~~stricken through~~ to read as follows:

**Sec. 103-52. - Schedule of Code provisions and penalties.**

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

730-505	Civil zoning violations—First offense in calendar year	50.00
740-1005 A. 1.	Sign Violation—First offense in a calendar year	100.00
740-1005 A. 2.	Work without Improvement Location Permit --First offense in a calendar year	250.00
740-1005 A. 3.	Junk, Trash, Debris (JTD) --First offense in a calendar year	100.00
740-1005 A. 4.	Inoperable Vehicle/Vehicle Parts --First offense in a calendar year	100.00
740-1005 A. 5.	Commercial Vehicle Parking-- First offense in a calendar year	325.00
740-1005 A. 6.	Illegal Display --First offense in a calendar year	50.00
740-1005 A. 7.	Non-Permitted Use-- First offense in a calendar year	325.00
740-1005 A. 8.	Development Standards --First offense in a calendar year	100.00
740-1005 A. 9.	Petition Violation-- First offense in a calendar year	325.00

**Sec. 131-501. - Schedule of license and permit fees.**

The board of business and neighborhood services shall have the power to establish the amount of fees by regulation as granted in [section 226-204](#) of the Code. The following maximum allowed fees are established for their respective licenses and permits issued by the city or county:

Code Section	License or Permit	Maximum Allowed Fee
<a href="#">536-602</a>	Construction or placement of, or additions to, Class 2 structures for a primary Class 2 structure	For structures less than or equal to 4,000 <del>2,000</del> square feet, a fee of <del>two hundred and seventeen dollars (\$217.00)</del> seven hundred and fifty dollars (\$750.00) ; for each additional 500 square feet, an additional fee of <del>twenty-three dollars (\$23.00)</del> <del>one hundred dollars (\$100.00)</del> shall apply. Square feet calculation shall include the area of an attached garage or carport and the area of a finished basement or attic, but exclude the area of an unfinished basement or attic
<a href="#">536-602</a>	Accessory Class 2 structure appurtenant to a primary Class 2 structure	<del>For accessory structures less than or equal to 200 square feet a fee of forty-two dollars (\$42.00).</del> <del>For accessory structures greater than or equal to 200 square feet and less than or equal to 1,000 square feet, a fee of one hundred ninety-three dollars (\$193.00)</del> <del>three hundred dollars (\$300.00)</del> ; for each additional 500 square feet, an additional fee of <del>twenty-three dollars (\$23.00)</del> <del>twenty-five dollars (\$25.00)</del> shall apply
<a href="#">536-602</a>	<del>Addition and simultaneous remodeling, alteration, or repair of accessory Class 2 structures</del>	<del>For structures less than or equal to 1,000 square feet, a fee of two hundred and fifty dollars (\$250.00); for each additional 500 square feet, an additional fee twenty-five (\$25.00) shall apply</del>
<a href="#">536-602</a>	Construction or placement of, or additions to, Class 1 structures	For structures less than or equal to 2,500 square feet, a fee of <del>six hundred ninety-seven dollars (\$697.00)</del> <del>one thousand dollars (\$1,000)</del> ; for each additional 1,000 square feet, an additional fee of <del>forty-two dollars (\$42.00)</del> <del>one hundred and fifty dollars (\$150.00)</del> shall apply
<a href="#">536-603</a>	Remodeling, alteration, or repair of Class 2 structures; provided, however, that when remodeling, alteration, or repair of a Class 2 structure is accomplished at the same time as an addition to an existing structure, a single permit fee shall be determined according to <a href="#">section 536-602</a>	For structures less than or equal to 1,000 square feet, a fee of <del>one hundred fifty-nine dollars (\$159.00)</del> <del>two hundred dollars (\$200.00)</del> ; for each additional 500 square feet, an additional fee of <del>thirty-nine dollars (\$39.00)</del> <del>fifty dollars (\$50.00)</del> shall apply
<a href="#">536-603</a>	<del>Addition and simultaneous remodeling, alteration, or repair of primary Class 2 structures</del>	<del>For structures less than or equal to 1,000 square feet, a fee of four hundred dollars (\$400.00); for each additional 500 square feet, an additional fee of fifty dollars (\$50.00) shall apply</del>
<a href="#">536-603</a>	Remodeling, alteration, or repair of Class 1 structures	For structures less than or equal to 2,500 <del>999</del> square feet, a fee of <del>six hundred ninety-seven dollars (\$697.00)</del> <del>three hundred and fifty dollars (\$350.00)</del> ; for structures equal to or greater than 1,000 square feet, but are less than 2,500 square feet, a fee of <del>seven hundred and fifty dollars (\$750.00)</del> , each additional 1,000 square feet, an additional fee of <del>forty-two dollars (\$42.00)</del> <del>one hundred and fifty dollars (\$150.00)</del> shall apply
<a href="#">536-609</a>	Administrative fee	<del>\$215.00</del> <del>\$250.00</del>
<a href="#">536-612</a>	General construction permit, where not specified by <a href="#">chapter 536</a> or 131 of this Code	<del>\$170.00</del> <del>\$175.00</del> for Class 1 structures; and <del>\$141.00</del> <del>\$150.00</del> for Class 2 structures
<a href="#">536-619</a>	Additional service fee for applying for all demolition, master, sign, structural, and infrastructure related permits	<del>\$32.00</del> <del>\$40.00</del>

<a href="#">536-620</a>	Plan review of a <b>new</b> primary or accessory Class 2 structure. Review includes appropriate structural and mechanical plan review	<del>Eighty-five dollars (\$85.00)</del> <b>One hundred and seventy-five dollars (\$175.00)</b> for structures less than 1,000 <b>2,000</b> square feet. For each additional 500 square feet an additional fee of <del>twenty-one dollars (\$21.00)</del> <b>twenty-five dollars (\$25.00)</b>
<a href="#">536-620</a>	Plan review of a new accessory Class 2 structure. Review includes appropriate structural and mechanical plan review	<b>One hundred and fifty dollars (\$150.00) for structures less than 1,000 square feet. For each additional 500 square feet an additional fee of twenty-five dollars (\$25.00)</b>
<a href="#">536-620</a>	Plan review of a remodel for any Class 2 structure or addition with simultaneous remodel for a primary Class 2 structure. Review includes appropriate structural and mechanical plan review	<b>One hundred and fifty dollars (\$150.00) for structures less than 1,000 square feet. For each additional 500 square feet an additional fee of twenty-five dollars (\$25.00)</b>
<a href="#">536-620</a>	Plan review of an addition with simultaneous remodel for an accessory Class 2 structure	<b>One hundred dollars (\$100.00) for structures less than 1,000 square feet. For each additional 500 square feet an additional fee of twenty-five dollars (\$25.00)</b>
<a href="#">536-620</a>	Plan review of Class 1 structures. Review includes appropriate structural and mechanical plan review	Included in fees for <a href="#">Sections 536-602</a> and <a href="#">536-603</a> <b>\$200.00</b>
<a href="#">536-620</a>	Accelerated plan review of Class 1 structures. Review includes appropriate structural and mechanical plan review	<del>\$316.00</del> <b>\$2,000</b> per hour
<a href="#">645-579</a>	Encroachment	<del>\$360.00</del> <b>For residential encroachments, a fee of \$500 to be renewed every 20 years; for a non-residential attachment encroachment, a fee of \$500 to be renewed every 20 years; for a sidewalk café encroachment, a fee of \$1,000 to be renewed every 5 years; for a non-residential installation encroachment, a fee of \$5,000 to be renewed every 5 years</b>

#### Sec. 131-502. - Schedule of inspection fees.

The following fees are established for their respective inspections conducted by the city or county:

Code Section	Inspection	Fee
<a href="#">536-612</a>	General construction inspection, where not specified by <a href="#">chapters 536</a> or 131 of this Code	\$154.00
<a href="#">536-612</a>	<b>Reinspection fee</b>	<b>\$175.00</b>
<a href="#">536-617</a>	Accelerated inspection option for a same day inspection <b>for Class 2 structures</b>	\$232.00
<a href="#">536-617</a>	Accelerated inspection option for a next day inspection <b>for Class 2 structures</b>	\$187.00
<a href="#">536-617</a>	Accelerated inspection option for a next day inspection at a scheduled time <b>for Class 2 structures</b>	\$245.00
<a href="#">536-617</a>	Accelerated inspection option for a weekday after 4:30 p.m. or weekend inspection <b>for Class 2 structures</b>	\$348.00
<a href="#">536-617</a>	<b>Accelerated inspection option for a same day inspection for Class 1 structures</b>	<b>\$750</b>
<a href="#">536-617</a>	<b>Accelerated inspection option for a next day inspection for Class 1 structures</b>	<b>\$300</b>
<a href="#">536-617</a>	<b>Accelerated inspection option for a next day inspection at a scheduled time for Class 1 structures</b>	<b>\$500</b>
<a href="#">536-617</a>	<b>Accelerated inspection option for a weekday after 4:30 p.m. or weekend inspection for Class 1 structures</b>	<b>\$750</b>

536-705	Violation of a stop-work order	When violating a stop-work order involved with a Class 2 structure, a fee of two hundred and fifty dollars (\$250.00); when violation a stop-work order involved with a Class 1 structure, a fee of seven hundred and fifty dollars (\$750.00)
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**Sec. 536-201. - When building permits required; enforcement.**

(a) Permit required. Except for construction specified in subsections (b) and (c), it shall be unlawful for a person, partnership or corporation to engage in any construction or demolition or removal of structures unless a written building permit issued by the division of construction and business services describing the activity has been obtained by and is in force relative to the person, partnership or corporation that is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction allowed by the building permit. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of business and neighborhood services.

(b) Exemptions for one- and two-family dwellings. With respect to Class 2 structures, the permit specified in subsection (a) shall not be required for:

- (1) Replacement of exterior prime doors and windows (limited to like for like in a wall opening of the same dimensions that does not reduce the egress required by code provision existing at the time the building was constructed) if performed by a listed contractor ~~that complies with the notice and posting requirements of section 536-216; a~~ Additionally, a person who owns or is purchasing a Class 2 structure on contract with intention to utilize the property for his or her own occupancy may likewise replace without permit prime doors and windows in such structure;
- (2) Replacement of an existing roof if performed by a listed contractor ~~that complies with the notice and posting requirements of section 536-216~~ or a person who owns or is purchasing a Class 2 structure on contract with the intention to utilize the property for his or her own occupancy; and that construction does not involve:
  - a. A change in roof configuration;
  - b. A change in type of roof covering (e.g., tile roofing replacing asphalt shingles) that would increase the dead load on the structure;
  - c. The replacement of basic structural members that support the roof (e.g., replacement of a rafter or more than one hundred twenty-eight (128) feet of decking); or
  - d. The installation of heat-applied roofing material;

~~Additionally, a person who owns or is purchasing a Class 2 structure on contract with the intention to utilize the property for his or her own occupancy may affix without permit a layer of replacement shingles to a single layer of existing shingles provided that a layer of shingles is not removed and provided that the total shingle roof application is performed by the owner or contract purchaser with assistance only by noncompensated volunteers;~~

- (3) Installation and replacement of exterior siding if performed by a listed contractor ~~that complies with the notice and posting requirements of section 536-216; additionally,~~ or a person who owns or is purchasing a Class 2 structure on contract with the intention to utilize the property for his or her own occupancy ~~may attach without permit a layer of siding to the existing sheathing without removal of existing sheathing,~~ provided that the total siding application is performed by the owner or contract purchaser assisted only by noncompensated volunteers;

- (4) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional health or safety risks as defined in section 536-111(i);
- (5) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors;
- (6) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather;
- (7) Exterior repair or renovation of a masonry chimney above the roof line that does not reduce the size of the flue opening;
- (8) Gutter replacement or installation;
- (9) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall;
- (10) Installation of thermal insulation;
- (11) Installation of additional non-load bearing walls that do not result in the creation of sleeping rooms; provided however, permits are required (except as otherwise specifically exempted by provisions of this section) for electrical, heating and cooling, or plumbing work;
- (12) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan;
- (13) Erection or installation of a fence or structural barrier in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district;
- (14) Erection or installation of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points;
- (15) Erection or installation of a deck where:
  - a. No part of the floor is more than thirty (30) inches above finished grade; and
  - b. There is compliance with the assessor notification requirements of section 536-215;
- (16) Erection of retaining walls that are not over four (4) feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge;
- (17) Erection of a structure that spans **two hundred (200)** ~~one hundred twenty (120)~~ square feet or less of base area, **is one story,** ~~is less than fifteen (15) feet in height,~~ is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment;
- (18) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks;
- (19) Installation of a single-phase electric circuit not exceeding sixty (60) amperes at a nominal 120/240 volts that involves the installation, modernization, replacement, service or repair of a heating system, space heating equipment, cooling system, space cooling equipment, a water heater or a food waste disposer for which a building permit has been issued;
- (20) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors when such installation does not include the installation of an electrical circuit;

- (21) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty (20) percent of all piping in the structure is replaced;
- (22) Replacement of appliances, fixtures, traps and valves in a plumbing system;
- (23) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input;
- (24) Extension of heating or cooling duct work;
- (25) Placement of a manufactured home not on a permanent foundation in a manufactured home park licensed by the Indiana State Department of Health;
- (26) Initial connection or reconnection of plumbing to a manufactured home not placed on a permanent foundation located in a manufactured home park licensed by the Indiana State Department of Health;
- (27) Erection of ~~real-estate signs advertising real-estate for sale or for rent~~ in conformance with the size limitations of the zoning ordinance governing signs; or
- (28) Connection, provision or use of temporary electrical power for on-site construction-or.
- (29) Repair or replacement of an electrical meter base, riser, and weather head where such equipment is not relocated or upgraded (such as upgrading from a 100 amp service to a 200 amp service).

(c) Exemptions for commercial construction. With respect to Class 1 structures, permits specified in subsection (a) shall not be required for:

- (1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional safety or health risks as defined in section 536-111(i);
- (2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather;
- (3) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall;
- (4) Painting, papering and similar finish work;
- (5) Installation of movable cases, counters and partitions not over sixty-nine (69) inches high;
- (6) Erection or installation of temporary motion picture, television and theater stage sets and scenery;
- (7) Installation of thermal insulation;
- (8) Erection or installation of a fence or structural barrier in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district;
- (9) Erection or installation of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points;
- (10) Erection or installation of platforms not more than thirty (30) inches above grade and not over any basement or story below;
- (11) Installation of water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1);



- (12) Erection of oil derricks;
- (13) Erection of retaining walls that are not over four (4) feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge or used as a dike to impound flammable or combustible liquids or products that pose a health or safety risk (e.g., corrosives, oxidizers, poisons);
- (14) Erection of a structure that spans two hundred (200) ~~one hundred twenty (120)~~ square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment;
- (15) Erection of any sign in conformance with zoning requirements;
- (16) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks;
- (17) Connection, provisions or use of temporary electrical power for on-site construction;
- (18) Installation of household appliance such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors in apartment buildings when such installation does not include the installation of an electrical circuit;
- (19) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty (20) percent of the piping in an area occupied by a single tenant in the structure is replaced;
- (20) Replacement of appliances, fixtures, traps and valves in a plumbing system; or
- (21) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input.
- (22) Addition or alteration of up to twenty (20) sprinkler heads in existing wet pipe systems for light or ordinary hazard designed fire suppression systems;
- (23) Replacement of fire alarm control panels, annunciators, notification appliance circuit panels and other similar equipment where:
  - a. The replacement panel or equipment is installed in the same location as the previous panel or equipment.
  - b. The functionality of the replacement panel or equipment is the same as the previous panel or equipment (the performance of the system shall not be reduced).
  - c. The UL listing of the equipment has not been compromised;
- (24) Replacement of smoke detectors, heat detectors, HVAC duct detectors, manual pull stations, notification devices, and other similar devices where:
  - a. The replacement devices are installed in the same location as the previous devices.
  - b. The functionality of the replacement devices is the same as the previous devices (the performance of the system shall not be reduced).
  - c. The UL listing of the devices has not been compromised;
- (25) Repair or replacement of an electrical meter base, riser, and weather head where such equipment is not relocated or upgraded (such as upgrading from a 100 amp service to a 200 amp service).

(d) Preservation districts. Provisions in subsection (b) or (c) that exempt those engaged in certain construction from the obligation to secure a building permit do not affect the possible obligation to secure a certificate of appropriateness for construction either in an historic area designated by the Indianapolis Historic Preservation Commission or in the Meridian Street Preservation District designated by the Indiana Code. While a building permit may not be required, a certificate of appropriateness from the Indianapolis Historic Preservation Commission or the Meridian Street Preservation Commission may be required in such an area.

(e) Flood control districts. Provisions in subsection (b) or (c) that exempt those engaged in certain construction from the obligation to secure a building permit do not affect the possible obligation to secure a floodplain development permit for construction in the flood control districts as designated by Chapter 742, Article II, of the Code. While a building permit may not be required, a floodplain development permit may be required in such areas.

**~~Sec. 536-216 Posting of contractor notification form at work site, notification to division and owners~~**

~~(a) Prior to the commencement of construction for which a listed contractor is not required to obtain a building permit because of an exemption provided in paragraphs (1), (2) or (3) of subsection (b) of section 536-201, the listed contractor shall complete the notification form prescribed in subsection (b), place the form on the site as specified in subsection (c) and notify the division of construction and business services as specified in subsection (d).~~

~~(b) The form shall be made of a reasonably durable material and shall contain the following information:~~

- ~~(1) Listing number assigned to the contractor by the city;~~
- ~~(2) Name of contractor;~~
- ~~(3) A description of the construction that is exempt from the building permit requirements;~~
- ~~(4) Address of the construction;~~
- ~~(5) Date when the construction will be initiated;~~
- ~~(6) Certification by the contractor or an employee of the contractor that the contractor is listed, has a current bond and insurance, and is the contractor doing the construction at the job site;~~
- ~~(7) Verification number, if any, provided by the division of construction and business services to the contractor when notice of the construction was given to the division by the contractor;~~
- ~~(8) Signature of the owner (or a responsible person acting for the owner) indicating that the owner is aware that the division of construction and business services will make an inspection of the construction at the request of the owner; and~~
- ~~(9) Notice to the owner of the owner's right to request an inspection of the construction within ninety (90) days of completion.~~

~~The listing number shall be at least one (1) inch in height. The form shall include a notice indicating how the listing of the contractor can be verified by communicating with the division of construction and business services and how the owner can secure an inspection of the construction by the division of construction and business services. The administrator as assigned by the deputy director of the division shall specify the size, format, text and color of the form.~~

~~(c) The listed contractor shall place a copy of the completed contractor notification form at a prominent location at the work site where it can be easily seen and would be noticed. It is not necessary to post the notification form as required by subsection (a) if a building permit has been secured and is posted at the job site in accordance with section 536-210 of this chapter. The notification shall remain posted until the completion of the construction.~~

~~The listed contractor shall deliver to the division of construction and business services a copy of the notification form specified in subsection (b).~~

**Sec. 536-705. - Stop-work order.**

Whenever the administrator as assigned by the deputy director of the division of construction and business services or the administrator's authorized representative discovers the existence of any of the



circumstances listed below, he or she is empowered to issue an order requiring the suspension of the pertinent construction. The stop-work order shall be in writing and shall state to which construction it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his or her agent. The stop-work order shall state the conditions under which construction may be resumed.

- (1) Construction is proceeding in an unsafe manner, including, by way of example and not of limitation, in violation of any standard set forth in this chapter or any state rule pertaining to safety during construction;
- (2) Construction is occurring in violation of building standards and procedures 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 has been accomplished in violation of building standards and procedures and a period of time that is one-half ( $\frac{1}{2}$ ) the time period in which construction could be completed, but no longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was either posted on the property in a conspicuous place or given to the person doing the construction, without the violation or noncompliance being corrected;
- (4) Construction for which a building permit is required is proceeding without a building permit being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required building permit is obtained;
- (5) Construction for which a building permit was issued more than thirty (30) days earlier is proceeding without there being in force applicable permits and approvals required by governmental units (including, but not limited to, Indianapolis metropolitan police department, Indianapolis fire department, department of code enforcement, department of public works, Health and Hospital Corporation of Marion County, state department of health, state department of natural resources, state highway department) for compliance with standards for air quality, drainage, flood control, fire safety, vehicular access, and waste treatment and disposal on the real estate on which the structure is located; in such an instance, the stop-work order shall indicate that the order is applicable to all construction allowed by the building permit and that the effect of the order terminates if the required permits and approvals are obtained; or
- (6) Construction is occurring for which a certificate of appropriateness from the Indianapolis Historic Preservation Commission is required pursuant to IC ~~48-4-22-4~~ 36-7-11.1 et seq., without a certificate of appropriateness being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required certificate of appropriateness is obtained.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter. The fee for violating a stop-work order shall be provided in section 131-502 of this Code.

#### **Sec. 537-1. - Definitions.**

Hearing authority means a person or persons designated as such by the by the director of the department of business and neighborhood services. An employee of the enforcement authority may not be designated as the hearing authority.

Owner means a person with any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, a lien as evidenced by a certificate of sale issued under IC 6-1.1-24, or an equitable interest of a contract purchaser that (1) may be affected in a substantial way by actions authorized by this chapter; and (2) is held by a person whose identity and address may be determined from: (A) an instrument recorded in: (i) the Marion county recorder's office; or (ii) in the case of a lien evidenced by a certificate of sale issued under IC6-1.1-24, the Marion county auditor's office.

Unsafe means a structure or premises as defined in IC 36-7-9.

**Sec. 537-4. - Legislative findings.**

It is hereby found that there exists, and may exist in the future, vacant buildings which have remained continuously vacant, or which have not been properly maintained and which, because of their deteriorated condition or continuous vacancy, constitute a significant threat to the public health, safety and social well-being. The Indiana General Assembly, in enacting IC 36-7-9-4.5 and IC 36-7-36, found that such buildings create a serious, substantial problem and encouraged local governmental bodies to adopt appropriate vacancy, maintenance, and repair standards so that vigorous and disciplined action can be taken to ensure that vacant buildings are properly maintained and repaired.

**Sec. 537-5. - Scope.**

These standards shall apply to the vacancy, maintenance, repair, and boarding of vacant structures located in the county. These standards shall in no way limit the types of action the division of property and land use services is authorized to take under IC 36-7-9-1 and/or IC 36-7-36 et seq. relative to the continual vacancy or exterior condition of unsafe or vacant buildings, the interior of unsafe or vacant buildings, or the premises on which vacant or unsafe buildings are located.

**Sec. 537-6. - Public nuisance.**

Any structure which fails to meet the minimum standards set forth herein shall be deemed a public nuisance and subject to remedial action under IC 36-7-9-1 and/or IC 36-7-36 et seq.

**Sec. 537-7. - Remedial action.**

~~Orders or portions of orders~~ issued by the division under IC 36-7-9-6 requiring an owner to bring ~~his or her~~ their property into compliance with these standards shall be complied with by the time specified in the order, or as extended by the hearing authority acting under IC 36-7-9-7. Persons issued a notice by the division under IC 36-7-36 shall address the continuous vacancy as required by these standards by the time specified in the notice, or as extended by the division. However, an order, other than an order requiring immediate boarding, shall provide the owner at least thirty-three (33) days from the mailing of the order to comply or to prepare for an administrative hearing.

**ARTICLE IV. – Continuous Vacancy**

**Sec. 537-43 – Continuous vacancy; civil penalties.**

(A) An owner of a property that remains a vacant structure for at least ninety (90) consecutive calendar days may be liable for a civil penalty in the amount of five hundred dollars (\$500) per vacant structure not to exceed five thousand dollars (\$5,000) per structure per year, unless:

- (1) documentation has been filed and approved by the division that indicates the owner's intent to eliminate the vacant structure status of the property; and
- (2) the owner is current on all property taxes and special assessments; and
- (3) at least one (1) of the following applies:
  - (a) The structure is the subject of a valid building permit for repair or rehabilitation and the owner is proceeding diligently and in good faith to complete the repair or rehabilitation of the structure as defined in the enforcement order.
  - (b) The structure is:
    - i. maintained in compliance with IC 36-7-36; and
    - ii. actively being offered for sale, lease, or rent.
  - (c) The owner can demonstrate that the owner made a diligent and good faith effort to implement actions approved by the enforcement authority.

The enforcement authority may develop policies which determine property eligibility more specifically, though within the confines of what is eligible under this section.

(B) If the structure continues to remain a vacant structure beyond the initial ninety (90) days and the owner does not meet the exceptions set forth in subsection (A), the enforcement authority may continue to assess penalties each year on each structure in the following amounts:

- (1) One thousand dollars (\$1,000) for the second ninety (90) calendar day period each structure remains a vacant structure or an abandoned structure.
- (2) One thousand five hundred dollars (\$1,500) for the third ninety (90) calendar day period each structure remains a vacant structure or an abandoned structure.
- (3) Two thousand dollars (\$2,000) for the fourth and each subsequent ninety (90) calendar day period thereafter each structure remains a vacant structure or an abandoned structure.

(C) If full payment of a civil penalty assessed under this article is not made less than thirty (30) days after notice of civil penalty assessment is sent, the division may certify to the county auditor the owners name, the description of the unsafe premises, as shown by the records of the county auditor, and the amount of the delinquent payment. The county auditor shall place the total amount certified on the tax duplicate for the affected property as a special assessment. The total amount, including accrued interest shall be collected as delinquent taxes are collected. An amount collected under this section, after all other taxes have been collected and disbursed, shall be disbursed to the unsafe building fund. A civil penalty issued under this article shall be assessed as a special assessment on the tax duplicate and collected in the same manner as costs under IC 36-7-9-13 or IC 36-7-9-13.5. The amount of the civil penalty or fine that is collected shall be deposited in the unsafe building fund.

#### **Sec. 537-44 Notice of continuous vacancy; contents; manner of notice; recording**

(A) Notice of continuous vacancy must be given to the owner by:

- (1) sending by first class mail a copy of the notice or statement to the last known address of the person to be notified;
- (2) sending a copy of the notice 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;
- (3) recording the notice in the office of the county recorder; or
- (4) delivering a copy of the notice or statement personally to the person to be notified.

If a notice described in subdivision (1) is returned undelivered, a copy of the notice or statement must be given in accordance with subdivision (2), (3), or (4). The enforcement authority may, for the sake of convenience, issue notice under subsection (3) at the same time notice is attempted under any of the other subsections.

(B) Notice of continuous vacancy must contain the following:

- (1) The name of the person to whom the notice is issued.
- (2) The legal description or address of the premises that are subject of the notice.
- (3) The action that the notice requires to avoid future penalties.
- (4) The period of time in which the action is required to avoid future penalties, measured from the time when the notice was given.
- (5) A statement briefly indicating what penalties may be assessed by the enforcement authority if required action is not taken.
- (6) A statement indicating the obligation created by subsections (C), (D), and (E).

(C) Once the notice is issued, it shall remain valid and enforceable until the requirements set forth in Sec. 537-43(A) are met; however, the civil penalty amount assessed in a one (1) year period shall not exceed the limits set forth in this article.

(D) A person who takes an interest in a vacant premises that is the subject of a notice recorded in the office of the county recorder under this article takes that interest subject to the notice, including any unpaid and future civil penalties issued assessed under this chapter, and in such a manner that notice requirements set forth in this article are satisfied.

(E) A person who has been issued a notice relative to a vacant premises and the continuous vacancy status has not been removed:

- (1) must supply full information regarding the notice to a person who takes or agrees to take a substantial property interest in the vacant premises before transferring or agreeing to transfer that interest; and
- (2) must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the vacant premises, supply the enforcement authority with written copies of:
  - a. the full name, address, and telephone number of the person taking a substantial property interest in the vacant premises; and
  - b. the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

#### **Sec. 537-45 Removal of continuous vacancy status; civil penalty reduction**

(A) The division shall establish processes and procedures by which an owner may request a review of the continuous vacancy status and submit evidence that they meet the exceptions set forth in this article. Upon receipt of a properly submitted request, no additional civil penalties shall be assessed until the division has issued its decision and the time allowed to request an informal hearing under this section has passed. If an informal hearing is properly requested under this section, no additional civil penalties shall be assessed until the division has issued its hearing decision; and the decision of the director, or their designee, shall be final. The division may deny additional requests for reviews submitted within 90 days of a decision being issued and/or which are not submitted in accordance with division's established processes and procedures.

(B) If the division determines the evidence provided is sufficient to prove the exceptions have been met, the status of continuous vacancy status shall be removed; however, if the division determines there is not sufficient evidence, they may request the owner to submit additional documentation and/or take action reasonably required to satisfy the exceptions. If the owner does not provide all additional documentation and/or complete an action requested by the division within 10 days of the request being sent, the division may deny the request for removal of continuous vacancy status. If the division denies the removal of continuous vacancy status, the owner may request in writing, within 10 days of the denial being sent, an informal hearing before the director of the division of business and neighborhood services, or their designee, to dispute the continuous vacancy status.

(C) The division may establish a process by which eligible owners may, upon removal of the continuous vacancy status, be granted a reduction in the civil penalty amounts assessed while in continuous vacancy status. The division may institute additional reasonable and consistently applied eligibility requirements; however, at minimum, an eligible owner must be the owner at the time the continuous vacancy status was removed and the property must be in compliance with the exterior maintenance standards set forth in Article II.

#### **Sec. 561-263. - Stop-work order.**

(a) Whenever the administrator as assigned by the deputy director of the division of construction and business services or his or her authorized representative discovers the existence of any of the circumstances listed below, he or she is empowered to issue an order requiring the suspension of all construction activities. The stop-work order shall be in writing and shall state to what construction activities it is applicable and the reason for its issuance. One (1) copy of the stop-work order shall be posted on the property in a conspicuous place and one (1) copy shall be delivered to the permit applicant, and if conveniently possible to the person performing the construction activities and to the owner of the property or his or her agent. The stop-work order shall state the conditions under which construction activities may be resumed. A stop-work order shall be issued if:

- (1) Land alteration is proceeding in an unsafe manner;
- (2) Land alteration is occurring in violation of a drainage requirement and in such manner that if land alteration is allowed to proceed, there is a probability that it will be substantially difficult to correct the violation;

- (3) Land alteration has been accomplished in violation of a drainage requirement and a period of time that is one-half ( $\frac{1}{2}$ ) the time period in which land alteration could be completed, but no longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was either posted on the property in a conspicuous place or given to the person doing the land alteration, without the violation or noncompliance being corrected;
  - (4) Land alteration for which a drainage permit is required is proceeding without a drainage permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required drainage permit is obtained;
  - (5) Construction activity is proceeding without the appropriate installation and maintenance of pollution prevention controls, including but not limited to, erosion and sediment controls, concrete and cementitious washout containment and trash containment; or
  - (6) Construction activity that results in prohibited discharges to a municipal separate storm sewer, combined sewer or surface water body defined as an environmental public nuisance by section 575-2 of this Code.
- (b) This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

**(c) The fee for violating a stop-work order shall be provided in section 131-501 of this Code.**

**Sec. 601-2. - Deposit of waste materials on premises of another; enforcement.**

(a) It shall be unlawful for any person to deposit or place upon real estate owned by another any solid waste without the approval of the owner or lessee of such real estate.

(b) Whenever any person shall be charged with a violation of this section, it shall be a sufficient allegation of a prima facie offense to state that such person deposited the solid waste described in subsection (a) upon property of which he or she was not then the owner or lessee. It shall be a matter of affirmative defense for the person to show that he or she had permission of the owner or lessee to so deposit such solid waste, if such was the case.

(c) It shall be unlawful for a generator of solid waste to transfer such solid waste to any other person who subsequently disposes of it in violation of subsection (a). This subsection shall not apply to a generator who either transfers solid waste to a person licensed by the city at the time of transfer to haul solid waste or who sets out residential solid waste on a regularly scheduled collection day according to the rules and regulations for the preparation, set-out and collection of solid waste promulgated by the department of public works.

- (1) A person licensed by the city to haul solid waste who collects solid waste in a noncommercial vehicle shall provide a receipt for a transaction wherein he or she agrees to haul the solid waste of another, except as provided in subsection (c)(3). The licensed hauler collecting solid waste in a noncommercial vehicle shall affix to such receipt a sticker bearing his or her license number.
- (2) Stickers bearing the license number of a licensed hauler collecting solid waste in a noncommercial vehicle shall be made available through the division of construction and business services.
- (3) A licensed hauler collecting solid waste in a noncommercial vehicle shall provide such a receipt for occasional or single transactions. A licensed hauler collecting solid waste in a noncommercial vehicle shall not be required to provide such receipts to customers receiving regularly scheduled services that are documented in the records of such hauler; provided, however, that a licensed hauler collecting solid waste in a noncommercial vehicle shall provide a receipt to a regular customer for a transaction outside the scope of regularly scheduled services.

(d) Any person who violates this section shall be punishable by a fine of not less than five hundred dollars (\$500.00) and an order for such persons to reimburse each appropriate city department for its reasonable costs incurred in correcting conditions caused by the violation. In addition, the court may

order that the vehicle used in the unlawful dumping, owned by the person, be impounded for a period not to exceed ninety (90) days.

(e) Any person who violates this section by unlawfully dumping a hazardous waste as defined by the Indiana Environmental Management Act, IC 13-7-1-1 et seq. and the regulations thereunder or the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. and the regulations thereunder, shall be punishable by a fine of not less than ~~five hundred dollars (\$500.00)~~ **one thousand dollars (\$1,000)** and order for its reasonable costs incurred in correcting conditions caused by the violation, and the court shall order that the vehicle used in the unlawful dumping, owned by the person, be impounded for a period of not less than ten (10) days and not greater than ninety (90) days.

(f) Enforcement of this chapter primarily shall be the responsibility of the division of property and land use services of the department of business and neighborhood services. All monies recovered by the city from enforcement actions brought under this section, exclusive of court costs, shall be allocated to the department of business and neighborhood services and shall be deemed a reimbursement to the department for its expenses in monitoring unlawful dumping and enforcing the provisions of this section.

SECTION 2. The expressed or implied repeal or amendment by this ordinance 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 ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this \_\_\_\_ day of \_\_\_\_\_, 2025, at \_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Vop Osili  
President, City-County Council

\_\_\_\_\_  
Yulonda Winfield  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Yulonda Winfield  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Joseph H. Hogsett, Mayor