

## Chapter 7

### CONSTRUCTION AND BUILDING REGULATIONS

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CHAPTER 7  
CONSTRUCTION AND BUILDING REGULATIONS

Article 1. City Building Code<sup>1</sup>

Division I. Construction

**Sec. 7-1 Title.**

This Article and all ordinances supplemental or amendatory hereto shall be known as the "Building Code of the City of Lake Station, Indiana."

**Sec. 7-2 Purpose.**

The purpose of this Code is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.

**Sec. 7-3 Scope.**

The provisions of this Article apply to the construction, alteration, repair, use, occupancy, and maintenance and additions to all buildings and structures, including fences, in the City of Lake Station.

**Sec. 7-4 Administration and Enforcement.**

Unless otherwise provided by this Article, the Building Department is authorized and directed to administer and enforce all of the provisions of this Article. Whenever this Article provides that anything must be done to the approval of or subject to the direction of the Building Department, or any of its officers or employees, this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Article have been complied with; and no such provision shall be construed as giving any officer or employee discretionary powers as to what such regulation, codes, or standards shall be, or the power to require conditions not prescribed by this Article or to enforce the provisions of this Article in an arbitrary or discriminatory manner.

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<sup>1</sup>Effective May 11, 1985, the General Administrative Rules (GAR) were adopted by the Fire Prevention and Building Safety Commission.

Division II. Fire Prevention Code

Sec. 7-5 Adoption of Fire Prevention Code.

The City, for purposes of subscribing regulations governing conditions hazardous to life and property from fire or explosion adopts and incorporates the "Fire Prevention Code" recommended by the American Insurance Association, being particularly the 1976 edition except for such portions as are deleted, modified or amended by this Code. Two (2) copies are on file with the Building Department of Lake Station and are available for public inspection. The provisions thereof are in accordance with standard safe practices and embody widely recognized standards and codes of good practice for fire prevention and fire protection. (Ord. No. 80-52, §1, 11-6-80)

Sec. 7-6 Fire Chief to Enforce.<sup>2</sup>

The Fire Prevention Code shall be enforced by the Chief of the Lake Station Fire Department or a duly designated representative thereof, and his duties shall encompass the enforcement of the Fire Prevention Code and be synonymous with the Bureau of Fire Prevention as set forth in the Fire Prevention Code of 1976 which is adopted and incorporated. (Ord. No. 80-52, §2, 11-6-80)

Sec. 7-7 State Law Controls.

(a) In the event the Fire Prevention Code of 1976 as adopted shall in any way conflict with the Indiana Code requirements, the Indiana Code requirement shall control.

Sec. 7-8 and 7-9 Reserved for Future Use

Sec. 7-10 Orders to Eliminate Dangerous or Hazardous Conditions.

Whenever any of the officers, members or inspectors of the Fire Department shall find in any building or upon any premises dangerous or hazardous

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<sup>2</sup>I.C., 22-11-5-8, I.C., 22-11-5-11 set forth the duties, responsibilities and authority of the Chief of the Lake Station Fire Department as an Assistant State Fire Marshall by virtue of his office.

conditions or materials as follows, they shall order such dangerous conditions or materials to be removed or remedied in such a manner as may be specified by the Chief of the Fire Department:

(1) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;

(2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;

(3) Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly flammable materials;

(4) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts;

(5) Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire;

(6) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire-extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

#### Sec. 7-11 Service of Orders.

The service of orders provided above for the correction of violations of this Article shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of the same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the person a copy of such order, or, if such owner is absent from the jurisdiction of the officer making the order, by sending such copy by certified or registered mail, return receipt requested to the owner's last known post office address.

#### Sec. 7-12 Permits for Storage Required.

(a) A permit shall be required to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by State or Federal law. Such permit shall not be transferable and any change in use or

occupancy of the premises shall require a new permit.

(b) Before a permit may be issued, the Chief of the Fire Department, or his duly designated representatives, shall make or cause to be made such inspections or tests as are necessary to assure compliance with the provisions of this Article.

#### Sec. 7-13 Revocation of Permits.

The Chief of the Fire Department may revoke a permit or approval issued if any violation of this Article is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

#### Sec. 7-14 Liability of City for Damages.

This Division nor any other provision of this Code shall not be construed to hold the City of Lake Station responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect, or by reason of the permit issued as herein provided or the approval or disapproval of any equipment authorized herein.

#### Sec. 7-15 Designation of Fire Lanes.

(a) The Chief of the Fire Department shall advise the Board of Public Works and Safety in writing of the need and necessity for the designation of certain areas on public or private property as a "Fire Lane" in order that said property may be properly serviced by the Fire Department as circumstances dictate.

(b) Upon such a recommendation by the Chief of the Fire Department the Board of Public Works and Safety shall act accordingly and direct that such area as it may designate as a Fire Lane be marked and posted as such within a period of time to be not less than fourteen (14) days.

(c) If the area so designated as a Fire Lane is on public property, the marking and posting of same shall be performed by the Street Department of the City.

(d) If the area so designated as a Fire Lane is on private property, the marking and posting of same shall be at the expense of the owner thereof.

(e) The failure of any private owner to comply with the provisions of this

section shall constitute a public nuisance.

**Secs. 7-16—7-19. Reserved.**

### DIVISION III. GENERAL BUILDING PROVISIONS

**Secs. 7-20. Reserved.**

**Sec. 7-21. Violations.**

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, including fences, in the city or cause or permit the same to be done, contrary to, or in violation of the provisions of this article.

**Sec. 7-22. Right of appeal.**

All persons shall have the right to appeal a decision of the building department as to the administration of this article to the hearing authority as established by I.C., 36-7-9-1 et seq., then:

- (a) Through the executive committee of the fire prevention and building safety commission, in accordance with the provisions of I.C., 22-11-1-21.5; or
- (b) To the circuit or superior court of the county as the case may be, as applicable in accordance with the provisions of I.C., 36-7-9-8.

**State law references**—Appeals, I.C., 36-7-9-8; fire prevention and building safety commission, I.C., 22-11-5-2.

### DIVISION IV. CODES ADOPTED

**Sec. 7-23. Adoption of rules, regulations and codes by reference.**

(a) The following rules, regulations and codes identified in this section are adopted by reference as the rules, regulation and codes governing the construction and alterations of buildings and structures in the city. Any changes in the rules, regulations and codes adopted by reference shall automatically become the rules and regulations governing the city.

Two (2) copies of the following rules and regulations are on file for reference in the office of the Lake Station Building Department and are available for public inspection during regular business hours.

- (1) *Construction rules.* Construction rules and regulations originally published as 3 IR 2148 are incorporated herein and adopted by reference.
- (2) *Electrical rules.* The Indiana Electrical Code originally published as 8 IR 1010 are incorporated herein and adopted by reference.

- (3) *Plumbing rules.* The Indiana Plumbing Rules originally published as 4 IR 2398 are incorporated herein and adopted by reference.
- (4) *Mechanical rules.* The Indiana Mechanical Rules originally published as 4 IR 1828 are incorporated herein and adopted by reference.
- (5) *One and two family dwelling rules.* The Indiana One & Two Family Dwelling Rules originally published as 7 IR 1870 are incorporated herein and adopted by reference.

(6) **Indiana Energy Conservation Rules.**

The Indiana Energy Conservation Code originally published as 7 IR 2525 are incorporated herein and adopted by reference.

(7) **Swimming pool rules.**

The Indiana Swimming Pool Rules originally published as 5 IR 1829 are incorporated herein and adopted by reference.

(8) **Administrative code.**

The Indiana Administrative Code as it relates to the subject matter of this article, as set forth in I.C., 4-22-2-11, is incorporated herein and adopted by reference.

(9) **Manufactured homes.**

The Indiana Standard to Permanent Installation of Manufactured Homes originally published as 6 IR 1729 is incorporated herein and adopted by reference.

#### DIVISION V. PERMIT REQUIREMENTS AND FEES

##### **Sec. 7-24. Permits required.**

(a) A permit shall be obtained prior to the construction, alteration, enlargement, improvement, conversion, repair, or demolition of any building or structure within the City of Lake Station when the cost of such work exceeds five hundred dollars (\$500.00) using forms furnished by the building department.

(b) A permit shall be obtained prior to occupancy of any building or structure.

(c) A permit shall be obtained prior to the installation of any solid fuel burning appliance in any building or structure in the City of Lake Station, using forms furnished by the building department.

(d) A permit shall be obtained prior to the construction of any fence, where fencing is permissible in the city using forms furnished by the building department.

(e) All permits shall be issued by the building department and all fees provided for herein shall be paid to the clerk-treasurer.

##### **Sec. 7-25. Plans/certificate of compliance.**

(a) No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by a plat of survey prepared by an Indiana licensed land surveyor of the proposed location showing lot boundaries, and by plans and specifications showing the proposed work.

(b) All plans submitted for building construction under the authority of the administrative building council shall have affixed thereto an approved certificate of compliance, under the provisions of I.C., 22-11-1-12.

(c) In all such cases under the authority of the fire prevention and building safety commission no local permits shall be issued hereunder until a certified copy of the release for construction from the fire prevention and building safety commission is filed with the building department.

(Ord. No. 81-20, § 10, 3-17-81)

**Sec. 7-26. Mandatory compliance.**

All work performed pursuant to any permit issued hereunder shall fully comply with the several statutes of the State of Indiana, the Indiana Administrative Code, all applicable federal rules and regulations, and all applicable provisions of this Code, and in addition to the fees for permits hereinafter provided.

**Sec. 7-27. Schedule of fees.**

**Schedule of Fees**

	<i>Fee Rate*</i>	<i>Maximum Fee*</i>
<b>(a) Residential fee schedule:</b>		
<b>(1) New Construction</b>		
For a total valuation from \$500.00 or fraction thereof	\$20.00	N/A
For each additional \$1,000.00 or fraction thereof	\$6.00	
a. Single-family dwellings (includes manufactures on its own lot)		\$300.00
b. Two-family duplex dwellings		\$600.00
No occupancy until entire building is complete		
c. Mobile or manufactured within a park for each site		\$30.00
<b>(2) Additions</b>		
a. One and two family additions (same as new construction)	N/A	
b. Mobile or manufactured within a park for each site (same as new construction)		N/A
<b>(3) Remodeling</b>		
a. One and two family (half rate of new construction)		N/A
b. Mobile or manufactured within a park for each site (half rate of new construction)		N/A
<b>(4) Accessory structures</b>		
a. Detached garage (same as new construction)		N/A
b. Attached garage (same as new construction)		N/A
c. Storage building (same as new construction)		N/A

## Schedule of Fees

	<i>Fee Rate*</i>	<i>Maximum Fee*</i>
d. Open decks and patios 8 inches or more above ground (half rate of new construction)		N/A
e. Fences		\$10.00
f. Swimming pools over 12 feet in diameter and side wall taller than 24 inches (same as new construction)		N/A
g. Freestanding towers over 15 feet in height \$1.00 per lineal foot		N/A
(5) <b>Moving or relocation of buildings</b> (same as new construction)		N/A
(6) <b>Demolition</b>		
a. 2,500 sq. feet or less		\$20.00
b. Over 2,500 sq. feet		\$25.00
(7) <b>Permit renewals</b> —See Section 7-33		
(8) <b>Permit transfer</b>		\$10.00
(b) <b>Multi-family and non-residential:</b>		
(1) <b>New construction</b>		
For a total valuation from \$1.00 to \$1,000.00	\$40.00	N/A
For each additional \$1,000.00 or fraction thereof	\$8.00	\$850.00
No occupancy until entire building is completed		
(2) <b>Additions</b> (same as new construction)		N/A
(3) <b>Remodeling</b> (half rate of new construction)		N/A
(4) <b>Accessory structures</b>		
a. Garages or storage buildings (same as new construction)		N/A
b. Swimming pools (same as new construction)		N/A
c. Storage bins, tanks, other high volume, low area structures (including underground storage tanks) (same as new construction)		N/A
d. Towers/aerials		
First 50 feet	\$50.00	
Each additional lineal ft.	\$2.00	
e. Light standards (per pole)		\$20.00
f. Seasonal trade buildings (same as new construction)		N/A
g. Signs	\$40.00	N/A
Plus, per 100 sq. ft.	\$10.00	
h. Fences		\$15.00

**Schedule of Fees**

	<i>Fee Rate*</i>	<i>Maximum Fee*</i>
(5) <b>Moving of buildings</b> (same as new construction)		N/A
(6) <b>Demolition</b>		\$50.00
(7) <b>Other structures</b>		
a. Open recreational shelters (same as new construction)		N/A
b. Structures not specifically mentioned (same as new construction)		N/A
(c) <b>Plumbing fees:</b> Plumbing fixtures is defined as one (1) complete unit placed within the structure for the purpose of receiving water or for modifying temperature or chemical composition of water.		
Plumbing fixture, each fixture	\$3.00	
Minimum fee	\$20.00	

- (d) **Electrical fees:**  
 \$0.25 per AMP for the first 100 AMPS—*Residential*  
 ★ \$0.50 per AMP for the first 100 AMPS—*Non-residential*

Example:	Residential	Non-residential
100 AMP	\$25.00	\$50.00
200 AMP	\$50.00	★ <del>\$75.00</del> \$100.00
300 AMP	\$75.00	★ <del>\$100.00</del> \$150.00
400 AMP	\$100.00	★ <del>\$125.00</del> \$200.00

All three (3) phase service: \$0.30 per AMP—Residential  
 \$0.60 per AMP—Non-residential

Misc. wiring: Minimum Fee: \$20.00—Residential  
 Minimum Fee: \$30.00—Non-residential

(e) **Mechanical fees:**

Furnace or central air (replacement or upgrade), per unit .....	\$25.00
Furnace and central air (replacement or upgrade), per unit .....	\$45.00
Central air w/ductwork .....	\$30.00
Furnace w/ductwork .....	\$30.00
Furnace and central air w/ducts and runs .....	\$55.00
Furnace w/ductwork and cooling coil .....	\$45.00
Plus, additional fee when condenser is installed: .....	\$15.00

Commercial rooftop HVAC (replacement), per unit .....	\$45.00
Commercial rooftop HVAC (new construction), per unit.....	\$75.00
Commercial exhaust and range hoods, per unit .....	\$15.00
Fireplaces.....	\$10.00

*Note:*

\*Fees are in addition to applicable electrical, plumbing and mechanical fees.

\*\*\*In multiple use buildings, or mobile or manufactured within a park facility, where individual tenants will have separate electric meter, each meter shall be charged electrical fees ONLY ONCE — either under basic permit or under remodeling permit.

\*\*\*Each unit requires a separate permit.

(Ord. No. 81-20, §12, 5-7-81; Ord. No. 2003-16, § I, 3-18-2004)

**Sec. 7-28. Review of application.**

Prior to the issuance of any building permit hereunder, the building department shall:

- (a) Review all building permit applications to determine full compliance with the provisions of this article.
- (b) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding in accordance with flood regulations found in chapter 10 of this Code.

**Sec. 7-29. Reserved.**

**Sec. 7-30. Inspections.**

(a) Regular inspections. There shall be not less than six (6) inspections required for every building permit which shall be made in the following scheduled order:

- (1) Footing inspection;
- (2) Foundation inspection;
- (3) First rough-in inspection;
- (4) Second rough-in inspection;
- (5) Electrical service;
- (6) Final inspection.

(b) *Additional inspections.* There shall be an additional fee of fifteen dollars (\$15.00) after the second inspection, if an inspection is called for and the work does not pass the inspector's approval or upon the failure of a responsible individual to make the premises available for the purpose of inspection as scheduled.

(c) After the issuance of any permit pursuant to this article, the building department shall conduct such inspections of the work being performed as are reasonably necessary to insure full compliance with the provisions of this article and the terms of said permit.  
(Ord. No. 96-21, § 2, 7-18-96; Ord. No. 2003-16, § II, 3-18-2004)

**Sec. 7-31. Solid fuel burning appliance permit.**

(a) No person, firm, or corporation shall install or cause to be installed a solid fuel burning appliance in any building or structure in the city without obtaining in advance a solid fuel burning appliance permit from the building department.

(b) The applicant shall file with the department a completed application on the form provided, with all information indicated on the application submitted in full and with all other information required by the department for the enforcement of the building code.

(c) All installations of solid fuel burning appliances shall be inspected in accordance with the department two (2) times, one each for preliminary venting work and for final, completed installation. The permit holder shall notify the department at least twenty-four (24) hours in advance of the time the work is ready for inspection.

The permit fees are as follows:

- (1) Flue (including chimney and chimney connection) . . . . . \$5.00
- (2) Existing masonry chimney (new flue liner) . . . . . \$5.00 <sup>\$10.00</sup>
- (3) Hearth extension (fireplace stove or fireplace insert) . . . . . \$5.00
- (4) If work does not pass the inspector's approval or upon the failure of a responsible person to make the premises available for inspection as scheduled, there shall be a reinspection fee of Ten Dollars (\$10.00)

Sec. 7-32 Permit Validity.

(a) Work Start - Work must be started and have received a foundation inspection and approval within six (6) months of permit issuance. If such inspection and approval is not obtained within six (6) months the permit shall become null and void.

(b) Work Continuance - A permit is valid for a period of one (1) year from issuance subject to the above provisions. All work shall be completed within the one (1) year period or the permit must be renewed.

Sec. 7-33 Permit Extension and/or Renewals.

(a) Permit Extensions - The Building Department may, for good cause shown, extend the permit expiration date for up to thirty (30) days, without additional fee, if the extension is requested prior to the normal permit expiration date.

(b) Permit Renewals

Prior to Expiration Date: A permit may be renewed once if the renewal is requested and the fee is paid prior to the initial expiration date of the permit. The fee for a permit renewal will be as follows:

1-year renewal	60% of original fee
6-month renewal	40% of original fee

however, a minimum renewal fee shall be ten dollars (\$10.00).

Within Thirty (30) Days of Initial Expiration Date: All expired permits may be renewed once if the renewal is requested within thirty (30) days of its initial expiration and if the fee is paid as follows:

1-year renewal	75% of original fee
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6-month renewal

50% of original fee

A permit which has been expired for over thirty (30) days, but less than ninety (90) days may be reactivated provided the following fees are paid:

One (1) year renewal  
Six (6) months renewal

Full original fee  
75% original fee

Any permit which has been expired for over ninety (90) days is null and void and a new permit is required and cannot be issued until approved by the Building Department.

#### Sec. 7-34 Transfer of Permits.

No person, firm, partnership, or corporation obtaining a permit under this Article shall assign, transfer, or sublet the permit without written approval of the Building Department. Any permit assigned, transferred, or sublet without this approval shall be null and void.

#### → Sec. 7-35 Late Filing Fee.

Any person, firm, partnership, and/or corporation starting construction prior to applying for and receiving a Building Permit shall be charged a fee equal to three (3) times the original fee which is provided for in this Article.

#### Sec. 7-36 Stop Work Order.

(a) Whenever any work is being done contrary to the provisions of this Article, the Building Department may order the work suspended by notice in writing served on any persons engaged in the doing or causing such work to be done and as the owner of the project, and such persons shall forthwith stop such work until authorized by the Building Department to proceed with the work.

(b) The Building Department may, without notice, temporarily suspend any permit issued hereunder by the issuance of a STOP WORK ORDER upon the following grounds:

(1) Upon his determination that a violation of the terms of this Article has occurred and that irreparable harm will result unless the project is immediately suspended.

(2) Upon his determination that a violation of any of the

specifications, rules, regulations and/or special conditions of the permit has occurred and that irreparable harm will result unless the project is immediately suspended.

(3) In the event of damage to private and/or public property in the immediate vicinity of the project, the Building Department is empowered to issue a STOP WORK ORDER. The issuance of such a STOP WORK ORDER shall constitute a suspension of the permit until such time as remedial action has been taken by the permittee to the satisfaction of the Building Department. All remedial action shall include the restoration of all private and/or public property so damaged to its pre-existing condition. In the event the permittee shall fail to commence and complete remedial action within the period of time as set forth in such notice thereof, and the City shall be empowered to commence proceedings against the permittee or his surety. Any damages collected by the City of Lake Station as the result of of such proceedings shall inure to the benefit of the damaged property owner(s).

(4) In all cases upon the issuance of a STOP WORK ORDER, additional notice of same shall be forwarded by the Building Department to the permittee at the address indicated on the application for such permit by certified or registered mail, return receipt requested.

(5) Said notice shall contain the legal description or address of the property that is subject to the order, and inform the permittee of the basis for the issuance of such STOP WORK ORDER as well as the required remedial action to correct the condition(s) which necessitated the issuance of the ORDER and the time period within which such conditions shall be corrected.

(6) In the event remedial action is not commenced and completed within the period of time as set forth in such notice, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee for any damages suffered, fees, charges, assessments and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

(7) All STOP WORK ORDERS and the suspension of any permit by the issuance thereof or any administrative revocation may be appealable to the Building Department Hearing Authority upon the filing of a notice of appeal with the Clerk-Treasurer within twenty-one (21) days after the issuance of such STOP WORK ORDER or an administrative revocation of permit. Within fourteen (14) days after the filing of such notice of appeal with the Clerk-Treasurer, a hearing, with reasonable notice of at least three (3) days to the permittee, shall be scheduled by the Hearing Authority. Any person with an interest in the proceedings may appear in person or by counsel at the hearing. Such person appearing at the hearing is entitled to

present evidence, cross examine opposing witnesses, and present arguments. If the Hearing Authority finds that the permittee has willfully violated a term or condition of the permit or has willfully done or permitted to be done an act in violation of a statute or ordinance relating to the permit issued, the Hearing Authority shall suspend or revoke the permit upon such conditions as it may deem appropriate. The Board shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after issuance.

(8) Neither suspension nor revocation of any permit shall bar prosecution for violations of this Article.

#### Sec. 7-37 Standards.

All work on the construction, alteration, and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

#### Sec. 7-38 Remedies.

The Building Department shall in the name of the City of Lake Station bring actions in the Superior or Circuit Courts of Lake County, Indiana, for mandatory and/or injunctive relief in the enforcement of, and to secure compliance with any order or orders made by the Building Department, and with any such action for mandatory and/or injunctive relief may be joined an action to recover the penalties provided for in this Article. In the event that any person shall fail to comply with the terms and conditions of this Article, the City of Lake Station shall be entitled to recover all delinquent fees, and all reasonable attorney fees, and expenses incidental thereto, all without relief from valuation and appraisal laws.

#### Sec. 7-39 Penalties.

(a) If any person, firm or corporation shall violate any of the provisions of this Article, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Department, or shall fail, neglect or refuse to obey any lawful order given by the Building Department in connection with the provisions of this Article, for each such violation, failure or refusal, such person, firm or corporation shall be subject to the provisions of Section 1-9 of this Code.

(b) Additionally, in the event a person shall fail to comply with the terms and conditions of this Article, the City of Lake Station shall be entitled

to recover all delinquent fees, and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

(c) Each day a violation of this Article is committed or permitted to continue shall constitute a separate offense.

Sec. 7-40 through 7-47 Reserved for Future Use

#### Division VI. Street Excavations

Sec. 7-48 Definitions.

For the purposes of this Division, "surface" means and includes the pavement, drains, sewers and appurtenances, curbs and sidewalks and any and all surface materials which are a part of the streets, alleys, boulevards and other public thoroughfares.

Sec. 7-49 Permit Required.

No person shall cut, break, alter, change or disturb the surface by doing work upon or under the surface of any street, alley, boulevard or other public thoroughfare in the City without first obtaining a permit.

Sec. 7-50 Permit Application.

(a) No person shall cut, alter, change, break or disturb the surface of any street, alley, boulevard or other public thoroughfare by any work to be done upon or under the surface of any street, alley, boulevard or other public thoroughfare within the City, such person shall make application therefor on forms to be provided by the Board of Public Works and Safety of the City. In such application the applicant shall set forth the name, address and occupation of each person seeking such permit, the reason for the permit, the nature of the work to be performed, the dates when such work is expected to be commenced and completed, and the location and the area of the surface to be broken. Such application shall have attached thereto a clearly drawn plat of survey prepared by an Indiana licensed land surveyor of the site of the proposed project including the legal description thereof, and the location, distances, and dimensions of all work to be performed.

(b) The applicant shall submit a proposed plan for ensuring public safety during the term of the permit for each worksite. Said plan shall be subject to the approval of the Board of Public Works and Safety.

(c) The re-setting of public utility poles shall be exempt from the provisions of this Division.

**Sec. 7-51 When Permit Issued.**

Permits may be issued by the Board of Public Works and Safety only after such application shall be filed in duplicate, and after the Board shall have full and complete information in respect thereto as well as the payment of all requisite fees. (Ord. No. 50-299, 2-2-50, Code §911.04)

**Sec. 7-52 Permit Fee. (Resolution No. 2005-02)**

Before any permit issued under this Division is granted, the applicant shall pay a fee of dollars (\$ .00) per cut, alteration, change, break or disturbance of the street surface the Clerk-Treasurer of the City. However, where the applicant is a public utility company and such public utility company files, on their own duplicate forms, a request for approval of any extension of utility service, and such forms show the location and position of the proposed extension, and where the proposed extension is over or on an unimproved public thoroughfare or right of way, no permit fee shall be required for the approval of such request for such extensions. (Ord.No. 50-299, 2-2-50, Code §911.05)

**Sec. 7-53 Permits Granted.**

The Board of Public Works and Safety shall at its next regular meeting act upon such application, either granting the permit or denying same. The Board may continue the matter for further investigation until its next regular meeting and at such next regular meeting shall either grant or deny such application. (Ord. No. 50-299, 2-2-50, Code §911.06)

**Sec. 7-54 Restoring Condition of Surface.**

Whenever a permit has been granted under this Division to cut, alter, change, break or disturb the surface of any street, alley, boulevard or other public thoroughfare in respect to any work to be done upon or under the surface of any such street, alley, boulevard or public thoroughfare, both the surface and the surface thereof shall be governed by the following specifications:

(a) Backfill: All excavations under pavement shall be backfilled in accordance with Backfilling Engineering Standards adopted by the Board, of

which two (2) copies shall be maintained in the Building Department and open for public inspection during regular business hours.

(b) Pavement Replacement: All pavement shall be replaced with a type of construction equal to or better than that which is removed as approved by the City Engineer. All cuts in concrete pavement shall be first outlined with a saw cut not less than one and one-half (1 1/2) inches.

(c) Concrete or Brick Pavements: Concrete used in replacement of concrete or brick pavements not presently surfaced with an asphaltic material shall be Class A, Type I, as prescribed in the City Standards. Brick pavements will be replaced with eight (8) inches of concrete, except in some residential streets where the City Engineer may require the brick to be replaced.

Where concrete that has an asphaltic concrete surface is replaced, Class B, Type I, as prescribed in the City Standards shall be used and the concrete shall be finished flush with the surface of the existing concrete and the asphaltic surface replaced.

(d) Hot Asphaltic Concrete, sheet asphalt, emulsified asphalt, chip seals, and oil mat pavements: All asphaltic and oil type pavements shall be replaced with a hot asphaltic concrete surface conforming to Section D3, Hot Asphaltic Concrete Base, Binder and Surface of the latest Indiana State Highway Standard Specifications. The thickness of the pavement shall be equal to that which existed, but not less than three (3) inches. Not less than eight (8) inches of coarse aggregate Class A or B, Size No. 53 Section K3 of the State Highway Specifications shall be placed under any asphaltic concrete patch unless a concrete base is necessary. Asphalt placed over a concrete patch shall be cut back six (6) inches around the concrete patch so that the two (2) joints are offset.

(e) Temporary Patch: If it is not possible, due to weather conditions, for the contractor to replace the pavement within fourteen (14) days following completion of the work, a coarse aggregate base eight (8) inches thick and a cold asphaltic surface shall be applied and maintained as a temporary patch until permanent repairs can be made. In no case shall a temporary patch be maintained more than six (6) months before permanent repairs are made.

#### Sec. 7-55 Barricades Required.

Barricades lighted with flashing lights and reflectors shall be maintained at each site by the party to whom the permit is issued, and the party shall maintain such safety barriers until the excavation is completed. The number

and placement of such barricades shall be subject to the approval of the Superintendent of the Local Road and Street Department under the supervision of the Chief of Police.

**Sec. 7-56 Bond Requirements.**

(a) At the time of making the request for a permit under Section 7-50, the person desiring to make an opening or excavation shall file a bond payable to the City in such sum as the Board of Public Works and Safety may designate. The form of the bond shall be approved by the City Attorney and the surety shall be approved by the Board.

(b) The condition of the bond shall be that the applicant shall conform to the provisions of this Division, any and all specifications, rules, regulations, and special conditions prescribed by the Board, and shall protect and save harmless the City of Lake Station from any and all liability, damages and expenses which said City may sustain by reason of any violation by the applicant of any of the provisions of this Division, specifications, rules, regulations, and special conditions of the permit including reasonable attorney fees and all expenses incidental thereto, all without relief from valuation and appraisal laws.

(c) Any public utility operating under the jurisdiction of the Public Service Commission of the State of Indiana may give an indemnifying agreement in lieu of such bond.

(d) Any person desiring to make any opening or excavation as provided herein shall also carry insurance against all personal injury and property damages claims which may arise from the performance of such work in such amounts as may be established by the Board of Public Works and Safety and, in case of a single or continuing bond, shall maintain on file in the office of the Board evidence of the continuation in force of such insurance throughout the term for which any such bond is issued.

**Sec. 7-57 Liability of Permittee for One Year.**

The Board of Public Works and Safety shall, through the City Engineer, require periodic inspection of all pavement repairs. If for any reason, within a period of one (1) year, there is an indication of settlement of the repaired area or deterioration of the paving material, the permit shall be required to make the necessary repairs as specified by the City Engineer. The failure of the permittee to make such repairs will result in the bonding company being required to make the necessary repairs.

**Sec. 7-58 Emergency Excavations.**

(a) Whenever any work to be done below the surface of any street, alley, boulevard or public thoroughfare shall involve an emergency wherein the public health, safety or welfare is affected, or where danger to life or property may ensue due to the delay in obtaining any such permit, any person, firm or corporation may proceed immediately to cut, alter, change, break or disturb the surface of any street, alley, boulevard or public thoroughfare and proceed with such emergency work.

(b) However, any such person, firm or corporation so proceeding shall thereafter, and not later than seventy-two (72) hours thereafter, make application for such permit as hereinbefore provided.

(c) Such application, among other things shall indicate that work has already commenced and state in detail the facts in connection with such emergency.

(d) If thereafter the Board of Public Works and Safety shall determine that no emergency existed warranting immediate action, it may take whatever steps shall be necessary to immediately stop the progress of such work and the cutting, altering, changing, breaking, or disturbing such surface of any street, alley, boulevard, or public thoroughfare shall be considered a violation of the provisions of this Chapter.

**Sec. 7-59 Suspension of Permit/Stop Work Order.**

The City Engineer may, without notice, temporarily suspend any permit issued hereunder by the issuance of a STOP WORK ORDER upon the following grounds:

(1) Upon his determination that a violation of the terms of this Division has occurred and that irreparable change in the condition of the land will result unless the excavation operation is immediately suspended.

(2) Upon his determination that a violation of any of the specifications, rules, regulations or special conditions of the permit has occurred and that irreparable change in the condition of the land will result unless the excavation is immediately suspended.

(3) In the event of damage to private and/or public property in the immediate vicinity of the excavation site by dumping, spilling or blowing material, the City Engineer is empowered to issue a STOP WORK ORDER. The issuance of a STOP WORK ORDER shall constitute a suspension of the permit until such time as remedial action has been taken by the permittee to the satisfaction of the City Engineer. All remedial action shall include the restoration of all private and/or public property so damaged to its

pre-existing condition. In the event the permittee shall fail to commence and complete remedial action within 30 days subsequent to the issuance of a STOP WORK ORDER, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee or his surety. Any damages collected by the City of Lake Station as the result of such proceedings shall inure to the benefit of the damaged property owner(s).

(4) That upon the issuance of a STOP WORK ORDER, additional notice of same shall be forwarded by the City Engineer to the permittee at the address indicated in the application for such permit by certified or registered mail, return receipt requested.

(5) Said notice shall inform the permittee of the basis for the issuance of such STOP WORK ORDER as well as the required remedial action to correct the condition(s) which necessitated the issuance of the ORDER and the time period within which such conditions shall be corrected.

(6) In the event remedial action is not commenced and completed within the period of time as set forth in such notice, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee or his surety for any damages suffered.

(7) All STOP WORK ORDERS and the suspension of any permit by the issuance thereof or an administrative revocation may be appealable to the board upon the filing of a notice of appeal with the Clerk-Treasurer within twenty-one (21) days after the issuance of such STOP WORK ORDER or an administrative revocation of permit. Within fourteen (14) days after the filing of such notice of appeal with the Clerk-Treasurer, a hearing, with reasonable notice of at least three (3) days to the permittee, shall be scheduled by the Board. The Board may issue subpoenas to compel the attendance of witnesses, administer oaths to those witnesses, and require them to testify. To the extent they can be applied, the Indiana Rules of Trial Procedure, including the right to appear by counsel and to compel the attendance of witnesses; to present evidence, cross-examine opposing witnesses and present argument shall apply to these proceedings. If the Board finds that the permittee has willfully violated a term or condition of the permit or has willfully done or permitted to be done an act in violation of a statute or this Code relating to the permit issued, the Board shall revoke or suspend the permit upon such conditions as it may deem appropriate. The Board shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after issuance.

(8) Neither suspension nor revocation of any permit shall bar prosecution

for violations of this Division.

**Sec. 7-60 Remedies.**

The Board of Public Works and Safety shall, in the name of the City of Lake Station, bring actions in the Superior or Circuit Courts of Lake County, Indiana, for mandatory and/or injunctive relief in the enforcement of, and to secure compliance with any order or orders made by the Board, and with any such action for mandatory and/or injunctive relief may be joined an action to recover the penalties provided for in this Division. In the event that any person shall fail to comply with the terms and conditions of this Division, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees, and expenses incident thereto, all without relief from valuation and appraisal laws.

**Sec. 7-61 Penalties.**

Anyone violating the provisions of this Division shall be subject to the penalty provisions of Sec. 1-9.

**Sec. 7-62 through 7-65 Reserved for Future Use**

**Division VII. Sandmining**

**Sec. 7-66 Permit Required.**

It shall be unlawful for any person, firm, corporation or entity hereinafter referred to as "person" to excavate or remove, or cause to be excavated or removed, or to take or carry away, or to cause to be taken or carried away, any sand, soil, earth or rock from any land within the City of Lake Station, for any purpose whatsoever, before said person shall first have obtained a permit for purpose from the Common Council of the City of Lake Station, hereinafter referred to as the "Council", or except as may be permitted under Section 7-71.

**Sec. 7-67 Manner of Excavation.**

(a) It shall be unlawful for any person to excavate or remove or cause to be excavated or removed, any sand, soil, earth or rock from any land within the City of Lake Station, for any purpose whatsoever, below existing and established contiguous street grades, or except as may be permitted under Sections 7-71 and 7-72. In those areas where no established contiguous street grades exist, it shall be unlawful for any person to excavate or remove, or cause to be excavated or removed, any sand, soil, earth, or rock from any land within the City of Lake Station, for any purpose whatsoever, below an elevation to be determined by the City Engineer, said elevation to be consistent with any possible future extension of the closest existing street or alley into said areas.

(b) It shall be unlawful for any person to excavate or remove or cause to be excavated or removed, any sand, soil, earth or rock from any residential district, as defined in the Zoning Ordinance of the City of Lake Station, within the corporate limits of the City, except to the extent that such excavation or removal may be necessary for the actual construction of permitted structures within such residential districts, provided that all permits required by the Code shall be obtained prior to any such excavation or removal, or except as may be permitted under Sections 7-71 and 7-72.

(c) It shall be unlawful for any person to excavate or remove or cause to be excavated or removed, any sand, soil, earth or rock from any land within the City of Lake Station, for any purpose whatsoever, without erecting and maintaining proper barricades or other suitable protective devices, to prevent said sand, soil, earth or rock from blowing over or spilling upon other private or public property in the immediate area of the excavation.

(d) It shall be unlawful for any person to terminate any permitted excavation operation by leaving the excavated site in a condition that constitutes a hazard to the health or safety of others.

**Sec. 7-68 Written Application.**

Application for a permit to excavate or remove, take or carry away any sand, soil, earth or rock shall be made to the Council on the application form prescribed by it. Applications for any such permit shall include the following:

(1) A vicinity map of the site and surrounding area showing streets, highways and other landmarks in the immediate area surrounding the proposed excavation site.

(2) A plat of survey of the site of the proposed excavation, including the legal description of the site.

(3) A topographic survey of the site and adjacent existing streets and other improvements. Topographic data shall be shown by contours not exceeding a two-foot interval at a scale not less than one (1) inch equalling one hundred (100) feet. The survey shall show the elevation(s) to which the proposed excavation will be made.

(4) An accurate estimate of the amount of sand or other materials (in cubic yards) expected to be removed during the life of the permit.

(5) The proposed routes to be used by vehicles in the removal of any material from the site shall be shown on the vicinity map. Approval of the proposed routes by the Chief of Police of the City of Lake Station must be attached to the application before the Council.

(6) All maps and data, as required and described in Sub-paragraphs (1), (2), (3), (4), and (5) of Section 7-68, shall be prepared by an Indiana licensed land surveyor.

(7) Upon completion of the excavation operation, the applicant shall submit to the City an as-built drawing, prepared and duly certified by an Indiana licensed land surveyor, showing the elevations of the area excavated, for determination of conformance with the proposed excavation limits of the permit.

(8) The applicant shall furnish with the application current title minutes as to the fee simple ownership of the subject property.

(9) If the applicant shall be any person other than the fee simple owner of the land, the applicant shall file, as a part of his application, an affidavit from the fee owner indicating that the applicant has the owner's permission for such excavation or removal.

(10) A certificate of zoning clearance from the office of the Building Department.

(11) A statement explaining in detail the protection and precautionary methods to be employed by the applicant to prevent the excavated material from dumping, spilling or blowing upon other private or public property in the immediate area of the excavation.

**Sec. 7-69 Rules and Regulations.**

The Council may impose any specifications, rules, regulations or special conditions, in the granting of an excavation permit, that may be required for the protection of the public health, safety and welfare. Any such specifications, rules, regulations or special conditions shall be in writing, shall be attached to the permit itself, and shall become a part of the permit. A condition of such permit shall be that the City Engineer or his duly designated representative shall have unrestricted access to the real estate as to which a permit is issued at all times.

**Sec. 7-70 Bond.**

The applicant shall be required to post a liability bond payable to the City of Lake Station at the time of issuance of any permit by the Council. The amount of the bond for each applicant shall be set by the Council, but in no event shall the amount be less than ten thousand dollars (\$10,000.00). The form of the bond shall be approved by the City Attorney and the surety shall be approved by the Council. The condition of the bond shall be that the applicant will conform to the provisions of the Division, any and all specifications, rules, regulations and special conditions prescribed by the Council, and shall protect and save harmless the City of Lake Station from any and all liability, damages and expenses which said City may sustain by reason of any violation by the applicant of any of the provisions of the Division, specifications, rules, regulations and special conditions of the permit including reasonable attorney fees and all costs incidental thereto.

**Sec. 7-71 Exceptions.**

For the following listed exceptions, no permit or bond shall be necessary, but all other provisions of the Division pertaining to the protection of private or public property in the immediate vicinity of the excavation site shall remain in full force and effect.

(1) Sand or materials which are removed or moved in connection with excavations for construction or alteration of structures or accessory uses (such as parking areas, landscaping or gardening) in cases where valid building permits have been issued and are in force and effect at the time of the removal.

(2) Sand or materials which are removed or moved in cases involving public health and safety.

(3) Sand or materials which are removed or moved in connection with the

installation or repair of public utilities, street grading and sewer installation.

(4) All cases of grading without removal of sand or other materials therefrom.

(5) Sand or materials which are removed or moved in those subdivisions which have received the primary approval of the Plan Commission.

(6) All cases where the aggregate volume of sand or material removed within any period of 365 days does not exceed ten (10) cubic yards.

#### Sec. 7-72 Below Grade Excavation.

The Council shall be authorized to permit excavations below existing and established contiguous street grades only in those cases where the excavation can be used for public or public access recreational purposes. In such cases, the Council shall have the authority to specify, as a prior condition to granting the permit, that the land shall be dedicated as a public facility to the City of Lake Station.

#### Sec. 7-73 Suspension of Permit/Stop Work Order.

The City Engineer may, without notice, temporarily suspend any permit issued hereunder by the issuance of a STOP WORK ORDER upon the following grounds:

(1) Upon his determination that a violation of the terms of this Division has occurred and that irreparable change in the condition of the land will result unless the excavation operation is immediately suspended.

(2) Upon his determination that a violation of any of the specifications, rules, regulations or special conditions of the permit has occurred and that irreparable change in the condition of the land will result unless the excavation is immediately suspended.

(3) In the event of damage to private and/or public property in the immediate vicinity of the excavation site by dumping, spilling or blowing material, the City Engineer is empowered to issue a STOP WORK ORDER. The issuance of a STOP WORK ORDER shall constitute a suspension of the permit until such time as remedial action has been taken by the permittee to the satisfaction of the City Engineer. All remedial action shall include the restoration of all private and/or public property so damaged to its pre-existing condition. In the event the permittee shall fail to commence and complete remedial action within 30 days subsequent to the issuance of a

STOP WORK ORDER, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee or his surety. Any damages collected by the City of Lake Station as the result of such proceedings shall inure to the benefit of the damaged property owner(s).

(4) That upon the issuance of a STOP WORK ORDER, additional notice of same shall be forwarded by the City Engineer to the permittee at the address indicated in the application for such permit by certified or registered mail, return receipt requested.

(5) Said notice shall inform the permittee of the basis for the issuance of such STOP WORK ORDER as well as the required remedial action to correct the condition(s) which necessitated the issuance of the ORDER and the time period within which such conditions shall be corrected.

(6) In the event remedial action is not commenced and completed within the period of time as set forth in such notice, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee or his surety for any damages suffered.

(7) All STOP WORK ORDERS and the suspension of any permit by the issuance thereof or an administrative revocation may be appealable to the Council upon the filing of a notice of appeal with the Clerk-Treasurer within twenty-one (21) days after the issuance of such STOP WORK ORDER or an administrative revocation of permit. Within fourteen (14) days after the filing of such notice of appeal with the Clerk-Treasurer, a hearing, with reasonable notice of at least three (3) days to the permittee, shall be scheduled by the Council. The Council may issue subpoenas to compel the attendance of witnesses, administer oaths to those witnesses, and require them to testify. To the extent they can be applied, the Indiana Rules of Trial Procedure, including the right to appear by counsel and to compel the attendance of witnesses, to present evidence, cross-examine opposing witnesses and present argument shall apply to these proceedings. If the Council finds that the permittee has willfully violated a term or condition of the permit or has willfully done or permitted to be done an act in violation of a statute or this Code, relating to the permit issued, the Council shall revoke or suspend the permit upon such conditions as it may deem appropriate. The Council shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after issuance.

(8) Neither suspension nor revocation of any permit shall bar prosecution for violations of this Division.

**Sec. 7-74 Fees.**

The fee for a permit shall be in a minimum amount of \$50.00 and a maximum amount of \$500.00, which shall be paid to the Clerk-Treasurer at the time of issuance. The Council shall have the power to set the fee. All such permits shall be valid for a specific period of time to be determined by the Council at the time of issuance.

**Sec. 7-75 Remedies.**

The City shall bring actions in the Superior or Circuit Courts of Lake County, Indiana, for mandatory and/or injunctive relief in the enforcement of, and to secure compliance with any order or orders made by the Council, and with any such action for mandatory and/or injunctive relief maybe joined an action to recover the penalties provided for in this Division. In the event that any person shall fail to comply with the terms and conditions of this Division, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees, and expenses incident thereto, all without relief from valuation and appraisalment laws.

**Sec. 7-76 Penalties.**

(a) If any person, firm or corporation shall violate any of the provisions of this Division, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Council, or shall fail, neglect or refuse to obey any lawful order given by the Council in connection with the provisions of this Division, for each violation, failure or refusal, such person, firm or corporation shall be subject to the provisions of Section 1-9 of this Code.

(b) Additionally, in the event a person shall fail to comply with the terms and conditions of this Division, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisalment laws.

(c) Each day a violation of this Division is committed or permitted to continue shall constitute a separate offense.

Sec. 7-77 through 7-80 Reserved for Future Use

Division VIII. Fencing Regulations**Sec. 7-81 Fence Permit Required.**

(a) A permit shall be obtained by the property owner or licensed contractor prior to any construction or alteration, of any fence or like structure.

(b) All permits shall be issued by the Building Department, and all fees provided for herein shall be paid to the Clerk-Treasurer of the City of Lake Station.

**Sec. 7-82 Fence Permit Fees.**

Permit fees shall be as follows:

(1) All fences except those fences in Retail, Business, Commercial, Industrial Districts: \$10.00

(2) Business, Commercial, Industrial District Fences: \$15.00

**Sec. 7-83 Standards.**

(a) All work on the construction, alteration, and repair of fences shall be performed in a good and workmanlike manner according to accepted standards and practices.

(b) The owner of record of any "Zoning Lot" shall be responsible for maintaining all fences in good repair.

(c) Fences shall be constructed of a uniform material throughout.

**Sec. 7-84 Fence Regulations.**

Specific fence regulations are addressed in Chapter 10, the Zoning Chapter of this Code.

**Sec. 7-85 Related Ordinances, Codes and Regulations in Effect.**

(a) All work done under any permit issued herein shall be in full compliance with the several statutes of the State of Indiana and the Lake Station City Code.

(b) All definitions related to fences are found in chapter 10, the zoning chapter of this Code.

**Sec. 7-86. Penalties.**

(a) If any person, firm or corporation shall violate any of the provisions of this article, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the building department, or shall fail, neglect or refuse to obey any lawful order given by the building department in connection with the provisions of this article, for each such violation, failure or refusal, such person, firm or corporation shall be subject to the provisions of section 1-9 of this Code.

(b) Additionally, in the event a person shall fail to comply with the terms and conditions of this article, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

(c) Each day a violation of this article is committed or permitted to continue shall constitute a separate offense.

**DIVISION IX. SIDEWALKS, DRIVEWAYS AND PARKWAYS**

**Sec. 7-87. Definitions.**

[The following terms as used in this division shall have the meaning indicated:]

*Front yard.* The area of land lying between the front door or main entrance of a residence and the curb of the street in front of, or adjacent to the residence, excluding the sidewalks and parkways in front of the residence, and the driveway to the residence.

*Parkway* means that area of land lying between the edge of the street, whether paved or unpaved, and the edge of the sidewalk adjacent to and paralleling said street. Where no sidewalk exists, the term shall mean and refer to that area of land lying between the edge of a street and a line parallel to and fifteen (15) feet away from the edge of said street.

*Pave, repave and cause to be paved* means the act of covering or surfacing an area with asphalt, concrete, gravel, rock or other materials used in road or street building. The installation of bricks or decorative stone as landscaping and not for the purpose of parking shall not be considered paving.

*Person* means any asphalt contractor, concrete contractor, general contractor, landowner, individual, corporation, partnership, joint venture, trust, trustee, beneficial owner or a land trust, nominee of a landowner, or any other legal entity.

*Property owner* means any person who has an ownership interest in real estate, legal or equitable, partial or absolute, or as a landlord or tenant. Mortgages and other lien holders shall not be deemed landowners unless and until they acquire ownership by deed or by operation of law.

(Ord. No. 2004-18, 9-2-2004; Ord. No. 2005-17, 5-5-2005)

**Sec. 7-88. Repair and maintenance of sidewalks and driveways.**

(a) *Responsibility of repair and maintenance of abutting sidewalks and driveways.* The responsibility for the repair and maintenance of sidewalks and driveways within the city is hereby deemed to be that of abutting property owners. Property owners shall be responsible for maintaining the abutting sidewalks in a reasonably safe condition, and shall repair and maintain the abutting sidewalk at their owner expense as and when needed, in the opinion of the building commissioner or his designee.

(b) *Notice of order to repair.* Should a property owner fail to maintain his or her abutting sidewalk and/or driveway in a reasonable safe condition, then, in the interest of the health, safety and general welfare of the public, the city, in its sole discretion, may issue a notice or an order to repair the sidewalk and/or driveway to the responsible owner.

(c) *Issuance and service of notice to repair.*

- (1) Notice of an order to repair or improve any sidewalk and/or driveway within the city shall be issued by the building commissioner or his designee.

The notice shall be addressed to the common address of the property in question and also to the address of the property owner, if different, and shall be sent by certified mail.

- (2) The property owner shall perform the requested repairs or improvements to the sidewalk and/or driveway within thirty (30) days from the date of the notice as required by the notice, or any extended time therefrom allowed by the building commissioner or his designee.

(d) *Contract for repair.* In the event any property owner fails to comply with the order to repair any sidewalk or driveway with the city issued by the building commissioner or his designee, the board of public works and safety, in its sole discretion, may have the sidewalk or driveway constructed or repaired. In causing the sidewalk or driveway to be constructed or repaired, the board of public works and safety may let a general contract for the making or repairing of all sidewalks and/or driveways subject to the issued order. The letting of any contract under the provisions of this section shall be governed by the laws of the state regulating contractual authority of the board of public works and safety for such matters, as they may be amended from time to time.

(e) *Assessments.* Assessments for the construction or repair of sidewalks or driveways shall be levied and collected pursuant to the terms of I.C. 36-9-36-1, et. seq., as amended from time to time.

(Ord. No. 2004-18, 9-2-2004)

**Sec. 7-89. Parkway and front yard maintenance.**

(a) The property owner whose property abuts a street or alley shall maintain and care for any parkway or front yard which adjoins or is a part of his property. Such maintenance and care shall include, but not be limited to, the planting, and regular mowing of grass, trimming of bushes and trees and the maintenance.

(b) No person may hereafter pave, repave, or cause to be paved, all or any part of a parkway, without obtaining a building permit from the building commissioner. No person may hereafter pave, repave, cause to be paved, or cover with gravel, all or any part of a front yard. The building commissioner shall consider the following in issuing the permit to pave a parkway:

- (1) The parkway must be graded to allow storm water to flow and follow its natural course of drainage.
  - (2) The paving of the parkway may not impair vehicular and pedestrian safety.
- (Ord. No. 2004-18, 9-2-2004; Ord. No. 2005-17, 5-5-2005)

## ARTICLE 2. LICENSING OF CONTRACTORS AND SPECIALTY CONTRACTORS

### Sec. 7-91. License required.

It shall be unlawful for any person to engage in the business or act in the capacity of a contractor or specialty contractor within the City of Lake Station without having a valid license or certificate of registration.

### Sec. 7-92. Definitions.

As set forth in this article, the following definitions shall apply unless expressly denoted otherwise.

- (a) *Contractor*: The term "contractor" shall mean, refer to, and include any person who for compensation submits bids to, or does himself, or causes to be done by others, construction, demolition, repair, alteration, remodeling, additions, reductions, improvements to structures or buildings, and/or manages any of the above or foregoing activities. The term shall also include electrical installation, plumbing installation, heating, ventilating and air conditioning installation, and specialty contractor. The term shall further include any general contractor, divisional contractor, or subcontractor, or materialman."
- (b) *Specialty contractor*: The term "specialty contractor" shall mean, refer to, and include any person who specializes in a particular branch of the building and construction industry, and to any person who installs or provides any of the following:
  - (1) Alarm security systems;
  - (2) Asphalt paving, seal coating or striping;
  - (3) Concrete;
  - (4) Decks;
  - (5) Commercial painting, drywall or plastering;
  - (6) Demolition or house moving;
  - (7) Drain and sewer cleaning;
  - (8) Fencing;

- (9) Commercial landscaping;
  - (10) Masonry, tuck pointing or sandblasting;
  - (11) Pest control;
  - (12) Roofing;
  - (13) Siding, gutters, windows, trim;
  - (14) Sprinkler systems;
  - (15) Storage sheds;
  - (16) Swimming pools;
  - (17) Tree trimming or removal service;
  - (18) Waterproofing.
- (c) *License or certificate of registration* means a certificate issued by the board of examiners established pursuant to this article which confers upon the holder the privilege to perform as a contractor.
- (d) *Registration* means the act by which the board of examiners confers upon a person the privilege to act as a plumbing contractor as herein defined, which registration shall be evidenced by a certificate of registration.
- (e) *Board* as herein referred to shall mean the board of examiners.
- (Ord. No. 99-02, §§ 1, 2, 2-18-99)

**Sec. 7-93. Exceptions and exclusions.**

- (a) The fee provisions of this article do not apply to the following:

An authorized employee of the United States, the State of Indiana, or any political subdivision thereof, so long as the employee does not hold himself out for hire and is acting within the scope of his employment.

(b) The provisions of this article shall not apply to:

- (1) Public utilities, where construction, maintenance, and development work is performed by their own employees and incidental to their business.
- (2) The owner-occupant of a dwelling of a two (2) or less family resident unit when said owner-occupant is installing, altering, or repairing said residential unit.
- (3) Any construction, alteration, or improvement located on any site where state and/or federal law supersedes this article.

**Sec. 7-94. Board of examiners of contractors and specialty contractors.**

(a) The board shall consist of five (5) members, who shall be appointed by the mayor of the City of Lake Station. One (1) member shall be the heating, air conditioning, and sheet metal inspector; one (1) member shall be the electrical inspector; one (1) member shall be the plumbing inspector; one (1) member shall be the building inspector; and one (1) member shall be a citizen member having a general knowledge of the building trades.

(b) The citizen member of the board may be appointed for a period of one (1) year whose term shall expire on the 31st day of December. All other members shall serve by virtue of their employment as inspectors.

(c) The citizen member of the board shall hold office after the expiration of his term until a successor has been appointed.

(d) The board of examiners shall have the duty of enforcing the provisions of this article and shall cause periodic inspections to be made by the building department of the City of Lake Station of any work of a licensed contractor or specialty contractor and the board shall request the building department to conduct investigations and submit written reports to the board upon the filing of any complaints.

**Sec. 7-95. Oaths required.**

Each member of the board shall, before entering upon the discharge of his duties of office, be sworn by the clerk-treasurer of the City of Lake Station, to properly perform the duties of the office as a member of said board and to uphold the City Code ordinances, laws, and Constitution(s) of the City of Lake Station, State of Indiana, and of the United States.

**Sec. 7-96. Officers and meetings.**

(a) The members of the board shall hold a meeting no later than the fourth (4th) Monday of January of each year for the purpose of selecting a chairman and regulations as they deem necessary and expedient to the purpose of selecting a chairman and secretary. The time for conducting meetings and the manner for notice of all such meetings shall be in accordance with the Indiana Open Door Law.

(b) The following principles shall govern:

- (1) The majority vote of the total board shall govern all issues before the board.

- (2) A two-thirds majority of membership shall constitute a quorum for the transaction of all business.
- (3) The chairman through required notice being sent by the secretary, or any two (2) members of the board, upon proper notice, may call meetings of the board.

**State law reference**—Indiana Open Door Law, I.C., 5-14-1.5-1—5-14-1.5-7.

**Sec. 7-97. Standardized tests.**

(a) All written and oral tests shall be standardized and based upon the applicable portion of the building code of the City of Lake Station, and rules and regulations incident thereto.

(b) The contents of the examinations herein required shall be developed by the board of examiners, and shall test the current level of skills required of persons to be licensed in a specific license category.

(c) The board shall establish periods of examination. The examination of the applicants shall be administered within thirty (30) days after the filing of an application for license.

**Sec. 7-98. Duties of board secretary.**

The secretary of the board shall keep a record of all the meetings and proceedings of the board together with the necessary register showing all applications. The register shall show the date and name of each applicant, qualifications, place of business, place or residence, and whether the application for license was granted or refused.

**Sec. 7-99. License application, testing, fees, and special requirements.**

(a) Except as otherwise provided in this article, any person over the age of twenty-one (21) years, who satisfies the further requirements of this article shall be licensed and/or registered by the board.

(b) Persons seeking to be licensed or registered as a contractor or specialty contractor shall file a written application on a form to be provided by the board which shall contain such information as the board deems necessary to determine the qualifications and competency of the applicant.

(c) All applications shall be signed by the applicant.

(d) Upon the filing of an application, the board may investigate the statements contained therein and, if any are found to be untrue, may refuse to examine, license or register the applicant.

(e) Except as hereinafter provided, all individual applicants for a license as a contractor or specialty contractor shall submit to and pass an oral and written examination conducted by the board. The contents of the examination herein required shall be developed by the board of examiners, shall test the current levels of knowledge required of persons to be licensed in said category in the State of Indiana, shall be standardized and shall be reviewed on an annual basis and certified to the board of public works and safety by February 1st of each year as being

in compliance with the building codes of the City of Lake Station and the State of Indiana, and all current construction codes adopted by the fire prevention and building safety commission of the State of Indiana.

(f) Upon receipt of an application and proof of fee payment as prescribed in this article, it shall be the duty of the board to set a date and notify the applicant in writing at least five (5) days before such examination.

(g) Any applicant who fails to qualify for a license as a contractor or specialty contractor may be re-examined at the next succeeding date for examinations. But, in any event, an applicant who fails to qualify for the examination on two (2) successive attempts shall be ineligible for re-examination for a period of six (6) months subsequent to the date of his last examination.

(h) Before a license or certificate of registration is issued by the board to any applicant, the board shall require the applicant to file a unified license bond with the office of the county recorder in the sum of five thousand dollars (\$5,000.00). The bond shall be issued by a surety authorized to do business in Indiana, and be conditioned upon the faithful observance of the City Code ordinances of the City of Lake Station and the State of Indiana relating to contracting and all rules and regulations promulgated thereunder.

(i) Liability and property damage insurance in the amount of five hundred thousand dollars (\$500,000.00) shall be required of each contractor or specialty contractor. A certificate of insurance or copy of the insurance policy shall be filed with the board by the licensed or registered contractor or specialty contractor as herein provided prior to the issuance of such license of registration.

(j) Whenever any contractor's license or certificate of registration issued under the provisions of this article is revoked by the board, the board shall deliver the bond of the offending licensee to the city attorney of Lake Station, Indiana, who shall institute proceedings to forfeit the bond.

(k) Every license or certificate of registration issued under the provisions of this article shall expire on December 31 of each calendar year and shall be renewed annually, upon payment of the required renewal fees as a matter of right if the applicant for renewal has not violated during the preceding license period any of the provisions of this article or the rules and regulations promulgated pursuant thereto.

(l) Applications for renewal of the said license or certificate shall be filed with the board of examiners on a form provided by said board no later than January 31 of the year following expiration of the license or certificate of registration. The application shall be accompanied by the required renewal fee.

(m) Applications for renewal received after January 31 of the year following expiration of the license shall not be approved and the applicant must reapply for a new license or certificate of registration with all the conditions, requirements and fees set forth therein.

(n) During the period of time after expiration of the license or certificate of registration and before renewal of said license or certificate of registration said license or certificate of registration shall not be in effect.

(o) The fees to be charged by and paid to the board by licensees or registrants for all licenses and certificates of registrations and renewals thereof shall be as follows:

- (1) A fee of fifteen dollars (\$15.00) shall accompany an application for examination as contractor or as a registrant.
- (2) An additional fee of one hundred dollars (\$100.00) shall be required for the initial issuance of the license of a general contractor, upon successful passage of the examination.
- (3) An additional fee of fifty dollars (\$50.00) shall be required for the initial issuance of the license a specialty contractor, upon successful passage of the examination or registration.
- (4) A fee of fifty dollars (\$50.00) shall be required for every annual renewal of a license or registration.
- (5) Each applicant shall submit a certificate of insurance pursuant to section 7-99(i) in the following minimum amounts:

General contractor.....	\$500,000.00
Specialty contractor.....	500,000.00

(p) All fees assessed and collected by the board of examiners shall be paid into the treasury of Lake Station, Indiana, and shall be credited to the general fund.

(q) All construction work in progress on a specific project on the effective date of passage of this article shall be allowed to be completed without the issuance of a license or a certificate of registration as provided herein on the condition that such work shall be completed within twelve (12) months after the effective date of passage hereon.

(r) In the event a licensee or a certificate holder shall have been convicted in this or any other state of obtaining money under false pretenses, extortion, forgery, embezzlement, or criminal conspiracy to defraud, and a duly certified or exemplified copy of the record in the proceeding is filed with the board, the board shall revoke the license or certificate of registration issued to the licensee or registrant. In the event of the revocation or suspension of the license issued to any member of a partnership, association, or corporation or an employee thereof, the license issued to the partner(s), or member(s) of the firm, association, or corporation shall be revoked unless, within the time fixed by the board, where a partnership or association, the connection of the member or employee whose license has been suspended (or revoked) shall be severed and his interest in the partnership or association, or his employment thereby in the case of an employee, be terminated and his share in its activities brought to an end, or where a corporation, the offending officer or employee shall be discharged and shall have no further participation in the corporation activities.

(s) It is required that all plumbing contractors who are licensed by the State of Indiana shall pay a registration fee as required herein. Failure to register as required by this article, and upon certification of said failure to the board of examiners, at the discretion of the board, may constitute a basis for suspension of any plumbing contractor's registration certificate issued under this article. Repeated and intentional violation of the registration requirements may, at the discretion of the board of examiners constitute a basis for the revocation of the plumbing contractor's registration certificate, which proceedings for suspension or revocation shall be conducted pursuant to section 7-100. The issuance of a certificate of registration shall be without oral or written examination.

(t) It is required that all septic tank and cesspool services contractors who are licensed by the State of Indiana shall pay a registration fee as required herein. Failure to register as required by this article, and upon certification of said failure to the board of examiners, at the discretion of the board, may constitute a basis for suspension of any septic tank and cesspool services contractor's registration certificate issued under this article. Repeated and intentional violation of the registration requirement, may, at the discretion of the board of examiners, constitute a basis for the revocation of the septic tank and cesspool services contractor's registration certificate, which proceedings for suspension or revocation shall be conducted pursuant to section 7-100. No oral or written examination shall be required of septic tank and cesspool services contractors.

**State law reference**—Septic tank and cesspool services contractors, I.C., 25-35-1-1—25-35-1-8.

(u) Every contractor and every specialty contractor shall carry his contractor's identification card or certificate of registration card and display on demand on any job location where he is engaged in contracting.

(v) Replacement of any license or certificate of registration which has become lost, destroyed, or mutilated may be issued by the secretary of the building department upon payment of five dollars (\$5.00) to the clerk-treasurer and the filing of an affidavit detailing the circumstances for such request by the licensee or certificate holder.

(w) A contractor shall plainly and prominently display on all vehicles and motorized equipment owned or leased by him and used within the city, the firm or company name appearing on his city license issued pursuant to this chapter, the license identification number, and the firm or company telephone phone number.

(Ord. No. 99-02, § 3, 2-18-99; Ord. No. 2005-04, 2-3-2005)

**State law reference**—Licensing of contractors in Lake and Porter Counties, I.C. 22-11-3.1-1.

#### **Sec. 7-100. Violators and enforcement procedures.**

The hearing authority of the building department shall be empowered to temporarily suspend or permanently revoke the license or certificate of registration of any contractor or specialty contractor who, if after due proceeding, shall be found to be guilty of the performance or attempt to perform any of the following prohibited acts or omissions:

- (a) Deliberate misrepresentation of any material fact, fraud or deceit in obtaining a license.

- (b) Gross negligence or gross incompetency while engaged in the business of acting in the capacity of a contractor or specialty contractor within the meaning of this article.
- (c) Aiding, abetting or knowingly combining or conspiring with an unlicensed person with the intent to evade the provisions of this article.
- (d) Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor or specialty contractor.
- (e) Diversion of funds or property received in the performance and/or completion of a specified construction project where, as a result of the diversion, the contractor is or will be unable to complete or fulfill the terms of his obligation or contract.
- (f) Willful or deliberate disregard of the building code of the City of Lake Station, Indiana, or any rules or regulations promulgated pursuant thereto.
- (g) Negligent disregard of plans or specifications in any material respect, without the consent of the person entitled to have the particular construction project or operation completed.
- (h) The doing of any willful or fraudulent act by the licensee or registration holder as a contractor or specialty contractor while engaged in any project for which a permit is required in the City of Lake Station in consequence of which another suffers serious bodily injury.
- (i) Failure to comply with the provisions of this article.
- (j) Whenever a stop work order has been issued pursuant to section 7-85 of this Code and all other applicable sections of the building code, and is subsequently disregarded.

**Sec. 7-101. Remedies.**

The building department shall in the name of the City of Lake Station bring action in the superior or circuit courts of Lake County, Indiana, for mandatory and/or injunctive relief in the

enforcement of, and to secure compliance with any order or orders made by the building department, and with any such action for mandatory and/or injunctive relief may be joined an action to recover the penalties provided for in this article. In the event that any person shall fail to comply with the terms and conditions of this article, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees, and expenses incident thereto, all without relief from valuation and appraisal laws.

**Sec. 7-102. Penalties.**

(a) If any person, firm or corporation shall violate any of the provisions of this article, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the building department, or shall fail, neglect or refuse to obey any lawful order given by the building department in connection with the provisions of this article, for each violation, failure or refusal, such person, firm or corporation shall be subject to the provisions of section 1-9 of this Code.

(b) Additionally, in the event a person shall fail to comply with the terms and conditions of this article, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

(c) Each day a violation of this article is committed or permitted to continue shall constitute a separate offense.

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