

Town of  Pottawattomie Park



Building, Zoning &
Miscellaneous Ordinances

MARCH 2023

Building, Zoning &
Miscellaneous Ordinances

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ZONING ORDINANCE
TOWN OF POTTAWATTOMIE PARK, INDIANA

ORDINANCE NO. 81-1
BUILDING ORDINANCE

An ordinance to define certain terms used; to create minimum construction housing standards for structures and buildings or any appurtenances thereto; to require the filing of plans and specifications and the issuance of permits; to provide a time when this ordinance shall become effective.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pottawattomie Park, Indiana, that:

Section 1. Interpretation and Purpose. In interpreting and applying the provisions of this ordinance the provisions contained herein shall be deemed the minimum construction housing standards for structures and buildings or any appurtenances hereto to the end that adequate light, air, convenience of access and safety from fire and other damage may be secure, and that the public health, safety, comfort, morals, convenience and general welfare of the residents of the Town of Pottawattomie Park may otherwise be promoted.

Section 2. Designation. This ordinance shall be known as “THE TOWN OF POTTAWATTOMIE PARK BUILDING ORDINANCE”.

Section 3. Definitions. The words and phrases used in this ordinance, and in proceeding pursuant hereto, shall, unless the same be inconsistent with the context, it is to be construed as defined in Indiana “BUILDING RULES AND REGULATIONS," with the following addition.

- (a) Words importing the singular number may be applied to, and mean, several persons or things; words importing the plural number may be applied to or mean only a single person or thing; and words in the present may be applied to and include the future.
- (b) Appurtenances mean any construction erected in connection with a structure or building or improvement on any land not otherwise more particularly defined.
- (c) Single family dwelling is a detached building having accommodations for one family only.
- (d) Lot is a parcel of land consisting of one or more lots under a single ownership occupied or to be occupied by one main building first constructed and accessory buildings or structures and including the open spaces required by ordinance.
- (e) Street line is the dividing line between the street right-of-way and the lot.

- (f) Setback is the minimum horizontal distance between any street line and the nearest part of a building or structure, not including open steps.
- (g) Yard is the open unoccupied space along the sides and rear of a building or structure; in determining yard space the minimum horizontal distance between the lot line and the building or structure shall be used.
- (h) Structural alterations are changes in the supporting members of a building or structure, including, among others, any changes in walls, columns, beams, girders or roof.
- (i) Non-conforming use is a lawfully existing land use or under-construction use of a building or structure on the adoption date of this ordinance or any amendment thereto, which does not conform to the provisions of this ordinance or any said amendment.

Section 4. Permits. It shall be unlawful to erect or repair or remove any structure or building or appurtenances thereto, or make any alterations thereof, within the limits of the Town of Pottawattomie Park, except within the provisions of this ordinance where such repairs shall not change the form and character of any such structure, building or appurtenances thereto, or the alteration thereof, so erected, or repaired, or removed, are in compliance with the provisions of this ordinance and unless a permit therefore shall have been first obtained from the Town Clerk.

Section 5. Application for Permit. An application for any permit shall be made upon a form furnished by the Town of Pottawattomie Park and filed with the Town Clerk, and shall be accompanied by two (2) complete sets of dimensioned plans showing the location, floor plans, elevations, sections, dimensions and specifications either written separately or as complete notes on the plan for structure, building or appurtenance thereto, or the alteration thereof desired to be erected, repaired or removed. When the work is of a minor nature and the building operation is adequately described in the application, the Town Board may waive the requirement for filing plans.

The plans and specifications for any new building or structure shall be prepared and certified by a licensed architect. This requirement may also be waived by the Town Board. The plans shall include complete foundation, basement, first floor and where required, second floor plans, elevations, sections and plat plans.

The land shall be surveyed by a licensed engineer or land surveyor and the house, building, walks, drive or other structure or structures shall be located on a plat thereof, a copy of which shall accompany each set of dimensional plans.

It shall be the duty of the Town Clerk to issue a permit, if the plat, plans and specifications are approved by the Town Board and Building Inspector. If the Town Board and the Building Inspector approve the plat, plans and specifications, said plat, plans and specifications shall

be marked approved and one set of the plat, plans and specifications shall be returned to the applicant with the permit. The other set of plat, plans and specifications shall be retained by the Town Clerk, until the completion of the building. No changes or alterations of any plat, plans or specifications, so approved, shall be made without consent of the Town Board and Building Inspector and such approved changes shall be so marked and countersigned on all copies of the plat, plans and specifications, by the Building Inspector. If an alteration is made without the approval of the Town Board and Building Inspector, that portion or portions of the building affected shall be changed to conform with the approved plans and specifications. In the event the Town Board and Building Inspector rejects any application for a permit, notice thereof shall be given to the applicant by the Town Clerk and the applicant shall have the right to appeal such decision to the Town Board and Building Inspector, providing at least five (5) days written notice, by mail, prior to any regular or special meeting of the Town Board, of such intention is given to the Town Clerk. Said Board at such meeting shall either uphold or rescind the rejection.

Any such permit issued shall become null and void at the expiration of six (6) months unless work shall have been commenced. If said building is not completed in one (1) year from the date of issue of permit, a renewal permit must be purchased. The permit shall be posted in a conspicuous place at or near the building.

Section 6. Permit Fees. Before receiving a building permit. The owner shall pay the fees listed below. In applying the provisions of this code in respect to new work, existing buildings, alterations and repairs, the physical value of the work shall be determined by the Building Inspector on the basis of current costs.

A. Residential

(1) Under \$200.00	\$5.00
(2) \$200.00 to \$1000.00	10.00
(3) \$1000.00 to \$5000.00	20.00
(4) \$5000.00 to \$10,000.00	40.00
(5) Over \$10,000.00	80.00

B. Other Than Residential i.e. Commercial, Industrial, etc.

(1) Under \$1000.00	\$20.00
(2) Over \$1000.00	2% of Total Cost

A \$500.00 bond shall be posted with the Town Clerk for each permit granted to cover possible damage to Town property. Bond will be returned on completion of building if no damage occurs.

Section 7. Plat, Plans and Specifications. No permit shall be issued by the Town Clerk unless the plat, plans and specifications of the structure, building or appurtenance thereto, or the

alterations thereof, submitted with the application for any permit, and in compliance with the provisions of this ordinance, and all ordinances and resolutions not inconsistent therewith; the setback of the house, building, structure or structures to be located upon the land from the front lot line and the side lot lines shall be in accordance with the Zoning Ordinance of the Town of Pottawattomie Park, La Porte County, Indiana, and any and all other ordinances and regulations made in relation thereto, and shall be in addition conform to the restrictions as set forth in the deeds of conveyance for such particular tract of land. The Building Inspector may inspect any construction or work done under any issued permit, and he or she shall report any violation of this ordinance to the Board of Trustees. No new home constructed shall be considered complete unless final yard grade is established, grass is planted or sodded.

Section 8. Number of Rooms and/or Floor Area. Each dwelling, housekeeping or living unit shall provide space of not less than the area indicated (inside rough dimensions) for each of the following purposes;

- (a) Living room, 180 square feet
- (b) Dining room, 100 square feet
- (c) Kitchen, 70 square feet
- (d) Sleeping rooms, 120 square feet for the first room;
Additional sleeping rooms, 100 square feet each

Each dwelling house, housekeeping or living unit shall provide inside floor area, exclusive of basement, utility room, open porches, garage and attic, of not less than 1500 square feet for the first or main floor of single or two-story homes. Only one kitchen may be in each dwelling house.

Section 9. Ceiling Heights. Minimum ceiling heights of rooms shall be: Main floor story - 8 feet; for rooms under sloping roofs, 7 ½ feet for at least 75% of the required floor area.

Section 10. Electric Wiring. All electric wiring shall be encased in metal conduits, B-X cable, or other protective covering approved by the Fire Underwriter's Laboratory and installed by a competent electrician.

Light. All habitable rooms shall have a glass area for light not less than 10% of the floor area of the room. For purpose of ventilation, not less than 40% of required light area or mechanical ventilation shall be provided.

Section 11. Heating and Plumbing. All chimneys shall have a separate fire clay flue lining for each fireplace and/or each natural draft furnace. The flue or flues shall be approved by State uniform building Code.

All plumbing installations shall be made by a competent plumber according to State Plumbing Code and shall be constructed, connected and maintained in such manner as to provide

clean and healthy sanitary conditions for the dwelling house and also for the surrounding land and/or residences.

Section 12. Minimum Structural Requirements. Footings for any dwelling house or other structure shall be of concrete and shall be a minimum of 8 inches in depth and in width shall be 8 inches wider than the wall it supports. Footings shall extend a minimum of 30 inches below the finished grade.

Outside enclosing walls of frame houses shall have at least 2 x 4-inch studs placed edge-wise to wall on 16-inch centers. All interior surfaces of exterior walls shall be lined and finished with drywall, plaster board or wood finish, and/or material of equal strength.

The outside walls of all houses shall have solid construction to the finished grade. Where a house is set on pier foundations, the piers shall not be less than 12 x 12-inches and not less than 7-foot center to center. Where a house is raised above the finished grade and set on pier foundations, there shall be masonry curtain walls between the piers and from grade to house sills, so that there is a continuous wall from the first floor of the house to the finished grade.

Exterior walls shall be covered with either weather boarding, stucco (in its usual and customary usage), brick (either common or face), wood shingles, stone, aluminum or vinyl coated siding and no other materials (no cement blocks) may be used for such exterior finish.

No knock-down, pre-cut or prefabricated houses shall be erected in the Town.

No obstructions to traffic shall be placed upon the platted portion of any street, alley or court way and any lawn or other landscaping placed thereon shall be subject to immediate removal after notice by the Town of Pottawattomie Park, Indiana, and shall be placed thereon so that the grade is level with or lower than the grade of the paved portion thereof.

Section 13. Duplication of Restrictions. Not more than one house of any standardized plan shall be erected in the Town; standardized plan is defined as follows:

- (a) Where the plan of a house is standardized and remains constant as to width and length
- (b) Where the cubical mass of the house remains practically the same; any changes made to a standardized plan where the width and length of the plan and the cubical mass of the house are not substantially changed, shall not be sufficient change to grant a permit.
- (c) The adding to or subtracting from a standardized plan of small units such as porches, bays, windows, terraces and other appurtenances, or changing or varying the slope or type of the roof, or location or size of door or window openings, or changing or varying the style or design or changing or varying the finish or color of the exterior walls,

shall not be sufficient change to standardized plan to warrant the granting of a permit for its erection in the Town.

(d) Each plan in itself shall be original and subject to approval of the Town Board.

Section 14. Roofing. The roofs of all buildings and structures shall be of Fire Underwriters approved composition shingle, tile, slate, asbestos or other fire resisting materials; rolled roofing shall not be used for roofing and there shall be no exposed gravel roofs. All roofs must have two or more slopes and shall harmonize with the architecture of other structures in their location or locality, provided that the Town Board may waive this regulation.

Section 15. Sewage Disposal. Until such time as a public sanitary sewer system is available, private sewage disposal facilities shall be provided for and used in conformity with the standards of design, location, construction and operation approved by the Board of Health of the State of Indiana and the Town Board of the Town of Pottawattomie Park. All septic tanks and seepage pits shall be constructed of masonry or reinforced concrete. Location of same shall be located and dimensioned on site plan together with details of materials and construction of the system.

No septic system shall be constructed on a lot of less than 15,000 square feet. The final size and location of the absorption field and/or seepage pit shall be determined by percolation test performed in accordance with the procedure outlined in Bulletin SE 13 as published by the Indiana State Board of Health. The percolation test shall be performed under the direction of a professional engineer or other qualified person as determined by the Board of Trustees.

Before commencement of construction of any building or private residence where a private sewage disposal system is to be installed or where any alteration, repair or addition of any existing private sewage disposal system is planned, the owner shall first obtain a written permit signed by the Town Board President and shall be made on a form provided by La Porte County which applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Town Board and the County Health Officer.

A permit and inspection fee shall be paid to the County Health Officer at the time the application is filed. They shall be allowed to inspect work at any stage of construction and in any event, applicant for permit shall notify the Town Clerk and the County Health Officer when work is ready for final inspection and before any underground portions are covered.

The permit shall be posted in a conspicuous place at or near the building where the sewer disposal system is under construction and should be plainly visible from the public thoroughfare serving the building.

Section 16. Remedies. The erection, repairing and removing of any structure, or building or appurtenances thereto, or the alterations thereof, except in conformity with the requirements of this ordinance shall be and is hereby declared to constitute a common nuisance, and such common nuisance may be abated in such matter, and any relief therefrom be available, as is now, or may hereafter be provided for under the law of the State of Indiana, and the provisions of this ordinance may be enforced by injunction or other appropriate proceeding as provided for by the law of the State of Indiana, and it shall be the duty of the said Board of Trustees to order any such violation stopped and abated, a copy of which order shall be posted on the property, or served upon the owner, or contractor, by the Town Clerk of the Town of Pottawattomie Park.

Section 17. Use Districts. For the purpose of classifying, regulating and restricting the location of buildings and the use of property in the Town of Pottawattomie Park, Indiana, all approved by the Town Board and used for residential purposes only.

Section 18. Residence Districts. (a) Hereafter, no building, structure or land shall be used, nor shall any building be erected, altered or enlarged except for the following uses:

1. Single family dwelling not over 2 ½ stories in height with attached or detached private garage capable of accommodating no more than two (2) cars.
2. The raising of any animal or fowl for sale, the disposal and feeding of community garbage, any other use not specifically permitted is hereby specifically prohibited.
3. No trailer, basement tent, shack, garage, barn or other outbuilding be erected or used at any time as a residence temporarily or permanently, nor shall any temporary structure be used as a residence, and no outside toilets shall be erected thereon.
4. Storage or outbuildings shall not be allowed unless permit is applied for and building specifically approved by the Town Board.
5. Fences, retaining walls, either man-made devised to serve the purpose of fences, retaining walls, etc., shall not be allowed unless a permit is applied for and fence, etc., specifically approved by the Town Board. Fences, retaining walls, etc., are to be erected in area behind houses only. Front side cannot extend past back edge of the house. Due to irregular shape of lots the exact location of sides and back edge of fences, retaining walls, etc., is up to final approval of the Town Board. Control will be exercised to maintain open area of park and to prevent fences from being erected along right-of-way according to setback requirements of Section 20.

Section 19. All Lots Must Be Used for Residential Purposes. Any use hereafter established in the Residence District shall have a lot whose width shall be at least ninety (90) feet at the required building setback line, and whose area shall be at least 7,500 square feet. No lot or parcel shall be diminished or further diminished below the above required width and area.

Section 20. Setback and Yards.

- (a) No building or structure shall be located or erected nearer to the front lot line than twenty-five (25) feet, nor whose side projections are nearer than ten (10) feet to the side line of said lot, nor nearer than twenty-five (25) feet to any side street. Detached private one-story garages located more than eighty (80) feet back from the front lot line, shall have five (5) foot side line restrictions.
- (b) Where the regulations herein provided render any lots unsuitable for permitted uses, the Town Board after a hearing as provided by statute, may issue a special permit for setback and yard variations, provided such variations will further the public welfare and not increase the fire, health, traffic or other hazards, or decrease property values.

Section 21. Nonconforming Use. A Nonconforming Use shall not be extended, increased or enlarged in area of bulk. If a Nonconforming Use is changed to a Conforming Use, or if buildings or structures are damaged or destroyed beyond sixty (60) per cent of their value, they shall not thereafter be changed back, restored or again used as a Nonconforming Use.

Section 22. Restrictive Covenants. Nothing herein contained shall be construed as affecting in any way more restrictive private covenants and agreement.

Section 23. Board of Zoning Appeals. The Board of Town Trustees of the Town of Pottawattomie Park shall serve as the Board of Zoning Appeals for the purpose of enforcing and interpreting the provisions of this ordinance.

The members of said Board of Zoning Appeals shall receive no compensation for their services.

All meetings of the Board of Zoning Appeals shall be held at the call of the chairman, or the majority of the members of such Board. The chairman, or any member of such Board, may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public and minutes of the proceedings shall be kept and the vote of each member of all matters shall be recorded.

Such Board of Zoning Appeals shall hear and determine appeals from and review any order, decision or determination made by the Town Board or other person charged with the enforcement of this ordinance, or any regulation adopted under and by virtue of any authority under the laws of the State of Indiana, and may authorize exceptions to and variations from regulations

of this ordinance in harmony with the purpose and intent of this ordinance in the following particular situations:

- (1) To permit the variation of the height, area and setback provisions of this ordinance, when to do otherwise would work an unusual hardship upon the owner and deprive him of the lawful use and enjoyment of his property to an unusual extent.

Any appeal from the requirement, decision or determination made by the Town Board or other administrative official shall be taken within fifteen (15) days by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.

All proceedings and work on the premises concerned shall be stayed, unless the Board of Trustees, or other Board, or Administrative Official shall certify in writing that the reason of facts stated in such certificate, such stay of proceedings or work would, in his opinion, cause imminent peril to life or property, in which case proceedings or work shall not be stayed except by order of court. In the event the owner or his agents or the person or corporation in charge of the work on the premises upon receipt of notice that any appeal has been filed with the Board of Zoning Appeals, the Board of Trustees or other board, or official charged with the enforcement of this ordinance, shall have the full power to order such work discontinued or stayed until such appeal is finally determined by the Board of Zoning Appeals, and shall have the further power to call upon the Town Marshal, and his deputies, for aid and assistance in carrying out or enforcing the provisions of said order, and it shall be the duty of said Town Marshal, and his deputies when so called upon for aid, to act according to the instructions and perform the duties required by such order directing such work to be discontinued or stayed.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal and give due notice thereof to the parties and decide the cause within a reasonable time. All decisions must be by a majority vote of the Board of Zoning Appeals.

The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have the powers of the Board of Trustees, other board or official from whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinance, the Board of Zoning Appeals shall have power, in passing upon appeal, or petitions for variance from district regulations to vary or modify any of the rules, regulations or provisions of this ordinance so that the spirit and intent of this ordinance shall be observed, public welfare served and substantial justice done.

Section 24. Remedies. Any use of land or lot area hereafter established except in conformity with the requirements of this ordinance, shall be and is hereby declared to constitute a common nuisance. Such common nuisance may be abated in such manner, and any relief therefrom may be available, as is now, or may hereafter be provided for under the law of the State of Indiana. The provisions of this ordinance may be enforced by injunction or other appropriate

proceedings as provided for by the law of the State of Indiana. It shall be the duty of the said Board of Trustees to order any such violation stopped and abated, a copy of which order shall be posted on the property or served upon the owner, agent, or contractor, by the Marshal of the Town of Pottawattomie Park, Indiana.

Section 25. Validity. If any provisions of this ordinance or the application thereof to any land, person, property or circumstances is held invalid, such invalidity shall not affect the other provisions for applications of this ordinance, and to this end the provisions of this ordinance are declared to be severable.

Section 26. Violation and Penalties. Any person, firm or corporation who violates any of the provisions of this ordinance, or shall fail to comply with any of the requirements thereof, shall be deemed guilty of an offense, and each day such violation or noncompliance is permitted to exist or continue shall constitute a separate offense. Upon conviction the person shall be fined not to exceed ten dollars (\$10) for any offense, provided however, that where the laws of the State of Indiana have provided a specific penalty for the violation and nonconformance with the acts covered by this ordinance, then such penalty shall apply instead.

Section 27. Unsafe Buildings. The Building Commission or other person appointed to perform similar duties by the Town Board of the Town of Pottawattomie Park, Indiana, shall be responsible for upholding and complying with, enforcing and initiating actions as prescribed in the Burns Indiana Statutes 48-8144 et seq.

Section 28. Building Area. No main buildings or structures hereafter erected shall occupy more than thirty-five percent (35%) of the area of any lot; accessory buildings incidental to the main building or use may occupy not more than 10 per cent (10%) of the area of the lot.

Actions for which the Building Commission or other person(s) or board(s) are responsible are described in the following Burns Indiana Statutes:

- 48-6144 Unsafe Buildings and Structures – Duties of Commissioner of Buildings – Orders in Writing – Repairing or Wrecking – Receiver – Lien.
- 48-6145 Unsafe Buildings and Structures – Notice – Posting – Service – Publication.
- 48-6146 Unsafe Buildings and Structures – Duties of Board of Public Safety.
- 48-6147 Unsafe Buildings and Structures – Aggrieved Person – Right of Appeal – Procedure.
- 48-6148 Unsafe Buildings and Structures – Transfer of Powers.
- 48-6149 Unsafe Buildings and Structures – Extension of Provisions – Service of Notice.
- 48-6149a Unsafe Buildings and Structures – Building Demolition, Repair and Contingent Fund – Portion of Purchase of Receiver’s Notes or Certificates – Lien of Cost and Expenses on Real Estate.

- 48-6149b Unsafe Buildings and Structures – Disposal of Salvaged Materials.
- 48-6149c Unsafe Buildings and Structures – Definitions.
- 48-6149d Unsafe Buildings and Structures – Act Supplemental.
- 48-6149e Unsafe Buildings and Structures – Act Applicable to All Municipal Corporations – Restrictions – Rules and Regulations.
- 48-6149f Unsafe Buildings and Structures – Penalties.

All of the preceding Burns Indiana Statutes (48-6144 to 48-6149f) shall henceforth be adopted and enforced by the Town of Pottawattomie Park, Indiana.

Section 29. Emergency. It is hereby declared that an emergency exists and that this ordinance shall take immediate effect and be in force after its passage.

Section 30. Repeal. All ordinances or parts thereof that are in conflict with the terms and conditions of this Ordinance are hereby repealed.

Section 31. Contractor Registration (ORDINANCE No. 12-03-12-03). Any person who is engaged in the following business activities, to wit: (1) as a building contractor or subcontractor on any new construction, remodeling, or major renovation project for which a permit is required by this Ordinance; (2) as a demolition contractor; (3) as a contractor engaged in any minor repair work on structures or exterior lot improvements; or (4) as a painting contractor; prior to undertaking any work in Pottawattomie Park, shall register with the Town Clerk/Treasurer, acting on behalf of the Town Council in its function as Planning Department, under the following procedure:

- (1) The contractor shall apply for a certificate of registration by submitting the following information:
 - (a) name, address, and phone number of applicant
 - (b) name of individual having management authority to act as personal contact for applicant
 - (c) name and address of owner, and/or property, for whom and where work will take place
 - (d) after original registration, contractor working on minor repairs need not submit information required by (c) above for future work
- (2) The Contractor shall supply a copy of a current Contractor License issued by the State of Indiana in applicant’s name.

- (3) The standard for issuance of said certificate of registration shall be that the Contractor has satisfied the requirements of experience and skill imposed for issuance of a Contractor's License by the State of Indiana.
- (4) The standard for revocation shall be that any certificate granted under this section may be revoked for any fraud or misrepresentation; any violation of this ordinance; any felony conviction; or conducting business or performing the work in an unlawful manner, or in such a way as to constitute a danger to the health, safety, or general welfare of the public.
- (5) Any certificate granted under this Section may be revoked by action of the Clerk-Treasurer of Pottawattomie Park after notice and a hearing and by application of the standards in (4) above. Notice of the hearing for revocation shall be given in writing stating specifically the grounds of the complaint, the time, place, and date of the hearing, and placed in the mail addressed to the Contractor's last known address, at least ten (10) days prior to the date of the hearing.
- (6) Any person aggrieved by a decision under (5) above shall have the right of appeal to the full Town Council. The appeal shall be taken by filing with the Town Council within 14 days after notice of the Clerk-Treasurer's decision has been mailed to the Contractor's last known address, a written statement setting forth the grounds for appeal. The Town Council shall set the time and place for a hearing, and notice for such hearing shall be given in the manner described in (5) above.
- (7) Any person who desires to perform any work described in this ordinance shall obtain the certificate described herein before engaging in such activity within the Town of Pottawattomie Park. No certificate issued hereunder shall be transferable. Any certificate issued herein shall expire on the last day of the year following the year in which the license was issued. All such certificates shall be renewable in the same manner described herein.
- (8) The fee for the certificate required by this section shall be \$25.00, or as set from time to time by the Town Council.

TOWN OF POTTAWATTOMIE PARK, INDIANA
ORDINANCE NO. 81-2

SWIMMING POOLS

Section 1. Definitions.

- (a) “Private residential pool” means any pool owned and operated privately by an individual built in connection with a family residence, the use of which shall be confined to the family of each household and his household guests.
- (b) “Public pool” means any other pool that cannot be defined as a “private residential pool.”
- (c) “Wading pool” means a pool with no greater depth than 18 inches, with or without water, and specifically for the use of children.

Section 2. Permit Required.

- (a) The construction of any swimming pool or wading pool shall not be let until the plans and specifications for such swimming pool or wading pool have been approved by the Town Board of Pottawattomie Park, provided further that for such pools as may be regulated by the state of Indiana either by statute or by rules or regulations of one of its administrative bodies, plans must be submitted to the State Health Commissioner for approval.
- (b) Changes in the construction, equipment or appurtenances of any existing swimming pool or wading pool shall not be made until the plans and specifications covering such changes have been approved by the Town Board or the State Health Commissioner, where required by regulation.

Section 3. Plans and Specifications.

- (a) Plans and specifications shall show in detail the following:
 - (1) The plot, plan elevations with dimensions all drawn to scale, including a description of zoning of the plot.
 - (2) Pool dimensions, depths and volume in gallons.
 - (3) Type and size of filter systems, filtration and backwash capacities.
 - (4) Overflow gutter or skimmer details.
 - (5) Pool piping layout, with all pipe sizes and valves shown, types of materials to be used, and showing slope of all drain and waste pipes.

- (6) The rate, capacity and heat at filtration and backwash flows of the pool pump in GPM with the size and type of motor.
 - (7) Location and type of waste disposal system.
 - (8) Location of structures and other components used in pool operation.
- (b) Swimming pools and wading pools shall be classified as appurtenances and shall conform to regulations of the Building and Zoning Ordinances pertaining thereto.
- (c) Plans shall not be approved for any pool which provide for any cross-connection between the water in the pool or in the circulating or heating system and any drinking water system, either public or private. The line from the drinking water supply to the pool shall terminate in a commercial fitting designed for that purpose, and shall further be protected against back flow of polluted water by means of an air gap and shall discharge at least six inches above the maximum high water level of the makeup tank or the pool.
- (d) After the plans have been approved, necessary permits issued and construction completed, before any swimming or wading pool shall be used, a final inspection and approval must be had from the Town Board of Pottawattomie Park.

Section 4. Sanitary and Bacteriological Requirements.

- (a) For the purposes of this chapter, regulations of the Indiana State Board of Health and its administrative bodies, standards of the American Public Health Association and the several standards of the National Swimming Pool Institute shall be used in determination of approval of all pool installations and operations.
- (b) Whenever any waste from the swimming pool or wading pool is connected to a sanitary sewer or a storm sewer, an air gap or a relief manhole shall be provided which will positively preclude against surge or back flow introducing contaminated water into the pool or the water treatment plant.

Section 5. Safety.

- (a) Any owner or renter of land on which there is situated a swimming pool, wading pool, fish pond or other body of water which constitutes an obvious hazard and contains eighteen inches or more in depth at any one point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area sufficient to make such a body of water inaccessible to small children. Such enclosure including gates therein; must not be less than four feet in height above the underlying ground and shall be of a type not readily climbed by children. All gates shall be of a self-closing, self-latching type with the latch on the inside of the gate placed four feet above the underlying ground or otherwise made inaccessible from the outside to small chil-

dren. However, if the entire premises of the pool site, whether public or private, is enclosed, then this provision may be waived upon inspection and approval by the Town Board.

- (b) Further, a natural barrier, hedge, pool cover or other protective device may be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein.

Section 6. Supervision: Inspection.

- (a) The Town Board of Pottawattomie Park shall have the right, at any reasonable hour, to inspect any swimming pool or wading pool for the purpose of determining that all provisions of this chapter are fulfilled and complied with, including taking of samples for chemical and bacteriological testing.
- (b) The Town Board shall have the right to close any pool in the event of any epidemic or threatened epidemic of disease which the Town Board may have reason to believe may be transmitted through the use of swimming or wading pools; or because of continued failure or refusal to meet the standard of bacterial quality, chemical quality or safety as established herein by reference. In addition, any improper or incorrect installation, operation, maintenance or use as so defined in this chapter shall also constitute a nuisance and the Town Board may, in addition to the penalties hereafter provided for, abate such nuisance by means of court action.

Section 7. Penalty.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day on which any such violation continues shall constitute a separate offense.

Section 8. Permits.

See "Permit Fees, elsewhere."

TOWN OF POTTAWATTOMIE PARK, INDIANA
ORDINANCE NO. 05-12-05

ORDINANCE TO ADOPT CHAPTER 9 OF ARTICLE 7 OF TITLE 36
OF THE INDIANA CODE SECTIONS 1 THROUGH 28 INCLUSIVE
UNSAFE BUILDING LAW

WHEREAS, the Town of Pottawattomie Park, Indiana, did, on the 18th day of August 1981 adopt Ordinance Number 81-1 entitled “Building-Zoning Ordinance;” and

WHEREAS, in the meantime, the Indiana Legislature enacted Title 36, Article 7, Chapter 9, Sections 1 through 28, inclusive, entitled, “UNSAFE BUILDING LAW;” and

WHEREAS, the Indiana Legislature has provided that municipalities may adopt the “UNSAFE BUILDING LAW” by ordinance; and

WHEREAS, it is deemed desirable that the Town of Pottawattomie Park, Indiana, adopt the “UNSAFE BUILDING LAW.”

NOW, THEREFORE, BE IT ORDAINED:

Section 1. That from and after the date of adoption and/or publication as required by law, the Town of Pottawattomie Park, Indiana, does hereby adopt Title 36, Article 7, Chapter 9, Sections 1 through 28, inclusive, as the law of the Town of Pottawattomie Park, Indiana.

Section 2. The administration of the “UNSAFE BUILDING LAW” shall be the responsibility of the Building Commissioner.

Section 3. The Town of Pottawattomie Park, Indiana, specifically incorporates by reference, the definition of “substantial property interest” as set forth in Indiana Code 36-7-9-2, along with all other provisions of Sections 1 through 28, inclusive, of Chapter 9, Article 7, Title 36 of the Indiana Code.

Section 4. Any terms and conditions of the Building/Zoning Ordinances of the Town of Pottawattomie Park, Indiana, inconsistent with the terms and conditions of the “UNSAFE BUILDING LAW” are deemed repealed, and all other existing ordinances of the Town of Pottawattomie Park, Indiana, not inconsistent with the “UNSAFE BUILDING LAW” shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

AMENDMENTS TO THE ABOVE

TOWN OF POTTAWATTOMIE PARK, INDIANA
ORDINANCE NO. 04-04-05 B

ORDINANCE TO AMEND 81-1 SECTION 5 ENTITLED
“APPLICATION FOR PERMIT” AND 81-1 SECTION 6 ENTITLED
“PERMIT FEES” OF THE POTTAWATTOMIE PARK BUILDING ORDINANCE

WHEREAS, the Town Council of the Town of Pottawattomie Park, Indiana, did, on the 18th day of August 1981, adopt Ordinance Number 81-1 entitled “Building-Zoning Ordinance” and,

WHEREAS, it is deemed necessary to amend sections 5 and 6.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pottawattomie Park, Indiana, that Section 5 entitled “Application for Permit” and Section 6 entitled “Permit Fees” are amended as follows:

Section 1. Amendment of Section 5 Entitled “Application for Permit.”

Section 5 entitled “Application for Permit” of the Pottawattomie Park Building Ordinance originally adopted in 1981 shall be amended so that paragraph 2 reads as follows:

“The plans and specifications for any new building or structure shall be prepared and certified by a licensed architect and presented to the Town Board. The Town Board must also approve the plans and specifications for any remodel of an existing building or structure. The Town Board may waive these requirements. The plans for new construction shall include complete foundation, basement and first floor where required second floor plans, elevations sections and plat plans. The plans for remodel should include any structural change.”

Section 2. Amendment of Section 5 Entitled ”Application for Permit”.

Section 5 entitled “Application for Permit” of the Pottawattomie Park shall be amended to add a new paragraph 4 to read as follows:

“All construction work performed in the Town of Pottawattomie Park shall require the following licensed contractors:

- (A) Building Contractor
- (B) Electrician
- (C) Plumber

- (D) Heating and Air Conditioner Contractor
- (E) Sanitary Sewer Contractor

All construction is subject to proper inspections. The Town Board may waive these requirements.”

Section 3. Amendment of Section 6 Entitled “Permit Fees”.

Section 6 entitled “Permit Fees” of the Pottawattomie Park Building Ordinance originally adopted in 1981 shall be amended to read as follows:

“Before receiving a building permit, the owner shall pay the fees as listed below. In applying the provisions of this code in respect to new work, existing building, alterations and repairs, the physical value of work shall be determined by the Building Inspector on the basis of current costs.

- (A) ~~Under \$20.00~~ ————— ~~\$10.00~~
- (B) ~~\$200.00 to \$999.00~~ ————— ~~\$20.00~~
- (C) ~~\$1000.00 to \$4999.00~~ ————— ~~\$40.00~~
- (D) ~~\$5,000.00 to \$9,999.00~~ ————— ~~\$80.00~~
- (E) ~~Over \$10,000.00~~ ————— ~~2% of total cost²~~

All other terms and conditions of original Section 5 entitled “Application for Permit” not inconsistent with these amendments shall remain in full force and effect.

TOWN OF POTTAWATTOMIE PARK, INDIANA
ORDINANCE NO. 12-03-12-04

AN ORDINANCE OF THE TOWN OF POTTAWATTOMIE PARK
AMENDING SECTION 4 ENTITLED “PERMITS” OF ORDINANCE NO. 81-1,
THE ZONING/BUILDING ORDINANCE OF THE TOWN OF POTTAWATTOMIE PARK

WHEREAS, the Town of Pottawattomie Park, Indiana currently has in effect Ordinance No. 81-1, adopted August 18, 1981, and entitled ‘ZONING ORDINANCE TOWN OF POTTAWATTOMIE PARK, INDIANA,’ and

WHEREAS, at its meeting of November 5, 2012, the Town Council of said Town did discuss Section 4 of the said Ordinance entitled “Permits” and a consensus was reached that to provide clarity in the intent of said Ordinance regarding the class of work on real property and improvements in the Town for which building permits are required, it is deemed necessary to amend said Section 4 as provided in this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Pottawattomie Park, Indiana that said Section 4 of said Ordinance No. 81-1 is hereby amended as follows:

Section 1. Said Section 4 is hereby deleted in its entirety and the following new Section 4 is hereby inserted into said Ordinance No. 81-1 in substitution therefore:

SECTION 4. PERMITS. It shall be unlawful for any person to perform the work of erecting, or performing major renovations to, or to remove or remodel, any structure or building or appurtenances thereto, or make any alterations thereof, within the limits of the Town of Pottawattomie Park, except pursuant to the terms and provisions of this Ordinance and provided that any such work shall be in compliance herewith. A permit for any such work must be first obtained from the Town Clerk-Treasurer under the terms set forth herein. The term “work” herein shall include: any new construction; major renovations including, but not limited to (a) new roofing, soffits, siding, windows, masonry, or driveways, (b) new wiring or new plumbing; remodeling including room additions and/or systemic new dry-wall. The term “work” shall not include minor repairs such as deck repair, replacement of fixtures, wall or ceiling tile, or electrical or plumbing repairs to existing systems, nor landscaping.

Section 2. All the terms, conditions, requirements of the original Ordinance No. 81-1 of the Town of Pottawattomie Park not inconsistent with this Ordinance, as well as any amendatory Ordinances enacted thereafter are to remain in full force and effect, and shall not be affected by the adoption of this Ordinance.

TOWN OF POTTAWATTOMIE PARK, INDIANA
ORDINANCE NO. 2019-01

AN ORDINANCE AMENDING ORDINANCE NO. 81-1 ENTITLED
“ZONING ORDINANCE” OF THE TOWN OF POTTAWATTOMIE PARK, INDIANA,
WITHIN SECTION 18, ENTITLED “RESIDENCE DISTRICTS”

WHEREAS, the Town of Pottawattomie Park, Indiana currently has in effect Ordinance No. 81-1, adopted August 18, 1981, and entitled “ZONING ORDINANCE TOWN OF POTTAWATTOMIE PARK, INDIANA,” and

WHEREAS, at a public meeting held prior to this date the Town Council of said Town did discuss Section 18 of the said Ordinance entitled “Residence Districts,” and a consensus was reached that to provide clarity in the intent of said ordinance regarding storage of certain property on lots in residence districts and to provide for the regulation of uses on said lots to protect the public health and safety, said Section 18 should be amended as provided in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pottawattomie Park, Indiana that said Section 18 of said Ordinance No. 81-1 is hereby amended as follows:

Section 1. The following text shall constitute a new subparagraph, to be designated “Subparagraph (6)”:

(6.) No tractor and/or semi-trailer, utility trailer, vending trailer, travel trailer, boat trailer, or conveyance from any other trailer class, and no box truck, commercial utility vehicle, or self-powered recreational vehicle, shall be parked, or otherwise located on any residential lot for any period of time longer than 48 hours in any monthly period, unless the same is being utilized in service to construction or repairs taking place on the lot or unless the property owner has obtained a permit as described in Ordinance No. 01-96.

Section 2. All the terms, conditions, requirements of the original Ordinance No. 81-1 of the Town of Pottawattomie Park not inconsistent with this Ordinance, as well as any amendatory Ordinances enacted thereafter are to remain in full force and effect, and shall not be affected by the adoption of this Ordinance.

Section 3. This Ordinance shall be in full force and effect from and after passage, approval, recording, and publication as provided by law.

TOWN OF POTTAWATTOMIE PARK, INDIANA
ORDINANCE NO. 01-02-05

ORDINANCE TO AMMEND THE ZONING ORDINANCE
OF TOWN OF POTTAWATTOMIE PARK, INDIANA
HOUSE NUMBER DISPLAYS

WHEREAS, the Board of Trustees of the Town of Pottawattomie Park, Indiana, did, on the 18th day of August, 1981 adopt Ordinance Number 81-1 entitled “Building-Zoning Ordinance,” and

WHEREAS, it is deemed to be in the best interests for the safety and wellbeing of the residents of the Town of Pottawattomie Park, Indiana that each building shall have displayed a building number.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of Trustees of the Town of Pottawattomie Park, Indiana, that the Building Zoning Ordinance of the Town of Pottawattomie Park, Indiana, Ordinance number 81-1 be amended to read as follows:

Section 1. Every building and/or structure within the Town of Pottawattomie Park, Indiana, shall have displayed on its exterior a number to designate its location commensurate with the address of said structure upon the street or property which it fronts.

Section 2. Said number shall be designated and previously determined by the Town and, in the case of new construction, the number shall be that number designated and determined by the building inspector for the Town and the number shall be determined and given to the owner upon issuance of a building permit.

Section 3. The number constituting the address and location shall be displayed in accordance with the following standards to wit:

- (A) Each number shall be of sufficient size and that it is readily visible from the street.
- (B) Said number shall be displayed at or within reasonable proximity to the main entrance of said structure.

Section 4. In the event of new construction, a temporary number shall be displayed at such time as the home is under roof. No occupancy permit shall be issued until the permanent number is displayed in accordance with this Ordinance.

Section 5. All other terms and conditions of Ordinance Number 81-1 adopted on the 18th day of August, 1981 not inconsistent with the amendments set forth herein above shall remain in full force and effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage approval recording and publication as provided by law

TOWN OF POTTAWATTOMIE PARK, INDIANA
ORDINANCE NO. 02-02-05

ORDINANCE TO AMEND THE ZONING CODE OF THE
TOWN OF POTTAWATTOMIE PARK, INDIANA
TO REQUIRE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

WHEREAS, the Board of Trustees of the Town of Pottawattomie Park, Indiana, did, on the 18th day of August, 1981 adopt Ordinance Number 81-1 entitled “Building-Zoning Ordinance”, and

WHEREAS, it is deemed to be in the best interests for the safety and well being of the residents of the Town of Pottawattomie Park, Indiana that no building shall be used without the prior issuance of a Certificate of Occupancy.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of Trustees of the Town of Pottawattomie Park, Indiana, Ordinance Number 81-1 be amended to read as follows:

Section 1. No building or structure located within the Town of Pottawattomie Park, Indiana, shall be occupied in whole or in part or used for any purpose unless and until the building inspector has issued a Certificate of Occupancy.

Section 2. The building inspector shall, after the owner or his agent has filed an application for the issuance of a Certificate of Occupancy, issue said Certificate of Occupancy for such building only after inspection reveals that such building complies with the provisions of this ordinance and the requirements of the Building and Zoning Code of the Town of Pottawattomie Park, Indiana. Such Certificate of Occupancy shall state the use to which structure may be put and the maximum allowable floor loads to each floor thereof. The building inspector may issue a temporary Certificate of Occupancy. No Certificate of Occupancy shall be issued unless the building shall comply with the requirements of all inspections, any applicable building permit and the ordinances of the Town of Pottawattomie Park, Indiana.

Section 3. All other terms and conditions of Ordinance Number 81-1 adopted on the 18th day of August, 1981, not inconsistent with the amendments set forth herein above shall remain in full force and effect.

Section 4. This ordinance shall be in full force and effect from an after its passage approval recording and publication as provided by law.