

TITLE 4

TECHNICAL CODES

Chapters:

1. Building Code Ordinance
2. Permit Fees
3. Residential Contractors Registration Fees
4. Unsafe Building Ordinance
5. Moving of Buildings
6. Fair Housing

CHAPTER 1

BUILDING CODE ORDINANCE

4-1-1. 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, pursuant to the provisions of the Indiana Energy Conservation Rules and Regulations for New Building Construction, Volume V, 1979 Edition. (660-IAC 4) (1980 Supp). Published under that title, in the design and construction of buildings and structures.

4-1-2. Authority.

The building commissioner of the county is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in the building regulations it is provided that anything must be done to the approval of or subject to the direction of the building commissioner, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance has been satisfied; and no such provision shall be construed as giving any officer discretionary powers to enforce ordinance provisions in an arbitrary or discriminatory manner.

4-1-3. Scope.

The provisions of this code apply to the construction, alteration, occupancy and additions to all buildings and structures, prior to the issuance of an occupancy permit, other than fences and farm service buildings as defined in IC, 22-11-1-1, in the county.

4-1-4. Adoption of Regulations by Reference.

The following rules, regulations and codes are hereby adopted by reference as the rules and regulations governing the construction and alterations of buildings and structures in the county:

1. Construction Rules and Regulations, Volume I, 1980 Edition of the State of Indiana (660 IAC 1-1.1) (3 IR 2148) which identifies, amends and incorporates therein the Uniform Building Code, 1979 Edition, and the Uniform Building Code Standards, 1979 Edition.
2. Indiana Electrical Rules, 1981 Edition (660 IAC 7), originally published as (41 R 798) which identifies, amends and incorporates therein the National Electrical Code, 1981 Edition.
3. Indiana Plumbing Rules, 1981 Edition, originally published as (41 R 238) which identifies, amends and incorporates therein the Uniform Plumbing Code, 1976 Edition.
4. Indiana Mechanical Rules and Regulations, 1981 Edition, (660 IAC 8), originally published as (41 R 1828) which identifies, amends and incorporates therein the Uniform Mechanical Code, 1979 Edition.
5. One and Two-Family Dwelling Code of Indiana, (660 IAC 3-1), originally published as (4 IR 916) which identifies, amends and incorporates therein the One and Two-Family Dwelling Code, 1979 Edition.

6. Indiana Energy Conservation Rules and Regulations for New Building Construction, Volume V, 1979 Edition. (660 IAC 4) (1980 Supp.) published under that title.
7. Swimming Pool Code (660 IAC 5) (1979 supp.) published as the Indiana Swimming Pool Code, 1978 Edition.

Copies of this code and rules, regulations and codes adopted herein by reference are on file as required by law in the office of the county building commissioner.

4-1-5. Application for Permits.

No building permit shall be issued for any of the foregoing purposes, unless the application for such permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. All plans for building construction under the authority of the Administrative Building Council of the State of Indiana must also be filed with said council. No local permit shall be issued hereunder until a copy of a Release for Construction from the state building commissioner is received by the building commissioner.

4-1-6. Requirement.

A building permit shall be obtained from the building commissioner prior to the commencement of any construction, alteration or structural alteration of any building or structure;

1. For any construction, alteration or structural alteration if the total cost of all labor and material thereof exceeds fifteen hundred dollars (\$1,500.00), or
2. For the construction, alteration or structural alteration of any building or structure, which includes any heating, ventilation, air conditioning, electrical or plumbing work thereon, if the total cost of all labor and material thereof exceeds five hundred dollars (\$500.00).

4-1-7. Compliance with Related Ordinances.

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances. This requirement includes establishing the proper zoning classification and following all setback requirements as set forth by the county zoning ordinances.

4-1-8. Fees.

- A. The fees for a building permit are as set forth in the schedule adopted on August 17, 1981, which may be amended periodically.
 1. Applications for change in zoning, appeals and review of shopping center plans shall conform to the following:

a.	Change	\$50.00
b.	Appeals	\$50.00

- c. Review of shopping center plans \$75.00
2. Applications for zoning and building construction permits shall conform to the following:
- a. 1-family dwellings and additions - \$4.00 per 100 square feet (includes garage square feet when built with new dwelling) MINIMUM - \$40.00
 - b. 2-family dwellings and additions - \$4.00 per 100 square feet (includes garage square feet when built with new dwelling) MINIMUM - \$40.00
 - c. Multi-family dwellings and additions - \$5.00 per 100 square feet.
 - d. Garages (attached or unattached) - \$5.00 per 100 square feet (not built with new home) MINIMUM - \$40.00.

Minimum Permit Fee for additional and accessory building (1,200 square feet and under) \$40.00.

- e. Commercial buildings - offices - additions - \$5.00 per 100 square feet.
- f. Industrial buildings - additions - \$5.00 per 100 square feet.
- g. School buildings or additions - \$4.00 per 100 square feet.
- h. Church buildings or additions - \$4.00 per 100 square feet.
- i. Pole barns - agricultural - \$3.00 per 100 square feet.
- j. Pole barns - steel agricultural - \$3.00 per 100 square feet.
- k. Mobile homes - permanent residences - \$125.00 per mobile home.
Mobile homes – temporary residence - \$75.00 per mobile home.
- l. Utility buildings - accessory buildings - \$4.00 per 100 square feet. MINIMUM - \$40.00.
- m. Fuel service stations - \$5.00 per 100 square feet, plus:
 - 1 - 12 pumps - \$400.00
 - 12 - 20 pumps - \$700.00
 - over 20 pumps - \$ 150.00 each
- n. Alterations - \$7.00 per 1000 square feet. MINIMUM - \$40.00.
- o. Camp grounds - \$400.00 MINIMUM plus \$30.00 per stand.
- p. Demolition permits:
 - Residences \$50.00
 - Commercial and industrial \$7.00 per 100 square feet

- q. Mineral Extraction - \$700.00 MINIMUM plus \$75.00 per acre with an annual inspection fee of \$250.00.
- r. Mobile Home Parks - \$500.00 MINIMUM plus \$50.00 per lot.
- s. Occupancy permit for Residential - \$50.00 MINIMUM, plus \$10.00 per unit above three units.
- t. Occupancy permit for schools and churches - MINIMUM - \$40.00.
- u. Occupancy permit for commercial and industrial - 0-5000 square feet \$50.00 plus \$3.00 for each additional 100 square feet.
- v. Salvage yards - \$700.00 MINIMUM plus \$75.00 per acre with an annual inspection fee of \$300.00.
- w. Swimming pool placement (in-ground) - \$100.00.
- x. Building Contractors and /or Skilled Trades Registration Fee- \$45.00 for initial period and \$30.00 annually thereafter.
- y. Whenever permits are not obtained prior to beginning of construction, a fee of \$50.00 shall be required over and above the cost of the permit for the first offense. The second offense shall carry an additional fee of \$150.00.

PENALTIES:

Whenever permits are not obtained prior to beginning of construction, a fee of \$700.00 shall be required over and above the cost of the permit for the first offense. The second offense shall carry an additional fee of \$700.00. The third offense shall constitute mandatory suspension of the building contractor's and/or skilled trades Registration for one (1) year from the date of the third offense.

(Ordinance No. 2006-021, mending, Commissioners, 9/5/06, Ordinance No. 2004-011, Commissioners, 8/2/04)

The text of the Delaware County Comprehensive Zoning Ordinance Regarding sign, Building Permit and Penalty Fees, now, therefore be it ordained, that the text heretofore be adopted, be amended, changed and supplemented.

(Ordinance No. 2004-014, amending Ordinance No. 2004-011, Commissioners, 9/20/04)

Amend from Delaware County Building and Zoning Administration sections relating to: Signs and Building Permits, and Utilities permit and any permits that require a permit to do any project in the County of Delaware. Also along with fee schedules and penalties.

These have not been reviewed nor increased since 1991. Amendments are as follows:

1. Section 12, Article XXX, Section 3, Subsection J, shall amend by increasing fees.

TYPE OF SIGN	FEES NOW	NEW FEES
Clustered Sign	\$30.00	\$40.00

Post installment Or replacement	\$20.00	\$25.00
Ground	\$30.00	\$40.00
Home Occupation	\$25.00	\$32.00
Identification	\$25.00	\$32.00
Off-Premise	\$30.00	\$40.00
For additional face on the Same sign apparatus	\$25.00	\$32.00
Pole	\$30.00	\$40.00
Projecting	\$30.00	\$40.00
Roof	\$25.00	\$32.00
Temporary	\$25.00 for 30 days	\$32.00
Wall	\$25.00	\$32.00

2. Revised Article XXXII, Section 3, Subsection G, Item 2, as Follows.

PERMITS AND FEES:

Permits shall be obtained from the applicable State and local permitting authorities dealing with development activities such as, but not limited to, building construction, electrical service, plumbing, heating and air conditioning, storm water quality and quantity, erosion control, floodplains, wetlands, sewers and other sanitary facilities, and wells and water supply. Fee schedules are established by the applicable permitting authority. All applicable permits shall be obtained prior to beginning any construction and/or land alteration activities.

3. **PENALTIES:**

When permits are not obtained prior to the beginning of construction and/or land alterations, penalties may be imposed as set forth by the permitted authority.

(Ordinance No. 2006-021, mending, Commissioners, 9/5/06)

4-1-9. Review of Application.

A. Prior to the issuance of any building permit hereunder, the building commissioner shall:

1. review all building permit applications to determine full compliance with the provisions of this ordinance.
2. review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
3. review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair:
 - a. uses construction materials and utility equipment that are resistant to flood damage; and
 - b. uses construction methods and practices that will minimize flood damage.

4. review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) is:
 - a. protected against flood damage;
 - b. designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure; and
 - c. uses construction methods and practices that will minimize flood damage.
5. review building permit applications to determine whether the proper zoning classification has been established and whether all setback requirements are followed as required by the county zoning ordinance.

4-1-10. Inspections.

After the issuance of any building permit hereunder, the building commissioner shall make, or shall cause to be made, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment of re-inspection fees as prescribed in this code.

4-1-11. Entry.

Upon presentation of proper credentials, the building commissioner or his/her duly authorized representatives may enter at reasonable times any building, structure or premises, subsequent to the application for a building permit and prior to the issuance of a certificate of occupancy, situated in the county to perform any duty imposed upon him/her by this code.

4-1-12. Stop Order.

Whenever any work is being done contrary to the provisions of this code, the building commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the building commissioner to proceed with the work.

4-1-13. Certificate of Occupancy.

No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued by the building commissioner or his/her duly authorized representatives, unless such building or structure was erected, altered or structurally altered in compliance with the provisions of this ordinance.

4-1-14. 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.

4-1-15. Violations.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, structurally alter, use or occupy any building or structure, other than fences and farm service buildings, in the county or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

4-1-16. Right of Appeal.

All persons shall have the right to appeal the building commissioner's decision first through the board of commissioners of the county, and then to the Administrative Building Council of Indiana, in accordance with the provisions of IC 22-11-1-21.5 as applicable.

(NOTE: Title 22, Article 11, Chapters 1-3 repealed)

4-1-17. Remedies.

The building commissioner shall, in the name of the county board of commissioners, bring actions in the circuit or superior courts of Delaware County, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the building commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

4-1-18. Penalties.

If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined within the time prescribed by the building commissioner, or shall fail, neglect or refuse to obey and lawful order given by the building commissioner in connection with the provisions of this ordinance, for each such violation, failure or refusal, such person, firm or corporation shall be fined in the sum of fifty dollars (\$50.00) for the first day said fine is imposed, and the same sum on each succeeding day, as long as said violation continues, not to exceed a total sum of fifteen hundred dollars (\$1,500.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

4-1-19. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4-1-20. Severability Clause.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

(Ordinance, Commissioners' meeting, 3/8/82)

CHAPTER 2

PERMIT FEES

4-2-1. Purpose.

To establish fee schedules for electrical, plumbing and heating and ventilating permits within the county.

4-2-2. Electrical Permit Fees.

A. New construction:

1. One and two family residence:

Fees are \$1.00 per room, excluding baths and closets, plus inspection fee of \$20.00.

2. Multi-family residence:

\$20.00 inspection fee for first unit with an inspection fee of \$10.00 per unit thereafter.
Maximum-\$500.00

B. Fees for alterations, repairs and remodeling are the same as new construction.

C. Commercial and industrial:

1. New construction:

a. Inspection fee for 100 AMP and 200 AMP service is \$50.00.

b. Inspection fee for 400 AMP and up to 1000 AMP is \$75.00.

c. Inspection fee for 1000 AMP and up is \$100.00.

In addition, there is a permit fee of \$2.00 per 100 square feet of floor area with a minimum of \$100.00 and a maximum of \$500.00.

2. Alterations, repairs and remodeling fees:

a. partial or complete rewire permit fee is \$25.00, plus \$15.00 inspection fee

b. change of service (increase amperage) new or moved panel box, new or moved meter fee is \$25.00

D. Agriculture and warehouse structure permit fee is \$30.00 up to 400 AMPS, above 400 AMPS, is same as commercial and industrial.

E. Electricians registration fee is \$15.00, annually. (Electrical contractors must have a local electrician license on file before work permit is issued.)

ELECTRICAL PERMIT FEES

A. New Construction-Residence:			
1. One and Two Family residence	\$1.00 per room		\$25.00
			Inspection fee
Change to	\$3.00 per room		\$40.00
			Inspection fee
2. Multi-Family residence	\$25.00 inspection for first unit plus inspection fee of \$12.00 per unit thereafter.		
	Minimum \$500.00		
Change to	\$40.00 inspection for the first unit plus		
	Inspection fee of \$18.00 per unit thereafter		
	Minimum \$800.00		
B. New Construction-Commercial/Industrial:			
1. Inspection fee for 100 amp			
And 200 amp	\$75.00	to	\$125.00
2. Inspection fee for 4000 amp			
And up to 1000 amp	\$100.00	to	\$150.00
3. Inspection fee for 1000 amp			
And up	\$125.00	to	\$175.00
	A. Plus permit fee of \$2.00 per 100 sq.ft. of floor area		
		Maximum	\$125.00
Change to:			
3. A. Plus permit fee of \$4.00 per 100 sq.ft of floor area			
		Minimum	\$175.00
		Maximum	\$800.00
C. Alterations, repairs and remodeling:			
1. Partial or complete rewire			
Permit fee	\$30.00		\$40.00
2. Change of Service (increase Amperage) panel box, new Or moved meter	\$30.00		\$40.00
D. Agriculture/warehouse structures:			
1. Permit fee up to 400 amp, Above 400 amp same as Commercial & Industrial and New Construction	\$35.00		\$50.00
E. Electricians Registration Fee:			
Initial fee period	\$30.00		\$40.00
Annually thereafter	\$20.00		\$30.00

Electrical contractors must have a local electrician license on file before electrical permit is issued.
(Ordinance No. 2004-011, Commissioners, 8/2/04)

4-2-3. Plumbing Permit Fees.

- A. New construction permit fee for:
1. each complete bathroom consisting of a stool, lavatory, shower and/or tub is \$10.00; plus \$3.00 for each additional stool, lavatory, shower and/or tub.
 2. kitchen sink, garbage disposal and dishwasher is \$3.00.
 3. automatic clothes washer and dryer ventilation is \$3.00.
 4. all other openings, such as clean-out drains, etc., is \$3.00.
- B. Fee for:
1. alterations, repairs and remodeling are the same as new construction.
 2. commercial, industrial, apartment and public buildings are the same as new construction.
 3. agriculture and warehouse structures is \$30.00 up to the equivalent of two complete baths; above that fees are the same as new construction.
 4. plumbers registration is \$15.00, annually. (Plumbing contractors must have a State Master Plumber License on file before permit for plumbing is issued.)

PLUMBING PERMIT FEES

- A. New Construction:
Each complete bathroom consisting of a stool, lavatory, shower, and/or tub.
- | | | |
|--|---------|--|
| | \$12.00 | |
| Kitchen sink, garbage disposal and dishwasher | \$3.50 | |
| Automatic clothes washer and dryer ventilation | \$3.50 | |
| All other openings, such as clean out drains, etc. | \$3.50 | |
- B. Alterations, Repairs and Remodeling:
Same as new construction
- C. Commercial, Industrial, Apartment and Public Buildings
Same as new construction
- D. Agricultural and warehouse structures
Same as new construction
- E. Plumbers Registration Fees
- | | | |
|---------------------|---------|---------|
| Initial period | \$30.00 | \$45.00 |
| Annually thereafter | \$20.00 | \$30.00 |

Change from each permit price for the different items we purpose that this be changed to one (1) fee and we suggest that the fee be \$100.00 and that would cover all of the plumbing permit fees. Except for Alterations, Repairs, and Remodeling: The fee for this work would be \$50.00 per job.
(Ordinance No. 2004-011, Commissioners, 8/2/04)

4-2-4. Heating and Ventilating Permit Fees.

- A. New construction fees for a:
 - 1. One and two family residence:
 - a. Conversion burner installation fee is \$15.00.
 - b. New or replacement furnace installation fee is \$20.00.
 - c. Air conditioning installation fee is \$20.00.
 - d. Combination furnace and air conditioning unit or heat pump installation fee - new or replacement is \$ 35.00.
 - 2. Multi-family residence:
 - a. Fees are same as one and two family residence plus inspection fee of \$10.00 per unit above one with a maximum of \$500.00.
 - 3. Fees for replacement on any of the above are the same as new construction.
- B. Commercial and industrial:
 - 1. There is a \$20.00 inspection fee for air conditioner, plus \$1.00 per ton.
 - 2. There is a \$20.00 inspection fee for electric heat, plus \$1.00 per 10 KW's.
 - 3. There is a \$20.00 inspection fee for fossil heat, plus \$1.00 per 10,000 BTU's.
 - 4. Fees for replacement are the same as new construction.
- C. The heating and ventilating registration fee is \$15.00, annually.

Heating and Venting Fees:

New Construction-Residential:

- 1. One and Two Family Residence;
 - A. Conversion burner installation \$20.00 \$30.00
 - B. New/Replacement furnace install \$25.00 \$40.00

- | | | |
|--|---------|---------|
| C. Air Conditioning install | \$25.00 | \$40.00 |
| D. Combination furnace and air Conditioning unit or heat pump Installation new/replacement | \$40.00 | \$75.00 |
| E. Electric ceiling cable/baseboard | \$25.00 | \$40.00 |
2. Multi-Family Residence;
Same as one and two family
Residence plus inspection fee of \$15.00 per unit above one unit with Maximum of \$500.00
Change to \$25.00 per unit above one unit with Maximum of \$700.00

3. Replacement of any of the above:

SAME AS NEW CONSTRUCTION

New Construction-Commercial/Industrial:

- | | |
|---------------------|---|
| 1. Air Conditioner: | \$25.00 inspection fee plus \$1.25 per ton. |
| Change to | \$35.00 inspection fee plus \$2.50 per ton. |
| 2. Electric Heat: | \$25.00 inspection fee plus \$1.25 per 10KW. |
| Change to | \$35.00 inspection fee plus \$2.50 per 10KW. |
| 3. Fossil Heat: | \$25.00 inspection fee plus \$1.25 per 10,000 BTU |
| Change to | \$35.00 inspection fee plus \$2.50 per 10,000 BTU |
| 4. Replacement | SAME AS NEW CONSTRUCTION |

Registration Heating and Ventilating Fees:

\$30.00 for initial period and \$20.00 annually thereafter

Change to: \$45.00 initial period and \$30.00 annually thereafter

(Ordinance No. 2004-011, Commissioners, 8/2/04)

4-2-5. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4-2-6. Severability Clause.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

(Ordinance, Commissioners' meeting, 8/17/81)

CHAPTER 3

RESIDENTIAL CONTRACTORS REGISTRATION FEES

4-3-1. Purpose.

An ordinance to promote the health and safety of the citizens of Delaware County. From and after the effective date of this ordinance it shall be unlawful for any person to engage in the business of, or to act in the capacity of, a general residential or skilled trades contractor in any unincorporated area in Delaware County, unless such person shall be registered as a general residential or skilled trades contractor as herein provided.

4-3-2. Definitions.

Person means any individual, firm, partnership, association, co-partnership, corporation, trust, or any other organization or any combination thereof.

Residential contractor means any person engaged in the construction of residential structures, who for a fixed sum, price, fee, percentage, valuable consideration or other compensation undertakes with another or offers to undertake or purports to have the capacity to undertake with another for the erection, construction, replacement, repair, alteration, or any addition to, subtraction from or improvement of a residential structure, or any person who manufactures, assembles, constructs, deals in, or distributes residential structures which are pre-fabricated, pre-assembled, pre-cut, packaged or shell housing, or any person who erects a residential structure, except for his/her own use and occupancy on his/her own property.

Skilled trades contractor means any person, firm, partnership, or corporation whose principle owner contracts to perform for a fee; plumbing, electrical, heating, cooling, or subsequent ventilation work in the field of residential construction in the unincorporated areas of Delaware County.

Residential structure shall mean any structure used for human habitation.

Shareholder is any person who owns more than ten percent (10%) of the stock of a corporation that is engaged in any undertaking set forth above.

Board means the Delaware County Residential Contractors Appeal Board.

4-3-3. Exclusions.

This ordinance shall not apply to:

- A. owners of property upon which structures are located and constructed for their own use of occupancy, such construction not to exceed one such structure in each twelve (12) month period.
- B. any undertaking as set forth above, wherein the total price for labor and materials does not exceed fifteen hundred dollars (\$1,500.00). Providing, however, this exemption does not apply in any case wherein the undertaking is only a part of a larger undertaking and the division of the undertaking is made in amounts less than five hundred dollars (\$500.00) each for the purpose of evasion of this ordinance.

- C. roofing, guttering, siding, cabinets, window replacement, non-covered patio construction, aluminum patio enclosure, erection of aluminum canopies or awnings, unless the same is a part of an entirely new residential structure. These are considered component subcontracts, and are subject to the building contractors permits and supervision.
- D. any unlawful act or violation of any of the provisions of this act upon the part of any employee or any officer or member of a registered general residential or skilled trades contractor shall not be cause for suspension, revocation or denial of the registration of any general residential or skilled trades contractor, unless it shall appear to the satisfaction of the board that the general residential or skilled trades contractor had knowledge thereof and acquiesced therein.

4-3-4. Citizens Advisory Board.

The county residential contractors board shall consist of seven (7) members, one (1) shall be the county building inspector, two (2) shall be registered residential contractors during the time of their appointment, one (1) shall be from the general public, and one (1) from each of the following skilled trades: plumbing, electrical heating, and air conditioning. All members except the building commissioner shall be appointed by the county commissioners. The commissioners shall appoint the two (2) residential contractors and the skilled trades board members from the registered contractors list for the county. Each member except the building commissioner shall serve for a period of four (4) years, or until his or her successor is appointed and qualified. Provided, however, the terms of office of the first members appointed to the board shall be, one for one year, two for two years, two for three years, and one for four years respectively. The building commissioner shall serve as administrative officer and shall conduct all hearings and meetings and retain all board records and files in his/her office. The board shall elect from its members a secretary who shall be responsible for keeping minutes and records of all official sections of the board.

4-3-5. Registration Procedure.

- A. All applications for registration shall be made in writing to the building commissioner, who shall have the responsibility to prepare and process the form of application for registration.
- B. Every applicant for registration shall furnish a sworn statement setting forth his/her addresses including present business and residence, former residences, and former businesses during the last five (5) years, and the length of time at each address.
- C. Every applicant for registration shall also state the name of the person, firm, partnership, association, co-partnership, or corporation and the location of the place for which such registrations desired, and set forth the period of time, if any, during which said applicant has been engaged in the business and such application shall be executed by such person or by the president and secretary of any corporation or by all partners in any partnership.
- D. The building commissioner upon application, may register a general residential or skilled trades contractor once the applicant has been a resident of Indiana for one (1) year.
- E. No applicant shall be refused registration by the building commissioner (new or renewal) without an opportunity for a hearing before the board. Upon compliance with all the provisions of this ordinance, registration shall be granted forthwith. Thereafter, renewal annually, as long as the applicant continues to comply with all other provisions of this ordinance. If after a hearing of record before the board, a residential builder or skilled tradesperson, is found guilty of violating any of the

provisions of this ordinance or the rules and regulations adopted pursuant thereto, the board may require in writing such restrictions as so determined by the board of such residential builder.

4-3-6. Bond.

- A. At the time of filing an original or renewal application, the applicant shall furnish to the board a bond by a surety insurer or in cash in which the county commissioners shall appear as the insured.
1. Such bond shall be in the amount of five thousand dollars (\$5,000.00) for each residential contractor or skilled trade contractor registration. In addition thereto, each applicant shall provide proof of general liability insurance of not less than one hundred thousand dollars (\$100,000.00) workman's compensation insurance coverage for all the registrant's employees.
(Ordinance No. 2000-002, Commissioners meeting, 1/31/00)
 2. If application for registration is made by any person whose registration has been revoked as a result of disciplinary action for violation of any of the provisions of this ordinance or of the rules and regulations adopted pursuant thereto and/or all state and local building codes, the building commissioner may require as a condition precedent to the re-registration of such applicant that such applicant file or have on file with the building commissioner a bond issued by a surety insurer or cash in a sum to be fixed by the board, not to exceed the sum of ten thousand (\$10,000.00) in which the county shall appear as the insured.
 3. The failure to maintain in full force and effect the bond or cash deposit and insurance as required by this section shall result in the suspension of that person's privilege to contract in the county and shall not be reinstated until a new bond, cash deposit or proof of insurance has been furnished.

4-3-7. Certificate.

The building commissioner shall issue to each registrant a certificate in such form and size as shall be prescribed by the county commissioners. Each certificate shall have imprinted thereon the name and address of the registrant, and shall contain such other matters as shall be prescribed by the board. The certificate shall be delivered or mailed to the place of business of the registrant.

4-3-8. Registration Fee.

- A. Application for a residential contractor and/or skilled trades contractor registration shall be made to the building commissioner with the fee herein prescribed.
1. The registration fee shall be thirty dollars (\$30.00) for the initial period and twenty dollars (\$20.00) annual thereafter.
(Ordinance No. 2000-002, Commissioners' meeting, 1/31/00)
 2. All fees and charges collected by the county under the provisions of this ordinance shall be paid into the general fund of the county treasury. All expenses incurred by the board under the provisions of this ordinance shall be paid out of the building commissioner's general fund from time to time; when claim vouchers, therefore, are exhibited and approved by the county commissioners and appropriated by the county council.

4-3-9. Revocation.

- A. The county commissioners may upon its motion or upon the complaint in writing of any such person made within twelve (12) months after completion, occupancy or purchase of a residential or combination of residential and commercial building, investigate the actions of any residential builder or skilled trades contractor or any person who shall assume to act in such capacity within this county.
1. Willful violation of the building laws of the state or the county building code thereof, or of the safety laws or labor laws or compensation insurance laws of the state;
 2. misrepresentation of a material fact by a registrant; making any substantial misrepresentation, or making any false promise of a character likely to influence, persuade or induce false statements upon a county citizen.
 3. Advertising in any manner whatsoever that said residential builder or residential maintenance and alteration contractor is registered under this act, when actually he/she is not;
 4. Insolvency, filing in bankruptcy, receivership or assigning for the benefit of creditors;
 5. Aiding or abetting a non-registered person to evade the provisions of this ordinance, or knowingly combining or conspiring with, or acting as agent, partner or associate for a non-registered person;
 6. The violation of any of the provisions of this ordinance.

4-3-10. Suspension Procedure.

The board shall, before suspending or revoking any registration and at least ten (10) days prior to the date set for the hearing, notify in writing the holder of such registration of any charge made, and shall furnish said registrant with a copy of the complaint and afford said registrant an opportunity to be heard in person or by counsel in reference thereto. Such written notice shall be served by delivery of the same, personally to the registrant. The hearing on such charge shall be at such time and place as the board shall prescribe. If the board shall determine that any registrant is guilty of any violation of any of the provisions of this ordinance, said registration shall be suspended or revoked for such period of time as shall be determined by the board.

4-3-11. Public Record.

The building commissioner shall maintain open to public inspection during office hours a complete indexed record of all pending applications and all registrations issued under this ordinance and of all terminations, suspensions and revocations thereof.

It shall be the duty of the board of county commissioners to administer and provide for the enforcement of all the provisions of this ordinance.

4-3-12. Penalties.

Any person, firm, co-partnership, corporation, association or other organization, acting in the capacity of a residential or skilled trades contractor within the meaning of this ordinance, who shall violate any of the

provisions of this act without properly maintaining registration as here provided, or any person aiding or abetting another person in the violation of any of the provisions of this ordinance or conspiring with another person to violate any of the provisions of this ordinance, shall upon conviction thereof, be punished by a fine of not to exceed five hundred dollars (\$500.00). The same penalties shall apply, upon conviction, to a member of a co-partnership or any construction or contracting officer or agent of any corporation, association or other organization who shall consent to, participate in, or aid or abet any violation of this ordinance upon the part of the co-partnership of which he is a member of the corporation, association or organization of which he is such an officer or agent.

4-3-13. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4-3-14. Severability Clause.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

(Ordinance, Commissioners' meeting, 1/23/84)

CHAPTER 4

UNSAFE BUILDING ORDINANCE

4-4-1. Purpose.

The purpose of this ordinance is to provide for the inspection, repair or removal of unsafe building within the unincorporated areas of Delaware County.

4-4-2. Authorization.

- A. Under the provisions of Indiana Code 36-7-9-1 et seq., there is hereby established the Delaware County Unincorporated Area Unsafe Building Law.
- B. Indiana Code 36-7-9-1 et seq. is hereby adopted by reference as the Delaware County Unincorporated Area Unsafe Building Law. All proceedings within the unincorporated areas of the county for the inspection, repair and removal of unsafe buildings shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of the Indiana State Code 36-7-9-1 through 36-7-9-28 as amended, then the provisions of the state statute shall control.

4-4-3. Definitions.

The definition of any unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Unincorporated Areas of Delaware County, Indiana, by adding the following to said definition:

- A. Unsafe building means any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, personal property or others, or safety of the public or the safety of the occupants of said building or structure are endangered.
 - 1. Whenever any portion thereof has been damaged by fire, earthquakes, wind, flood or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such-catastrophe.
 - 2. Whenever any portion, member appurtenance or ornamentation thereof becomes detached or dislodged or is not of sufficient strength, or is not anchored, attached or fastened in place pursuant to approved construction methods.
 - 3. Whenever any part thereof has obviously warped, buckled, or settled to such an extent that walls or other structural portions have materially less strength than in their original condition.
 - 4. Whenever any building or structure, or any portion thereof, because of:
 - a. dilapidation, deterioration or decay;
 - b. faulty construction;

- c. the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. the deterioration, decay or inadequacy of its foundation; or
 - e. any other cause, is likely to partially or completely collapse.
5. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become:
- a. an attractive nuisance to children, or
 - b. a public nuisance.
6. Whenever any building or structure experiences a loss of sixty-six percent (66%) in any original supporting part or fifty percent (50%) in any original non-supporting part.
7. Whenever a building or structure is determined by the county board of health to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
8. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or any excavation, basement or other opening remains below the surface level of the ground surrounding said building or structure, so as to constitute the portion thereof an attractive nuisance or hazard to the public.

4-4-4. General Provisions.

All buildings or portions thereof located on any parcel of real estate containing five (5) acres or less contiguous to another parcel of real estate containing five (5) acres or less within the unincorporated areas of the county, which are determined after inspection by the building commissioner, the county commissioners and/or the county board of health, to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in the Delaware County Unincorporated Area Unsafe Building Law.

4-4-5. Administration.

- A. The county commissioners shall be authorized to administer and to proceed under the provisions of said law in ordering the repair and removal of any buildings found to be unsafe as specified therein or as specified hereafter.
- B. The board of county commissioners is hereby designated the department in accordance with the provisions of IC 36-7-9-1 and, for the purpose of conducting hearings, in accordance with IC 36-7-9-7.

4-4-6. Enforcement.

- A. Whenever in the building regulations of the unincorporated areas of the county or the Delaware County Unincorporated Area Unsafe Building Law it is provided that anything must be done to the

approval of or subject to the direction of the building commissioner, county commissioners, and/or the county board of health, this shall be construed to give such officers only the discretion of determining whether the rules and standards established by ordinance have been satisfied; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards should be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or capricious manner.

- B. Whenever the board of county commissioners, building commissioner and/or the county board of health determines that any building or structure or parts thereof is in such impaired structural condition which renders it unsafe or dangerous, such commissioners may inspect the building or structure, and may interrogate any owners or lessees or occupants thereof or anyone possessing knowledge of the facts, and for such purpose the board of county commissioners, building commissioners, county board of health or their duly authorized representatives shall have the right of access to such premises. Prior to making such inspection, the commissioners shall give at least forty-eight (48) hours advance notice of the proposed inspection to the owner, lessee or occupants. The notice shall state the date and time of the inspection and shall include the name of the person or persons who will conduct the inspection.
- C. An action taken under this ordinance is subject to review or appeal pursuant to the provisions of IC 36-7-9-8.

4-4-7. Compliance.

- A. All work for the reconstruction, alteration, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to accepted standards and practices in the trade. The provisions of the rules and regulations pertaining to construction, plumbing, electrical, mechanical, and one and two family dwellings, promulgated by the Administrative Building Council of Indiana shall be considered standards and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the county building commissioner.
- B. No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done contrary to or in violation of any of the provisions of this ordinance or any order issued by the department. Any person violating the provisions of this ordinance or the provisions of IC 36-7-9-28 shall commit a Class C infraction for each day such violation continues.

4-4-8. Unsafe Building Fund.

An unsafe building fund is hereby established in the operating budget of the county commissioner in accordance with the provisions of IC 36-7-9-14.

4-4-9. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4-4-10. Severability Clause.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

(Ordinance, Commissioners' meeting, 3/8/82)

4-4-11. Vacant and Abandoned Structures.

- (a) Adoption of State Law I.C. 36-7-36-1 as modified herein, and 36-7-36-2 through 36-7-36-10 are adopted by reference and incorporated herein together with any and all amendments hereto that are made following this date,. All proceedings as to vacant and/or abandoned buildings shall be governed by this law and the provisions of this section.
- (b) Definitions of Abandoned Structures Amended. As used in this chapter “abandoned structure” means any of the following:
 - (1) Commercial real property or a vacant structure on commercial real property that is used or was previously used for industrial or commercial purposes, and;
 - (A) that the owner of the property or structure has declared in writing to be abandoned; or
 - (B) for which the owner of the property or structure has been given a written order by an enforcement authority to rehabilitate or demolish, and the owner:
 - (i) has not applied for a permit to rehabilitate or demolish the property or structure; or
 - (ii) applied for and was granted a permit, but rehabilitation or demolition work has not commenced on the property or structure within thirty (3) days after the date the permit was granted.
 - (iii) applied for and was granted a permit, and work began, but was not completed prior to the expiration of the permit and an application for a subsequent permit has not been submitted.
 - (2) Real property that has not been used for a legal purpose for at least six (6) consecutive months and;
 - (A) in the judgment of an enforcement authority, is in need of completion, rehabilitation, or repair, and completion, rehabilitation, or repair work has not taken place on the property for at least six (6) consecutive months;
 - (B) on which at least one (1) installment of property taxes and/or an assessment for a civil penalty or penalties issued by a hearing authority is delinquent; or
 - (C) that has been declared a public nuisance by a hearing authority.

- (3) Real property that has been declared in writing to be abandoned by the owner, including an estate or a trust that possesses the property.
- (4) Vacant real property on which a municipal lien has remained unpaid for at least one (1) year.
(Ordinance No. 2009-035 A, Commissioners, 10/19/09)

CHAPTER 5

MOVING OF BUILDINGS

4-5-1. Purpose.

An ordinance prohibiting the moving of buildings over, across and along streets and highways of Delaware County without a Special Use Permit first obtained, providing for permits, license fees and providing penalties.

4-5-2. Permits.

- A. It shall be unlawful for any person, persons, firm, company or corporation to move or cause to be moved, any building or buildings, house, barn, or other structure of any kind, in, along, through or upon any street, or highway under the jurisdiction of the county, without a Special Use Permit For Delaware County Road and Streets, hereafter referred to as Permit, from the county highway engineer, and no person moving any such building shall permit the same to stand on such street or highway for a longer period than two (2) days, unless permission be granted by the county highway engineer for just and sufficient cause.
- B. Application for said permit must be accompanied by the following written information:
1. Extreme width, length and height of the structure to be moved.
 2. Present location.
 3. Proposed location.
 4. Route of proposed moving.
 5. Date when said moving is to commence, and estimated time required for such operation.

4-5-3. Inspections.

- A. The county highway engineer shall, within seven (7) days of the filing of the aforesaid written application, cause such building to be inspected and if he/she shall find that it can be moved safely in the manner proposed and he/she shall then inform the county commissioners that said building can be moved and that a permit will be granted under the provisions of this ordinance by the county board of commissioners.
- B. The county highway engineer shall then notify any person, firm, company or corporation, owning or controlling any telegraph, telephone, electric light, electric power fire alarm, police alarm, or across arms with which said building may come in contact or which may be affected by such moving of the filing of said petition giving at least two (2) days notice thereof. Such person, persons, firm, company, or corporation owning, two (2) days thereafter shall present to the county highway supervisor an estimate showing the expense to which said person, firm, company or corporation shall be put by the moving of said building, house or other structure along the proposed line and shall file such estimate with the county highway engineer, which if correct shall be approved by him/her.

- C. The person, firm, company or corporation filing the application aforesaid shall then deposit with the county engineer an amount sufficient to pay such expenses, and estimates and damages to which said county person, persons, firm, company or corporation may be put to. The county highway engineer shall upon depositing of such money issue to such person, persons, firm, company or corporation making such application a permit for the removal of such buildings, house, barn or other structure on or along the streets, or highways described in said application which permit shall also specify the length of time to be taken in moving said building, house, barn, or other structure and for such permit the applicant shall pay to the county highway engineer the additional sum of fifty dollars (\$50.00) as fee for such permit.
- D. The applicant for the aforesaid permit shall, at least forty-eight (48) hours before commencing operations, submit to the county highway engineer a schedule of the proposed time said building or buildings, house, barn or other structure is to be moved to each point in contact with any telegraph, telephone, electric light or power, fire alarm, police alarm, or cross arms, corresponding to all affected parts as listed in the itemized estimate of expenses for deposit. The county highway engineer shall then cause notice of such schedule to be given to the person, persons, firm, company or corporation owning or controlling the aforesaid wires or cross arms.
- E. Within two (2) weeks after the passage of such building or buildings, house, barn, or other structure by or under the aforesaid wires, or across arms, the person, firm or corporation shall by its agent or manager, file with the county highway engineer an itemized statement certified by affidavit showing actual cost and expense incurred by said person, firm or corporation in taking care of its wires, and the county highway engineer shall cause to be paid to the person, firm or corporation aforesaid, the amount due the said person, firm or corporation as per such statement. If such actual cost and expense shall exceed the amount of money deposited with the county highway engineer to cover expenses, then the balance or difference shall be immediately paid to said person, firm or corporation as aforesaid, and if such cost and expense does not equal the amount paid in by such applicant then such surplus shall be returned by the county highway engineer to such applicant. If any person, firm or corporation so cutting or adjusting its wires or cross arms shall fail to file its expense account as herein required and within said two (2) weeks then the county highway engineer shall return to the person who made the deposit the estimated sum deposited for the benefit of such person, firm or corporation.

4-5-4. Insurance.

- A. It shall be unlawful for any person, persons, firm or company or corporation to move or cause to be moved any building, house, barn or their structure upon or along any street or highway under the jurisdiction of the county, without first having filed with the permit, a certificate of insurance that shall be attached to this permit prior to approval in the following amounts:

\$500,000	Bodily Injury
\$100,000	Property Damage

- B. The policy of insurance shall include the county as an additional named insured and said certificate of insurance shall provide that the county shall be given ten (10) days advanced notice of any cancellation or non-renewal of said insurance. Regardless of the insurance requirements as above set forth, applicant hereby agrees to hold the county harmless from any and all actions, claims, and demands whatsoever arising from the use of the premises during the term of this permit.

4-5-5. Penalties.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than five hundred dollars (\$500.00) for the first violation, one thousand five hundred dollars (\$1,500.00) for the second violation and two thousand five hundred dollars (\$2,500.00) for the third violation.

4-5-6. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4-5-7. Severability.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or apart thereof not adjudged invalid or unconstitutional.

(Ordinance, Commissioners' meeting, 4/91)

CHAPTER 6

FAIR HOUSING

4-6-1. Purpose.

It shall be the policy of the county to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and IC 22-9.5-1, et. seq.

4-6-2. Definitions.

The definitions set forth in this section shall apply throughout this ordinance:

Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (IC 22-9.5-2-8).

Family includes a single individual (IC 22-9.5-2-9) with the status of such family being further defined in subsection h of this section.

Person (IC 22-9.5-2 [or 5?]-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, in cases under Title 11 of the United States Code, receivers, and fiduciaries.

To rent (IC 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

Discriminatory housing practice means an act that is unlawful under sections 4, 5, 6, 7, or 8 of this ordinance or IC 22-9.5-5.

Handicap means, with respect to a person:

1. a physical or mental impairment which substantially limits one or more of such person's major life activities,
2. a record of having such an impairment; or
3. being regarded as having such an impairment,
4. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
5. any other impairment defined under IC 22-9.5-2-10.

The term handicap shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Codes [IC 22-9.2-10(b)]; nor does the term handicap include an individual solely because that individual solely is a transvestite [IC 22-9.5-2-10(c)].

Aggrieved person includes any person who (IC 22-9.5-2-2):

1. claims to have been injured by a discriminatory housing practice; or
2. believes that such person will be injured by a discriminatory housing practice that is about to occur.

Familial status means one or more individuals (who have not attained the age of eighteen [18] years) being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Commission (IC 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to IC 22-9-1-4, et. seq.

Complainant (IC 22-9.5-2-4) means a person, including the commission who files a complaint under IC 22-9.5-6.

Respondent means a person accused of a discriminatory housing practice in a complaint under this ordinance.

4-6-3. Unlawful Practice.

Subject to the provisions of subsection (B) of this section 3 and section 9 of this ordinance, and title 22-9.5-3 of the Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in section 4 of this ordinance shall apply to:

- A. All dwellings except as exempted by subsection (B) and Title 22-9.5-3 in Indiana Code.
- B. Other than the provisions of subsection (C) of this section, nothing in section 4 shall apply to:
 1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three (3) such single-family houses at any one time: provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his/her behalf, title to or any right to all or a portion of proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented;
 - a. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and

- b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of section 4(c) of this ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - 2. rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one such living quarters as his/her residence.
- C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:
- 1. he/she, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - 2. he/she, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - 3. he/she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

4-6-4. Discrimination in the Sale or Rental of Housing.

As made applicable by section 3 and except as exempted by sections 3 B and 9, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, handicap or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, familial status, handicap or national origin.
- C. This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.
- D. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin or an intention to make any such preference, limitation, or discrimination.
- E. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

- F. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- G. 1. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
- a. that buyer or renter;
 - b. a person residing in or intending to reside in that dwelling after it is sold, rented, or make available; or
 - c. any person associated with that person.
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because or because of a handicap of:
- a. that person, or
 - b. a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - c. any person associated with that person.
3. For purposes of this subsection, discrimination includes:
- a. a refusal to permit, at the expense of the handicapped person, reasonable modification of existing premises occupied or to be occupied by such person if such modification may be to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - b. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - c. in connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construction those dwellings in such manner that:
 - i. the dwellings have at least one (1) building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site;
 - ii. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

- iii. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- iv. all premises within such dwellings contain the following features of adaptive design;
 - I. an accessible route into and through the dwelling;
 - II. lighting, switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - III. reinforcements in bathroom walls to allow later installation of grab bars; and
 - IV. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- 4. Compliance with the appropriate requirements of the Americans with Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as ANSI A117.1) suffices to satisfy the requirements of paragraph (3)(c)(iii).
- 5. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

4-6-5. Discrimination in Residential Real Estate-Related Transactions.

- A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin,
- B. As used in this section, the term residential real estate-related transaction means any of the following:
 - 1. The making or purchasing of loans or providing other financial assistance:
 - a. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. secured by residential real estate.
 - 2. The selling, brokering or appraising of residential real property.
- C. Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisal of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

4-6-6. Discrimination in the Provision of Brokerage Services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, handicap, familial status or nation origin.

4-6-7. Interference, Coercion, or Intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his/her having exercised or enjoyed, or on account of his/her having aided or encourage any person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5, or 6 of this ordinance.

4-6-8. Exemptions.

- A. Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- B.
 - 1. Nothing in this ordinance limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this ordinance regarding familial status apply with respect to housing for older persons.
 - 2. As used in this section, "housing for older persons" means housing:
 - a. provided under any state or federal program that the secretary of the federal department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - b. intended for; and solely occupied by, persons sixty-two (62) years of age or older; or
 - c. intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit if the following requirements are met:
 - i. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
 - ii. that at least eighty percent (80%) of the units are occupied by at least one person fifty-five (55) years of age or older per unit; and

- ii. the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

4-6-9. Administrative Enforcement of Ordinance.

- A. The authority and responsibility for properly administering this ordinance shall be vested in the county housing authority.
- B. The county housing authority shall establish a local commission with the authority and responsibility for properly administering this ordinance. The local commission will administratively enforce all formal complaints alleging a violation of the articles of this ordinance for the purpose of investigation, resolution, and appropriate relief as provided for under Title 22-9.5-6 of the Indiana Code.
- C. All executive departments and agencies of the county shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the county housing authority and the commission to further such purposes.
- D. The county housing authority shall provide information on remedies available to any aggrieved person or complainant requesting such information.
- E. Each complaint must be in writing and must be signed and affirmed by the aggrieved person filing the complaint or, if the complaint is filed by the commission, by any commission member, or the director, if one is appointed pursuant to section 11 (b). The signature and affirmation may be made at any time during the investigation. The commission may require complaints to be made on prescribed forms.
 - 1. Complaint forms will be made available in the commissioner's offices or in the office of the county housing authority.
 - 2. Notwithstanding any requirement for the use of a prescribed form, the commission will accept any written statement which substantially sets forth the allegations of a discriminatory housing practice under this ordinance.
 - 3. An aggrieved person may provide information to be contained in a complaint by telephone to the commission's offices. The commission or staff of the commission will reduce the information provided by telephone to writing on the prescribed complaint form and send the form to the aggrieved person to be signed and affirmed.
 - 4. Each complaint must contain substantially the following information:
 - a. The name and address of the aggrieved person.
 - b. The name and address of the respondent.
 - c. A description and the address of the dwelling which is involved, if appropriate.

- d. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.
 5. Except as provided in paragraph 6 of this subsection, a complaint is filed when it is received by the commission in a form that reasonably meets the standards of Section 9(e)(4)(A)-(D).
 6. The commission may determine that a complaint is filed for the purposes of the one year period for filing complaints, upon the submission of written information (including information provided by telephone and reduced to writing by the commission or staff of the commission) identifying the parties and describing generally the alleged discriminatory housing practice.
 7. Where a complaint alleges a discriminatory housing practice that is continuing, as manifested in a number of incidents of such conduct, the complaint will be timely if filed within one year of the last alleged occurrence of that practice.
- F. An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the commission alleging the discriminatory housing practice.
- G. A complaint under this ordinance may be reasonably and fairly amended at any time.
- H. When a complaint is filed under this ordinance, the commission shall do the following:
1. Give the aggrieved person notice that the complaint has been received.
 2. Advise the aggrieved person of the time limits and choice of forums under the ordinance.
 3. Not later than ten (10) days after the filing of the complaint or the identification of an additional respondent, serve on each respondent:
 - a. A notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this ordinance; and
 - b. a copy of the original complaint.
 4. A person who is not named as a respondent in a complaint, but who is identified in the course of the investigation as a person who is alleged, or is about to engage in the discriminatory housing practice upon which the complaint is based may be joined as an additional or substitute respondent by service of a note on the person under subsection 3 of this section within ten (10) days of the identification. If the person is not named in the complaint, but is being joined as an additional or substitute respondent, the notice will explain the basis for the commission's belief that the joined person is properly joined as a respondent.

- I. Not later than ten (10) days after the receipt of the notice and copy of the complaint, a respondent may file an answer to the complaint. An answer must be:
 - 1. in writing;
 - 2. signed under oath; and
 - 3. in the form prescribed by the commission.
- J. An answer may be reasonably and fairly amended at any time with the consent of the commission.
- K. An answer does not inhibit the investigation of a complaint.
- L. The commission shall determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The commission shall make this determination not later than one hundred (100) days after a complaint is filed unless:
 - 1. The commission has approved a conciliation agreement relating to the complaint; or
 - 2. It is impracticable to make the determination within that time period in which case the commission shall notify the complainant and respondent in writing of the reason for the delay.
- M. If the commission determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall promptly issue a short and plain statement of the facts upon which the commission has based the no reasonable cause determination; dismiss the complaint; notify the aggrieved person and the respondent of the dismissal (including the written statement of the facts). The fact of the dismissal, including the names of the parties, shall be public information available on request.
- N. The commission may not issue a finding of reasonable cause under this ordinance regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.
- O. If the commission determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall immediately issue a finding of reasonable cause consisting of a short and plain statement of the facts on which the commission found reasonable cause on behalf of the aggrieved person.
- P. Not later than twenty (20) days after the commission issues a finding of reasonable cause, the commission shall send a copy of the finding of reasonable cause to each respondent and each aggrieved person with the following information:

1. A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in a finding of reasonable cause decided in a civil action.
 2. The election must be made not later than twenty (20) days after the date of receipt of the reasonable cause notice by the electing person.
 3. The person making the election shall give notice to the commission and to all other complainants and respondents to whom the finding of reasonable cause relates.
- Q. If a timely election is made under section P 1, the commission shall not later than thirty (30) days after the election is made, file and maintain a civil action on behalf of the aggrieved person in a circuit or superior court that is located in the county in which the alleged discriminatory housing practice occurred. If a timely election is not made the commission shall provide for a hearing on the finding of reasonable cause.

4-6-10. Human Rights Commission.

- A. Upon obtaining a proper funding from the county council with consent of the county commissioners, there shall be created a commission to be known as the Delaware County Human Rights Commission composed of seven (7) members not more than four (4) of whom shall be of the same political party. Members must be residents of the county.
- B. All members of the Human Rights Commission shall be appointed by the county housing authority within thirty (30) days of the effective date of this ordinance.
- C. Of the seven (7) members first appointed two (2) shall be appointed for a term of one (1) year; two (2) shall be appointed for a term of two (2) years; and three (3) shall be appointed for a term of three (3) years. There after, each appointment shall be for a period of three (3) years.
- D. Upon the death or resignation of any member a successor shall be appointed by the county housing authority, to serve for the unexpired term of the member.
- E. The members of the commission shall serve without compensation, but they may be reimbursed for all expenses necessarily incurred in the performance of their duties in accordance with appropriations made by the county council.
- F. The county housing authority may remove commission members for cause.
- G. The expenses for carrying on the commission's activities shall be budgeted for and paid out of the county treasury and appropriated by the county council for such purposes; however, the commission shall also have the authority to accept grants, or other payments to help finance its activities. The commission may receive federal or state funds by work sharing or cooperative agreements or grants with such funds deposited in designated non-reverting funds.
- H. At its first meeting, which shall be called by the county housing authority, and thereafter at its February meeting the commission shall select from its membership a chairperson and vice-chairperson. These officers elected at the February meeting shall assume their offices April 1st.

- I. The commission shall meet once each month at a regularly published time and place and shall hold special meetings as the chairperson deems necessary or at the call of a majority of its members. Four (4) members of the commission shall constitute a quorum for the transaction of business. No official action shall be taken by the commission except by an affirmative vote of an absolute majority of a quorum of members of said commission; provided that a majority of the entire commission shall be required for a finding of a violation of this ordinance.

4-6-11. Powers and Duties.

The commission shall have the following powers and duties:

- A. To establish and maintain in the county an office to be provided by funds and by the county council.
- B. To appoint a director and other staff as it may deem necessary and prescribe the duties as funds become available through county council.
- C. To adopt, promulgate, amend and rescind such rules and regulations, procedural and substantive, as are consistent with the provisions of this ordinance or its intent and purpose as the commission may deem necessary. Such rules and regulations shall be adopted, amended, or rescinded by the commission only after a public hearing thereon, notice of which shall be given by two (2) publications in a newspaper of general circulation printed in the county, such publications to be one (1) week apart. The first publication to be not more than thirty (30) days nor less than fifteen (15) days before the date of such hearings.
- D. To receive and investigate the merits, allegations, and factual basis of complaints of discriminatory practices under this ordinance, and to hold hearings on such complaints. All investigations of complaints shall be investigated by staff members or commission members. Such investigations shall be impartial and shall be limited in each instance to the discriminatory practices alleged in the complaint. At the end of each investigation the commission or a staff member of the commission will prepare a final investigative report. The investigative report will contain:
 1. the names and dates of contracts with witnesses, except that the report will not disclose the names of witnesses that request anonymity. The commission, however, may be required to disclose the names of such witnesses in the course of an administrative hearing under this ordinance or a civil action under the federal Fair Housing Act or the Indiana Fair Housing Act;
 2. a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
 3. a summary description of other records;
 4. a summary of witness statements; and
 5. answers to interrogatories.

A final investigative report may be amended at any time, if additional evidence is discovered. Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in Section 2-j-9, the commission will make information derived from an investigation,

including the final report, available to the aggrieved person and the respondent. Following the completion of investigation the commission shall notify the aggrieved person and the respondent that the final investigative report is complete and will be provided upon request.

- E. To initiate complaints, except that no member of the commission who initiates a complaint may participate as a member of the commission in the hearing or disposition of the complaint.
- F. To prevent any person from discriminating or retaliating against any other person because he/she filed a complaint with the commission, has testified in any hearing before the commission, or has in any way assisted the commission in any matter under investigation.
- G. To seek prompt judicial action. If the commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this article, the commission may file a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint in a circuit or superior court that is located in the county in which the alleged discriminatory housing practice has occurred.
 - 1. A temporary restraining order or other order granting preliminary or temporary relief under this subsection is governed by the Indiana Rules of Trial Procedure.
 - 2. The filing of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this ordinance.
- H. To hold hearings, subpoena witnesses, administer oaths, take the testimony of any such person under oath, and require the production for examination of any books and papers relating to any manner under investigation or in question before the commission. All hearings shall be held within the county, at a location determined by the commission. The commission shall have the authority to institute actions for appropriate legal or equitable relief in a circuit or superior court to obtain enforcement of any commission order or subpoena. All subpoenas and orders emanating from the commission shall be served pursuant to the Indiana Rules of Civil Procedure applicable to service in civil actions.
- I. To appoint hearing officers, other than commissioners, when an appointment is deemed necessary by a majority of the commission. The hearing officers shall be members in good standing before the Indiana bar and shall be appointed by the chairperson of the commission. A hearing officer appointed under this subsection shall have the same powers and duties as a commissioner sitting as a hearing officer, except the power to issue subpoenas.
- J. To attempt reconciliation between the parties. If such reconciliation efforts fail, the commission shall conduct hearings to find facts, reach conclusions, and issue orders.
 - 1. During the period beginning with the filing of the complaint and ending with the reasonable or no reasonable cause determination the commission will, to the extent feasible, attempt to conciliate the complaint.
 - 2. In conciliating the complaint, the commission will attempt to achieve a just resolution of the complaint and to obtain assurances that the respondent will satisfactorily remedy any violations of the rights of the aggrieved person, and take such action as will assure the

elimination of discriminatory housing practices, or the prevention of their occurrence in the future.

3. Generally members of the commission or staff of the commission engaged in the investigation of a complaint will not participate or advise in the conciliation of the same complaint or in any factually related complaint. Where the rights of the aggrieved party and the respondent can be protected and the prohibitions with respect to disclosure of information can be observed, the investigator of the complaint may suspend fact finding and engage in efforts to resolve the complaint by conciliation.
4. The terms of a settlement of a complaint will be reduced to a written conciliation agreement. The conciliation agreement shall seek to protect the interests of the aggrieved person, other persons similarly situated, and the public interest. The types of relief that may be sought are:

For the aggrieved person:

- a. Monetary relief in the form of damages, including damages caused by humiliation or embarrassment, and attorney's fees;
- b. Other equitable relief including, but not limited to, access to the dwelling at issue, or to a comparable dwelling, the provision of services or facilities in connection with a dwelling, or other specific relief; or
- c. Injunctive relief appropriate to the elimination of discriminatory housing practices affecting the aggrieved person or other persons.
- d. The conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Arbitration may award appropriate relief as described in this subsection. The aggrieved person and the respondent may, in the conciliation agreement, limit the types of relief that may be awarded under binding arbitration.

For the public interest:

- a. Elimination of discriminatory housing practices.
 - b. Prevention of future discriminatory housing practices.
 - c. Remedial affirmative activities to overcome discriminatory housing practices.
 - d. Reporting requirements.
 - e. Monitoring and enforcement activities.
5. The agreement must be executed by the respondent and the complainant. The agreement is subject to approval by the commission. The commission will indicate approval by having a majority of the commission sign the agreement. The commission will approve an agreement and, if the commission is the complainant, will execute the agreement, only if:

- a. the complainant and the respondent agree to the relief accorded to the aggrieved person;
 - b. the provisions of the agreement will adequately vindicate the public interest, and
 - c. if the commission is the complainant, all aggrieved persons named in the complaint are satisfied with the relief provided to protect their interests.
 6. The commission may issue a reasonable cause determination of the aggrieved person and the respondent have executed a conciliation agreement that has not been approved by the commission.
 7. The commission may terminate its efforts to conciliate the complaint if the respondent falls or refuses to confer with the commission; the aggrieved person or the respondent fail to make a good faith effort to resolve any dispute; or the commission finds, for any reason, that voluntary agreement is not likely to result.
 8. Where the aggrieved person has commenced a civil action under federal or state law seeking relief with respect to the alleged discriminatory housing practice, and the trial in the action has commenced, the commission will terminate conciliation unless the court specifically requests assistance from the commission.
 9. Except as provided in paragraph 10 of this subsection and in section 11-d, nothing that is said or done in the course of conciliation may be made public or used as evidence in a subsequent administrative hearing under this ordinance or in civil actions under the Federal Fair Housing Act or the Indiana Fair Housing Act without the written consent of the persons concerned.
 10. Conciliation agreements shall be made public unless the aggrieved person and respondent request non-disclosure and the commission determines that disclosure is not required to further the purposes of this ordinance. Notwithstanding a determination that disclosure of a conciliation agreement is not required, the commission may publish tabulated descriptions of the results of all conciliation efforts.
 11. The commission may, from time to time, review compliance with the terms of any conciliation agreement. Whenever the commission has reasonable cause to believe that a respondent has breached a conciliation agreement, the commission may file a civil action under section 11-h of this ordinance for the enforcement of the terms of the conciliation agreement.
- K. To state findings of fact and conclusions of law after a hearing. If the commission determines, after a hearing, that the respondent has engaged in a discriminatory practice in violation of this ordinance the commission may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief. To vindicate the public interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed the following:
1. Ten thousand dollars (\$10,000) if the respondent has not been adjudged by order of the commission or a court to have committed a prior discriminatory housing practice.

2. Except as provided by subsection 1, twenty-five thousand dollars (\$25,000) if the respondent has been adjudged by order of the commission or a court to have committed one (1) other discriminatory housing practice during the five (5) year period ending on the date of the filing of the finding of reasonable cause.
3. Except as provided by subsection 1, fifty thousand dollars (\$50,000) if the respondent has been adjudged by order of the commission or a court to have committed two (2) or more discriminatory housing practices during the seven (7) year period ending on the date of the filing of the finding of reasonable cause.

If the acts constituting the discriminatory housing practice that is the object of the finding of reasonable cause are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in subsection k-2 and k-3 may be imposed without regard to the period of time within which any other discriminatory housing practice occurred. The commission may sue to recover a civil penalty due under this section.

- L. If after the hearing the commission shall find that the respondent has not engaged in any practice in violation of this ordinance, the commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint.
- M. Judicial review of commission orders shall be obtained in accordance with the provisions of IC 4-21.5-5.
- N. To prepare and submit to the county housing authority and the county commissioners once each year a detailed report of the commission's activities, including the investigations, reconciliation, and hearings it has conducted and their outcome.

4-6-12. Enforcement by Private Persons.

- A. An aggrieved person may file a civil action in the circuit or superior court located in the county in which the alleged discriminatory practice occurred not later than one (1) year after the occurrence of the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this ordinance, whichever ever occurred last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.
- B. The one (1) year period does not include any time during which an administrative hearing under this ordinance is pending with respect to a complaint or finding of reasonable cause under this ordinance based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.
- C. An aggrieved person may file an action under this section whether or not a complaint has been filed under this ordinance and without regard to the status of any complaint filed under this ordinance.
- D. If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.

- E. An aggrieved person may not file an action under this section with respect to an alleged discriminatory housing practice that forms the basis of a finding of reasonable cause issued by the commission if the commission has begun a hearing on the record under this ordinance with respect to the finding of reasonable cause.
- F. If the court finds that a discriminatory housing practice has occurred or is about to occur in an action under this section, the court may award to the prevailing party the following:
 - 1. Actual and punitive damages.
 - 2. Reasonable attorney's fees.
 - 3. Court costs.
 - 4. Subject to subsection g of this section, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.
- G. Relief under this section does not affect the contract, a sale, an encumbrance, or a lease that:
 - 1. was consummated before the granting of the relief, and
 - 2. involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the filing of a complaint or a civil action under this ordinance.
- H. The commission may intervene in an action under this section if the commission determines that the case is of general public importance. The commission may obtain the same relief available to the commission under section 13 of this ordinance.

4-6-13. Enforcement by the Commission.

- A. The commission may file a civil action for appropriate relief if the commission has reasonable cause to believe that:
 - 1. a person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this ordinance; or
 - 2. a person has been denied any right granted by this ordinance and that denial raises an issue of general importance.
- B. An action under this section may be filed in a circuit or superior court located in the county in which the alleged pattern, practice, or denial has occurred. The court may do the following:
 - 1. Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for the violation of this ordinance as necessary to assure the full enjoyment of the rights granted by this ordinance.
 - 2. Award other appropriate relief, including monetary damages, reasonable attorney's fees, and other court costs.

3. To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed the following:
 - a. Fifty thousand dollars (\$50,000) for a first violation.
 - b. One hundred thousand dollars (\$100,000) for a second or subsequent violation.
 - c. A person may intervene in an action under this section if the person is:
 - i. an aggrieved person to the discriminatory housing practice; or
 - ii. a party to a conciliation agreement concerning the discriminatory housing practice.

4-6-14. Separability of Provisions.

If any provision of this ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the ordinance and the application of its provisions to other persons not similarly situated or to the other circumstances shall not be affected thereby.

(Ordinance No. 1998-012, Commissioners' meeting, 3/9/98)