

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: MANUFACTURED HOMES

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(E) A manufactured home may not be placed on any lot that contains any other structure that is used as a dwelling.

(Ord. 1993-4, passed 10-22-93; Am. Ord. 2002-4, passed 9-9-02) Penalty, see § 150.99

§ 150.02 PLACEMENT; SECURING AND APPEARANCE.

§ 150.01 TIEDOWNS AND SKIRTING.

That all manufactured homes that are located within the town limits shall:

(A) Be securely fastened in at least four separate places by tiedowns which are affixed to the ground. The tiedowns shall be sufficient so that the manufactured home may not be moved by strong winds.

(B) All manufactured homes shall be skirted by metal skirting or other material so that the appearance is neat and attractive and the skirting will block the view from the floor or base of the manufactured home to the ground directly beneath it.

(C) All manufactured homes shall comply with the skirting and tiedown requirements of this chapter within 30 days after the manufactured home is brought within the confines of the town. All manufactured homes within the limits of the town shall comply with the tiedown and skirting requirements on or before January 1, 1994.

(D) No more than one manufactured home will be permitted to be parked on any one lot as originally platted for that section of the town. No manufactured home may be located less than 15 feet from the property line or another building or structure on that lot.

(A) All persons desiring to place or relocate a manufactured home within the town limits shall apply to the town for a permit to place or relocate a manufactured home.

(B) The permit application fee shall be \$25.

(C) The monies collected for the application will be placed in the General Fund of the town.

(D) The application will include:

(1) The name of the owner of the manufactured home and the lot number where it is to be placed.

(2) The manufacturer name and vehicle identification or manufacturer number of the manufactured home.

(3) The address of the lot and a diagram of how the manufactured home is to be placed on the lot.

(4) The dimensions of the manufactured home.

(E) Before issuance of a permit, the manufactured home will be inspected by the Town Marshal to ensure that the requirements of this section

are met and the manufactured home is in good repair and neat in appearance. If the manufactured home is located more than ten miles outside the town limits, pictures of all four sides and the manufacturer's vehicle identification plate may be submitted in lieu of an onsite inspection of the manufactured home, but the Town Marshal may request more information if in fact he or she deems it necessary.

(F) No permit shall be issued by the Town Council unless the manufactured home meets the following requirements and limitations:

(1) The manufactured home shall be at least 14 feet in width or shall contain a minimum of 840 square feet under one roof.

(2) The manufactured home shall be located on a lot of not less than 5,000 square feet in size.

(3) No more than one manufactured home may be placed on any one lot as originally platted for that section of the town.

(4) The manufactured home may not be placed on any lot that contains any other structure that is used as a dwelling.

(5) The manufactured home shall have its own separate sewer connection, separate water connection and separate utility connections.

(6) The tongue or pulling ring for any such manufactured home shall be removed, placed beneath said manufactured home or in such other place so as to not be visible from any public way, or permanently covered so as not to be visible from any public way.

(7) The manufactured home shall be placed upon a permanent foundation or cement slab, with its wheels removed, and such slab shall be at least the same size as the manufactured home and at least 3-1/2 inches thick.

(8) The manufactured home shall have full skirting on all sides consisting of metal, fiberglass or similar construction material.

(9) The manufactured home shall be tied down in accordance with the requirements of 410 IAC 6-6-11.

(10) The manufactured home must be maintained in good repair and neat in appearance.

(G) This section shall not apply with respect to any manufactured home parked or located within the corporate limits of the town prior to the passage of this section. However, if any such manufactured home is removed from the lot on which it is located, this section shall apply to any new or replacement manufactured home to be located on such lot.

(H) In the event that any permit application is denied, then an appeal may be made by sending a certified letter to the town within 30 days stating the permit application denial is being appealed. The denial of the permit application will then be discussed and reviewed at the next scheduled Board meeting of the Town Council, and said Town Council shall vote at said meeting whether to uphold denial of the permit application or to grant said application at that time.

(I) If any section, subsection, paragraph, sentence, clause, or phrase of this section is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this section. It is expressly declared that this section and each section, subsection, paragraph, sentence, clause, and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases be declared invalid or unconstitutional. (Ord. 2010-1, passed 1-13-10) Penalty, see § 150.99

§ 150.03 DEFINITION.

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

MANUFACTURED HOME. A structure, transportable in one or more sections that:

(1) In the traveling mode, is:

(a) Eight body feet or more in width;

or

(b) Forty body feet or more in length;

or

(2) When erected on site, is:

(a) Three hundred twenty or more square feet; and

(b) Built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities; and includes the plumbing, heating and electrical systems contained therein.

(Ord. 2010-1, passed 1-13-10)

§ 150.99 PENALTY.

(A) Each violation of § 150.01 shall be subject to a fine of \$10 plus any court costs incurred. Each day a violation occurs shall be a separate violation.

(B) The Town Council may file an action with the Superior Court against any person, firm, or corporation who shall violate the provisions of § 150.01. Any person, firm, or corporation who shall violate the provisions of § 150.01 shall be fined in a sum not to exceed \$10 per day for each violation by the Superior Court plus any court costs incurred.

(C) Any fine or violations of any provisions of § 150.01 divisions (D) and (E) shall be \$100.

(D) Any manufactured home parked within the corporate limits of the town in violation of § 150.02 shall be deemed a nuisance and may be abated as such by the town or any person or persons injured thereby, and the person, corporation, or any other entity violating § 150.02 shall be subject to a penalty of \$25 for each day that said manufactured home remains so parked, which penalty shall be recovered from any court of competent jurisdiction.

(Ord. 1993-4, passed 10-22-93; Am. Ord. 2002-4, passed 9-9-02; Am. Ord. 2006-5, passed 10-9-06; Am. Ord. 2010-1, passed 1-13-10)

CHAPTER 151: FAIR HOUSING

Section

- 151.01 Policy statement
- 151.02 Definitions
- 151.03 Unlawful practice
- 151.04 Discrimination in the sale or rental of housing
- 151.05 Discrimination in residential real estate-related transactions
- 151.06 Discrimination in the provision of brokerage services
- 151.07 Interference, coercion, or intimidation
- 151.08 Prevention of intimidation in fair housing cases
- 151.09 Exemptions
- 151.10 Administrative Enforcement

(2) Believes that such person will be injured by a discriminatory housing practice that is about to occur. (See IC 22-9.5-2-2)

COMMISSION. The Indiana Civil Rights Commission created pursuant to IC 22-9-1-4 *et seq.* (See IC 22-9.5-2-3)

COMPLAINANT. A person, including the Commission, who files a complaint under IC 22-9.5-6. (See IC 22-9.5-2-4)

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 151.04 through 151.08 or IC 22-9.5-5.

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

FAMILIAL STATUS. One or more individuals (who have not attained the age of 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 18 years.

FAMILY. A single individual (see IC 22-9.5-2-9) with the status of such family being further defined under **FAMILIAL STATUS**. Also, pursuant to 24 CFR Part 5, the definition of **FAMILY** is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

§ 151.01 POLICY STATEMENT.

It shall be the policy of the town to provide, within constitutional limitation, 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.* (Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.02 DEFINITIONS.

Definitions set forth in this section shall apply throughout this chapter.

AGGRIEVED PERSON. Includes any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

HANDICAP. 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;
- (3) Being regarded as having such an impairment;
- (4) An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990; or
- (5) Any other impairment defined under IC 22-9.5-2-10.

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

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

TO RENT. To lease, to sublease, to let and other-wise to grant for a consideration the right to occupy the premise a owned by the occupant. (See IC 22-9.5-2-13)
(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, § 151.09 and IC 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in IC 22-9.5-1 and in § 151.04 shall apply to:

(A) All dwellings except as exempted by division (B) and IC 22-9.5-3.

(B) Other than the provisions of division (C) of this Section, nothing in § 151.04 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 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 exemption shall apply only to one such sale within any 24 month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the 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 or 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 § 151.04(C), but nothing in this provision 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 families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(C) For the purposes of division (B), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

(2) He has, within the preceding 12 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 is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.
(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 151.03 and except as exempted by §§ 151.03(B) and § 151.09, 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, handicap, familial status 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 service or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.

(C) 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.

(D) 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.

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

(F) (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 so sold, rented, or made 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 of a handicap of:

(a) That person; or

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

(3) For purposes of this section, discrimination includes:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary 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 condition with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:

1. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons:

2. 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

3. All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

c. Reinforcements in 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 Standards for buildings and facilities providing accessibility and

usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of division (F)(3)(c)3.

(5) Nothing in this division 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 or whose tenancy would result in substantial physical damage to the property of others.

(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.05 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 chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.06 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' organization 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 national origin.

(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.07 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 having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by § 151.03 through 151.06.

(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(A) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate; or

(C) Any citizen because he has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.09 EXEMPTIONS.

(A) Exemptions defined or set forth under IC 22-9.5-3 *et seq.* shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter 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, 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 chapter 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.

(C) (1) Nothing in this chapter regarding familial status shall 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 or the state civil rights commission 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 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.
(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

§ 151.10 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in division (B) below shall be vested in the Chief Executive Officer of the town.

(B) Notwithstanding the provisions of IC 22-9.5-4-8, the town, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of this chapter by Complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to IC 22-9.5-6 and the Chief Elected Officer of the town

shall refer all complaints to the Commission as provided for under division (A) above to said Commission for purposes of investigation, resolution and appropriate relief provided for under IC 22-9.5-6.

(C) All executive departments and agencies of the town shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.

(D) The Chief Executive Officer of the town or the Chief Executive Officer's designee, shall provide information or remedies available to any aggrieved person or complainant requesting such information.
(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

CHAPTER 152: UNSAFE BUILDINGS

Section

152.01 Unsafe building regulations

§ 152.01 UNSAFE BUILDING REGULATIONS.

(A) The Town Council (the "Council") now deems it to be in the best interest of the town and its citizens to adopt the provisions of IC 36-7-9 concerning unsafe buildings.

(B) The Council hereby adopts IC 36-7-9 as its unsafe building code and designates the Town Marshal as the Unsafe Building Code Enforcement Department to act as the enforcement authority under the provisions of IC 36-7-9 and further designates the Town Council as the Hearing Authority pursuant to the provisions of IC 36-7-9 and specifically incorporates by reference the definition of ***SUBSTANTIAL PROPERTY INTEREST*** as contained in IC 36-7-9.

(C) The Council hereby further adopts the definitions and procedures for enforcement of the provisions of IC 36-7-9 including the provisions thereof regarding penalties and forfeitures.
(Ord. 2017-1, passed 2-27-17)

