

**CITY OF RISING SUN
ORDINANCE 2012- 5**

DEMOLITION

WHEREAS, the City of Rising Sun believes that the establishment of an Ordinance regulating demolition is in the best interest of the citizens of Rising Sun, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA as follows:

Section 1. Permit Required

It shall be unlawful to wreck or demolish any building or structure in the city without first ~~security~~^{securing} a permit therefore.

Section 2. Application for Permit

(A) An application for a permit to wreck or demolish any building or structure in the city shall be made in writing to the Zoning Administrator. Such application shall give the location of the building or structure, the date when wrecking or demolition is to commence and the approximate time which such wrecking or demolition shall take.

(B) The Zoning Administrator shall notify other parties that may be affected by the proposed demolition (utilities, property owners, governmental entities) as he/she may deem necessary before the start of demolition.

Section 3. Fees, Inspections and Evidence of Insurance

Before a permit is issued:

(A) The applicant shall pay to the City Clerk/Treasurer a fee as prescribed by Ordinance 2006-3 of the City of Rising Sun Zoning Ordinances, plus a fee scale for moving any utility facilities. A late permit fee of \$250.00, plus a fee scale for moving any utility facilities will be charged for any demolition work commenced without a demolition permit.

(B) An authorized representative of the City of Rising Sun shall inspect the premises where the wrecking and demolition work is to take place, and ascertain that provision for proper care has been made so as not to endanger any sewer or water connections with the city's sewer and water systems, or any electrical wires or installations, and report to the Zoning Administrator; and

(C) Evidence showing that adequate liability insurance has been obtained by the applicant, or the contractor or agent acting on their behalf.

Section 4. Issuance of Permit

The zoning administrator may issue a permit for such wrecking or demolition upon submittal of an appropriate application and compliance with Sections 2 and 3.

Section 5. Inspection of Property After Demolition

(A) To ensure that the property is in a proper and safe condition after wrecking or demolition, the property will be inspected by an authorized representative of the City of Rising Sun.

(B) By PROPER AND SAFE CONDITION it is meant that all debris is cleared away, and that if any excavation is to be used for any purpose within two months of such wrecking or demolition, then adequate barricades, lighted at night, shall be installed around the perimeter of such excavation.

Section 6. Care and Protection During Demolition

All work of such wrecking or demolition shall be performed in a workmanlike manner and with the least amount of noise possible. Care shall be taken to protect neighboring structures with adequate shoring and whatever else is needful to protect such structures. Adequate protection shall be provided to prevent injury to any city or public utility or pertinence. It shall be the duty of all persons working on or responsible for such wrecking or demolition to see to it that children are warned away from such premises and are not permitted to play in or on or frequent such structures.

Section 7. Excavation and Filling

(A) If excavation is necessary from wrecking or demolishing, it is to be filled in and the material to be used for such fill should consist of clay, and/or bank run, gravel (or equivalent), and no appliances, such as stoves, refrigerators, freezers and similar items, shall be used, no wood materials are to be used for filling, and no brick, concrete block, from either the demolished structure, from the demolition site, or from offsite, shall be used to fill the excavation cavity. In the filling of such excavation the provisions contained in Fees, Inspections and Evidence of Insurance shall be adhered to as it relates to danger to sewer or water connections, or electrical wires or connections. Such tilling shall also provide for proper and adequate drainage. Any backfill shall be placed in lifts and properly compacted.

(B) Basement walls, or other subgrade structures, including basement floors, if present on the demolition site, shall be completely removed and the resulting cavity backfilled as prescribed by (A) above.

(C) The demolition site shall be properly graded and seeded, or properly graded and stoned or paved (if it is to be a parking area). If a new structure is to be built on the demolition site within thirty (30) of the date of the completion of demolition, the site may be allowed to be unseeded. However, if construction does not commence after said period of time, the site shall be seeded.

days

Section 8. Supervision by Authorized Representative of the City of Rising Sun

An authorized representative of the City of Rising Sun shall supervise such wrecking or demolition or filling and shall inspect such premises as necessary during such wrecking or demolition and filling and the required capping of taps, or abandoned sewer or water lines.

Section 9. Enforcement

(A) Upon completion of demolition, the City shall inspect the property to ensure compliance with the requirements of the Chapter. If the demolition work is properly completed, the City shall issue a "Completion Certificate" to the property owner. This certificate shall allow the Owner to redevelop the property according the requirements of the City of Rising Sun Zoning Ordinance and other applicable regulations, or to use the property as a yard.

(B) If the inspection performed by the City determines that the applicant is not in full compliance with the requirements of the demolition permit and this Chapter, the Zoning Administrator shall advise the applicant in writing of the terms of non-compliance. The applicant shall have thirty (30) days from the date of the notice to comply and, if full compliance is made, the City shall issue a completion certificate.

(C) In the event that the applicant fails to comply within thirty (30) days of the notice given pursuant to (B) above, the applicant shall be in violation of this ordinance which violation shall be treated as a nuisance subject to abatement and enforcement as all other nuisance violations.

Section 10. Penalty

Any person or firm or corporation violating any provisions of Section 1 through 9 above shall be fined not less than \$100.00 nor more than \$500.00 for each offense, plus court costs and other expenses incurred in the enforcement of the said sections, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. This penalty is in addition to any penalties provided for in Section 9(C).

ADOPTED AND PASSED BY THE BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THIS 7TH DAY OF JUNE, 2012.

"NAY"

Steve Slack

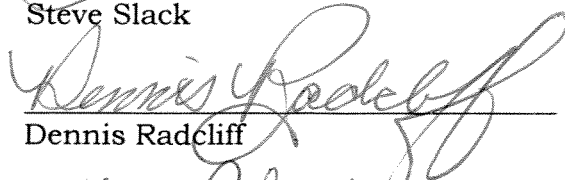
Dennis Radcliff

Mike Padgett


"AYE"



Steve Slack

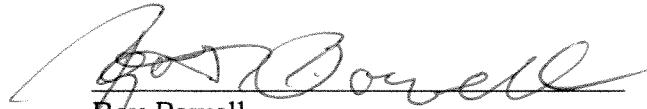


Dennis Radcliff



Mike Padgett

Roy Powell




Roy Powell

Gary Kinnett



Gary Kinnett

Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and signature this 7th day of June, 2012.



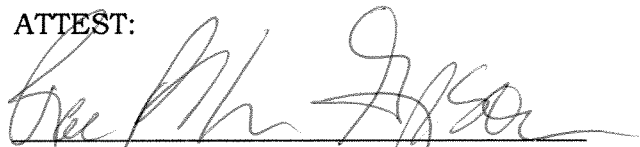
Rae Baker Gipson, Clerk-Treasurer

This Ordinance duly approved and signed by me on this 7th day of June, 2012.



Branden Roeder, Mayor

ATTEST:



Rae Baker Gipson, Clerk-Treasurer