

# Evansville Village Code

## CHAPTER 29

### PROPERTY MAINTENANCE CODE

#### ARTICLE I - ADMINISTRATION

##### DIVISION - GENERAL

**29-1-1** **TITLE.** These regulations shall be known as the *Property Maintenance Code* of the Village of Evansville, hereinafter referred to as "this Code".  
**(101.1)**

**29-1-2** **SCOPE.** The provisions of the Code shall apply to all existing residential dwellings, rental units, commercial buildings, all new construction (rental or non-rental dwelling) and new commercial buildings and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. **(101.2) (Ord. No. 2013-07; 09-09-13)**

*[This Section establishes the broad purpose of the Code—to protect the public health, safety and welfare in both existing residential and nonresidential structures and on all existing premises.*

*Four specific areas are addressed in greater detail in subsequent sections:*

*(1) Establishing minimum maintenance standards for such elements as basic equipment, light, ventilation, heating, sanitation and fire safety.*

*(2) Fixing responsibility among owners, operators and occupants for following the Code.*

*(3) Regulating the use of existing structures and premises.*

*(4) Providing for administration, enforcement and penalties.*

*These four categories provide communities with the tools to reduce risks created by deteriorated or unsafe buildings and help communities upgrade and maintain other existing structures.]*

**29-1-3** **INTENT.** This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *International Existing Building Code*. **(101.3)**

*safety system is not to be removed from a building if it is required by the Code or a previous regulation or code that was in effect when the building was built. This Section also specifies that the owner or the owner's agent is responsible for maintenance, not the tenants of rental property.]*

**29-1-7**     **APPLICATION OF OTHER CODES.**     Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Existing Building Code*. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the *Village Zoning Code*. **(102.3)**

**29-1-8**     **EXISTING REMEDIES.**     The provision in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary. **(102.4)**

**29-1-9**     **WORKMANSHIP.**     Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions. **(102.5)**

**29-1-10**    **HISTORIC BUILDINGS.**     The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare. **(102.6)**

**29-1-11**    **REFERENCED CODES AND STANDARDS.**     The codes and standards referenced in this Code shall be those that are listed in **Article VIII** and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply. **(102.7)**

**29-1-12**    **REQUIREMENTS NOT COVERED BY CODE.**     Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare not specifically covered by this Code shall be determined by the Code Official. **(102.8)**

premises to determine that it is in a fit condition for occupancy by the Occupancy Inspector. The criteria for a finding of fitness shall be based upon requirements set forth by the International Property Maintenance Code, (2006).

(B) Owners of such dwelling or commercial building shall be obligated to notify the Village not less than **seventy-two (72) hours** prior to initial occupancy or a change of occupancy of such property. Such notification shall be made to the office of the Village Clerk or the Code Enforcement Officer.

(C) No utility services, such as water services, shall be connected for service until approved by the Code Enforcement Officer (or designee) as meeting substantially all requirements of the Property Maintenance Code.

(D) Failure of any owner of any property to notify the Village Code Enforcement Office of a change in occupancy shall result in a fine of not less than **Three Hundred Dollars (\$300.00)**. No utility service shall be authorized at such property until payment of said fine has been fully satisfied.

**(Ord. No. 2013-07; 09-09-13)**

**29-1-20** **RESERVED.**

#### **DIVISION IV – DUTIES AND POWERS OF THE CODE OFFICIAL**

**29-1-21** **GENERAL.** The Code Official shall enforce the provisions of this Code. **(104.1)**

**29-1-22** **RULE-MAKING AUTHORITY.** The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety. **(104.2)**