

ORDINANCE NO. 2018 – 31

An Ordinance to Amend the City of Hobart Municipal Code Concerning Demolition of Structures

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”) has taken notice of a number of instances in which the current Municipal Code of the City (“Code”) fails properly to regulate building demolition; and

WHEREAS, the residents of the City of Hobart typically embrace demolition projects that improve neighborhoods and the economics of the community in spite of inconveniences and visual eye sores created from projects, as long as they know that the associated problems are going to be temporary and short lived; and

WHEREAS, the Council also notes instances where demolition projects have not properly disposed of the project waste; and

THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana as follows:

SECTION ONE: The Municipal Code of the City of Hobart, Indiana (“Code”) is hereby amended by removing the existing section titled §150.013 DEMOLITION OF STRUCTURES. and replacing it with:

§ 150.013 DEMOLITION OF STRUCTURES.

- (A) Each individual, business or other entity, or any other applicant, upon being permitted to demolish any structure that is larger than one hundred (100) square feet in size, be it residential, business or otherwise, or obtaining any renewal thereof, to provide as part of its submission a plan describing how the material will be managed, including reduction, reuse and recycling steps taken to reduce its waste stream, which plan will be subject to approval as provided hereunder by the Building Commissioner. (Ord. 2005-06, § 1).
- (B) Prior to the issuance of a demolition permit, the applicant shall be required:
- i) to shut off, discontinue and disconnect all utilities including cable television, internet, telephone, electric, gas, water and sewage service; and
 - ii) to obtain testing of roof materials, floor materials, insulation and wall board to determine the presence of friable and non-friable asbestos by a licensed and qualified testing firm, and to submit the test report and a written plan for the removal of such asbestos materials from the site in the manner required by law;

and

The demolition shall include the complete demolition and removal of the entire building including all concrete, footings, foundation, driveways, sanitary sewers or septic systems, well or water lines, gas lines, sheds and fences and all rubble must be disposed at an appropriate landfill as outlined below. If the construction of a new structure is to be started within 90 days after the demolition is complete, items which are to be used as part of the new structure need

not be demolished or removed.

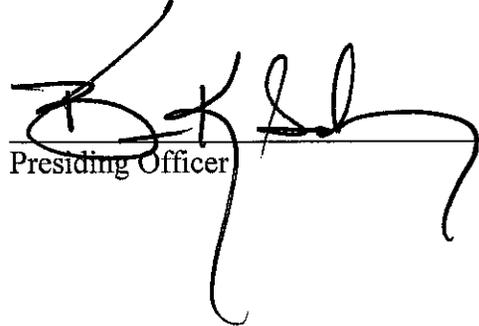
- (C) All holes and cavities must be filled with dirt, leveled and grass seed planted after the demolition is complete and all rubble is removed, unless the construction of a new structure is to be started within 90 days after the demolition is complete. The filling, leveling and planting should be part of the work included in the building permit or permits issued for the new structure.
- (D) Demolition work performed on a residential property may be completed by the owner or by a City of Hobart licensed contractor. All other demolition work must be performed by a City of Hobart licensed contractor.
- (E) As a condition for being granted a demolition permit, each individual, business or other entity, or any other applicant, as part of its plan described in paragraph (A) of this section, shall provide the Office of Building Official of the city with a list of the names of all contractors involved in the demolition process, and shall further provide the names and locations of the sites where the demolition debris shall be disposed. Further, the contractor contracted to perform the demolition shall submit to the Office of Building Official of the city a receipt from the relevant disposal facility upon disposal of the waste described in this Section. The receipt will be stored in the Building Department with the Demolition Permit Application.
- (F) Any and all contractors and subcontractors contracted to demolish any structure, be it residential, business or otherwise, shall dispose of any prohibited bill material, as defined in § 150.101 (B), at a construction and demolition landfill, as described in 40 CFR 258.2. A C&D landfill typically receives any one or more of the following types of solid wastes: Roadwork material, excavated material, demolition waste, construction/renovation waste, and site clearance waste.
- (G) Any and all contractors and subcontractors contracted to demolish any structure, be it residential, business or otherwise, shall dispose of any and all hazardous waste, as described in 40 CFR 261.3, at state or federally regulated hazardous waste management treatment, storage, or disposal facility.
- (H) Any and all contractors and subcontractors contracted to demolish any structure, be it residential, business or otherwise, shall dispose of any and all industrial solid waste, as described in 40 CFR 258.2, at state or federally regulated hazardous waste management treatment, storage, or disposal facility, facility permitted, licensed, or registered by a state to manage municipal or industrial solid waste.
- (I) Failure of a permit applicant or contractor to comply with the requirements of this Section ~~shall be declared a municipal ordinance violation and~~ as determined by the Building Commissioner shall result in either the denial or revocation of the applicant's demolition permit and immediate cessation of any demolition work. The Building Commissioner may refer the failure to comply to the Board of Public Works and Safety or the Contractor's Licensing Board for further disciplinary action which may include fines or revocation of license.

SECTION TWO: This ordinance shall become effective upon its adoption in the manner

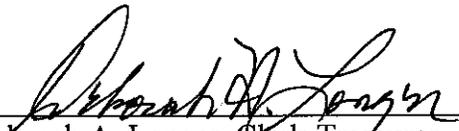
required by law, and upon publication thereof pursuant to I.C. §36-3-4-6-14(b) in two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4 (a).

SECTION THREE: All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

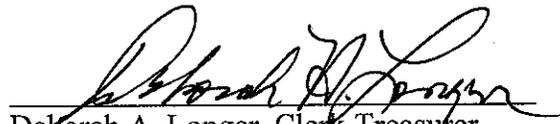
ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 19th day of December, 2018.



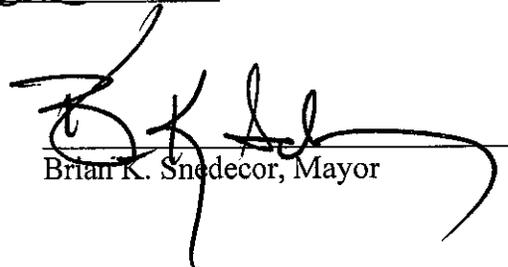
Presiding Officer

ATTEST: 
Deborah A. Longer, Clerk-Treasurer

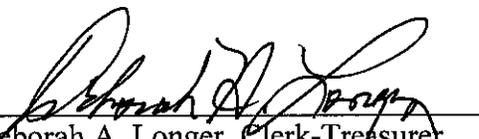
PRESENTED by me to the Mayor of the City of Hobart on the 19th day of December, 2018 at the hour of 6:45 pm.


Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 19th day of December, 2018.



Brian K. Snedecor, Mayor

ATTEST: 
Deborah A. Longer, Clerk-Treasurer