

# Neighborhood Association Organization Guide



A project of Building Better Neighborhoods, Ball State University's  
Office of Community Engagement, and the Muncie Action Plan

# About

This workbook has been prepared for Muncie's neighborhood organizers under the direction of: Muncie Action Plan's (MAP) Task Force 2 Initiative and the Building Better Neighborhoods (BBN) program in Ball State University's Office of Community Engagement.

The following information is based on publicly available information, and the activities of current Muncie neighborhood associations.

In this workbook, you will find a guide to forming and maintaining a neighborhood association, sections addressing issues and challenges faced by neighborhood organizers, and a collection of ideas and resources. An electronic version of this document can be found on the MAP website ([www.muncieactionplan.org](http://www.muncieactionplan.org)) and the BBN website ([www.muncieneighborhoods.org](http://www.muncieneighborhoods.org)).



## Building Better Neighborhoods

Started in 2014 by a three-year grant from the Ball Brothers Foundation, Ball State's Building Better Neighborhoods Initiative provides coordinated expertise and resources from the university to support neighborhood development efforts through the Muncie Action Plan and Delaware County's VISION 2021 economic development plan. Learn more at [www.muncieneighborhoods.org](http://www.muncieneighborhoods.org)



## Muncie Action Plan

The Muncie Action Plan is a strategic guide that expresses the values and aspirations of the Muncie, Indiana, community, and creates a compelling agenda for our future. We seek to be a community which respects diversity, manages resources effectively and efficiently, and works together to provide an attractive, desirable place for individuals, families, and businesses. Learn more at [www.muncieactionplan.org](http://www.muncieactionplan.org)

## Office of Community Engagement

The Office of Community Engagement (OCE) is Ball State's front door for community partnerships in Muncie and Delaware County. The office strives to connect university resources with community priorities and initiatives, resulting in more engaged faculty and students; greater prosperity for local residents, businesses, and organizations; and improved quality of life for all. OCE provides administrative support for the Building Better Neighborhoods initiative. Learn more at [www.bsu.edu/communityengagement](http://www.bsu.edu/communityengagement).



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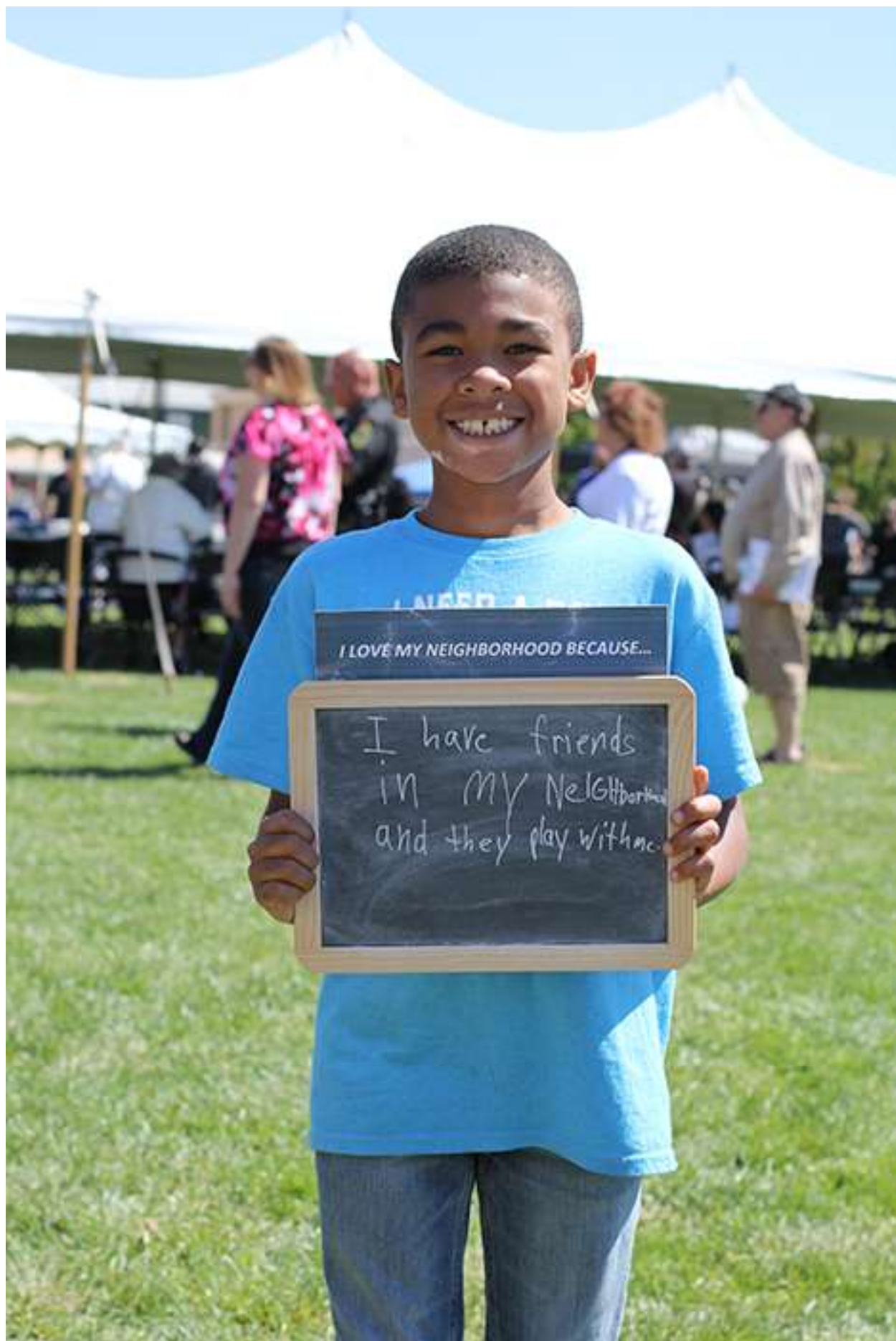
# I. Introduction

*“We cannot live only for ourselves.  
A thousand fibers connect us with our fellow men.”  
- Herman Melville*

Neighborhoods are the heart of a city. For many people, the neighborhood they live in is as important as their own house or apartment. Neighborhoods have clearly identifiable characteristics such as the style of architecture, the perception of safety, or the type of “neighborliness” that distinguish it from other communities and affect the desirability and livability of the area. Living in a friendly, safe, and attractive neighborhood offers a number of emotional and practical benefits to residents.

This handbook provides ideas for working with your neighbors to improve and maintain the quality of life in your neighborhood. Each Muncie neighborhood is different, and each neighborhood association should be created by residents to suit the needs and interests of that unique community.





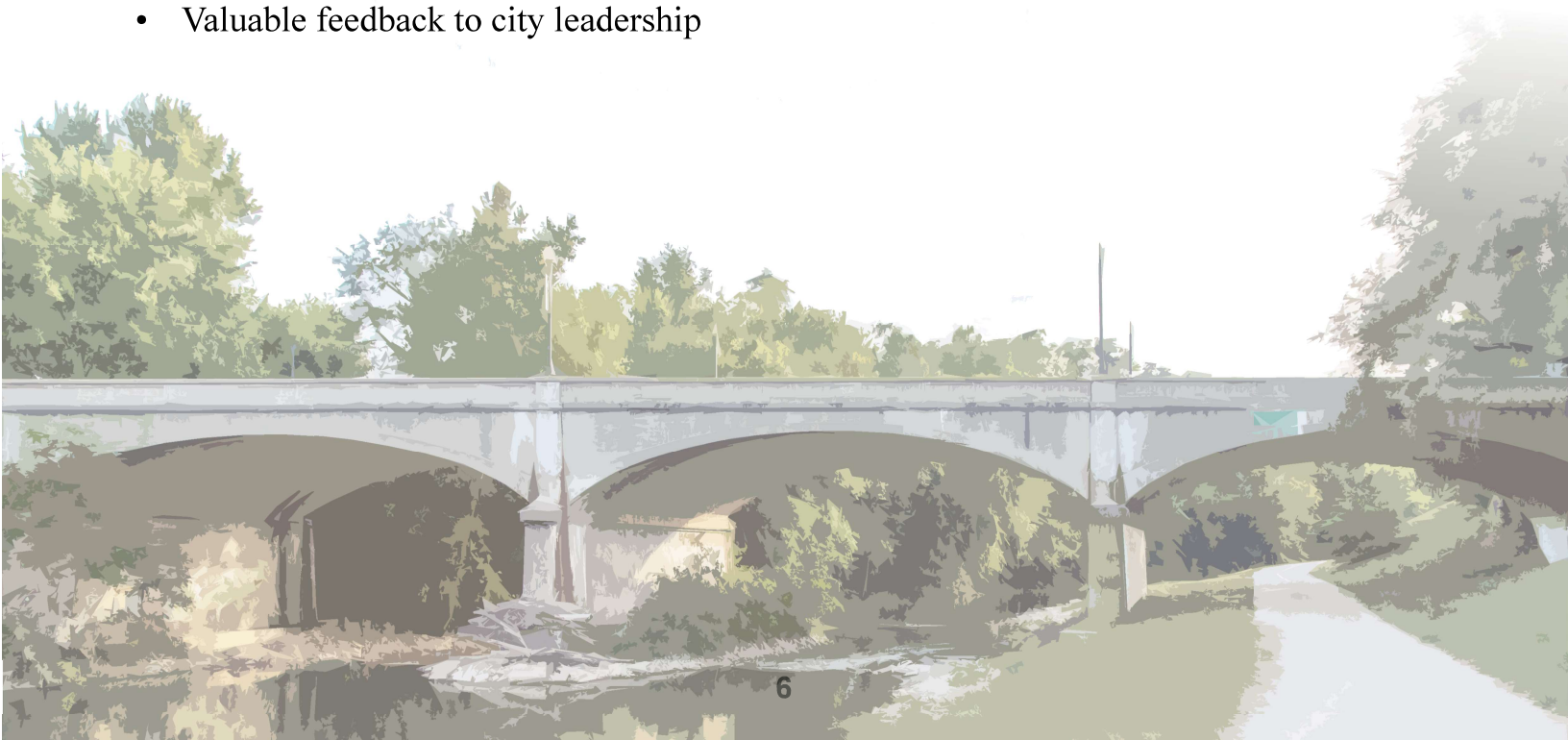
## II. Organizing

You're ready to jump into creating a neighborhood association, but where should you start?

The most important thing to keep in mind is that your neighborhood association should be organized in a way that best suits the needs and capabilities of you and your neighbors.

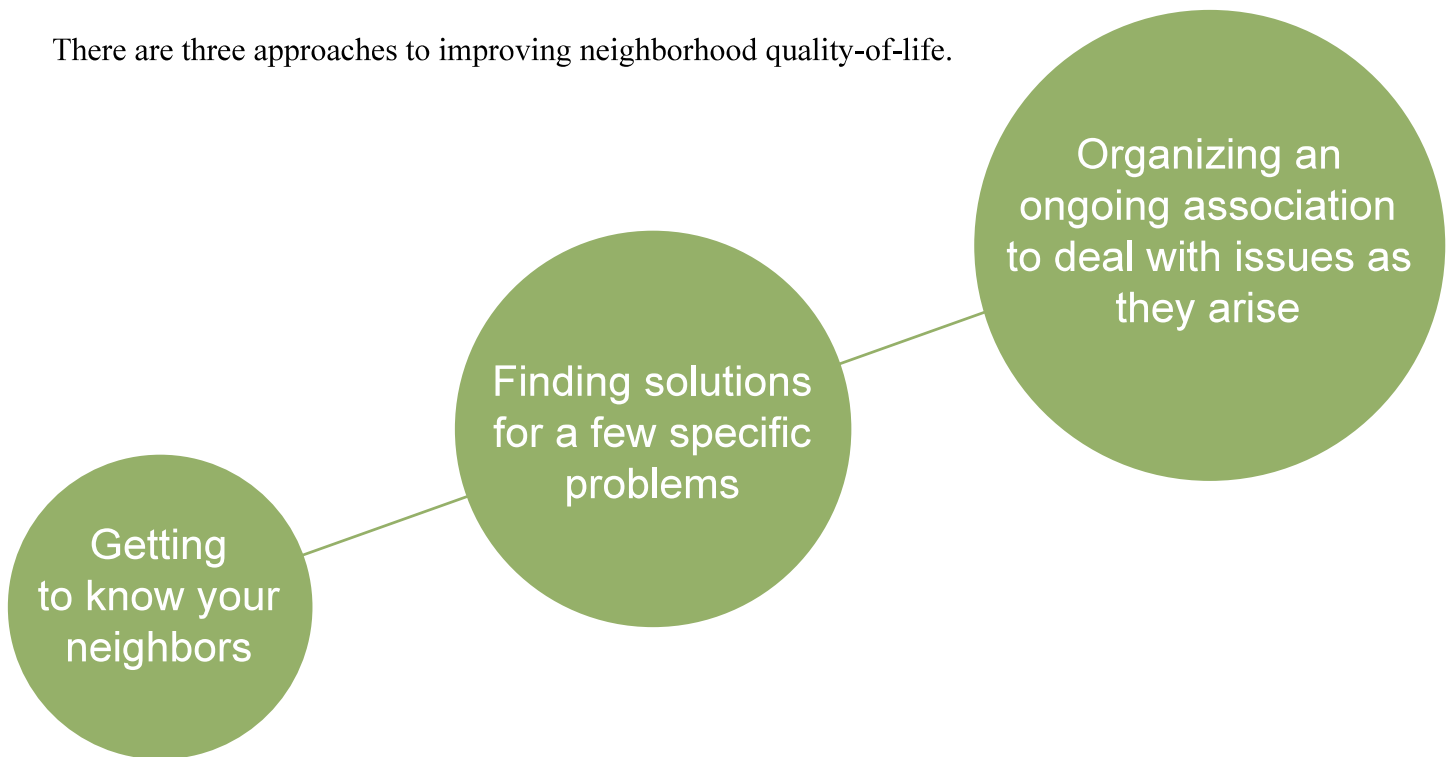
Neighborhood associations offer many benefits:

- Stronger social connection
- Greater access to accurate, up-to-date information
- Quicker resolution to immediate issues
- Increased safety
- Organized, unified voice
- Valuable feedback to city leadership



## A. Assess Your Neighborhood

There are three approaches to improving neighborhood quality-of-life.



Whether you're organizing in response to an issue or to be proactive in improving the lives of you and your neighbors, here are four questions to think about before you begin.

### **1) Determine how much time and energy you are willing to put forth.**

Be sure to match your goals with the resources that you have available. You don't need to take on more responsibilities than what is appropriate for your neighborhood.

### **2) Consider the history, size, character, and needs of your neighborhood.**

If the association serves the residents' interests and priorities, it will not be hard to get members. However, if it appears that the organizers have a particular axe to grind, it may be hard to attract or keep members.

### **3) Consider what issues might inspire your residents to organize.**

These could include traffic and pedestrian issues, water and drainage problems, health and safety concerns, community beautification issues, or parks development.

### **4) Understand that neighborhood associations are dependent on volunteers.**

Bringing more people into roles of responsibility in the organization will make it easier to organize and to sustain over the years.



## B. Dig into History

It's helpful to understand the story behind the place where you're living, the neighborhood boundaries that define the area, as well as any past organized efforts.

**History.** Your neighborhood has grown and changed over the years. There has most likely been significant change in how the place looks and even in the people who live there. Understanding this development helps you to identify what is challenging about your past and what you should be proud to share and preserve.

*The Delaware County Historical Society, Muncie Public Library, and Delaware County Recorder's Office are good places to start.*

**Covenants restrictions.** Your neighborhood may have a set of protective covenants and restrictions which cover each lot. These can address matters such as property setback lines, existence of outbuildings, or who can live in your neighborhood. These can be very outdated and may have limited legal significance.

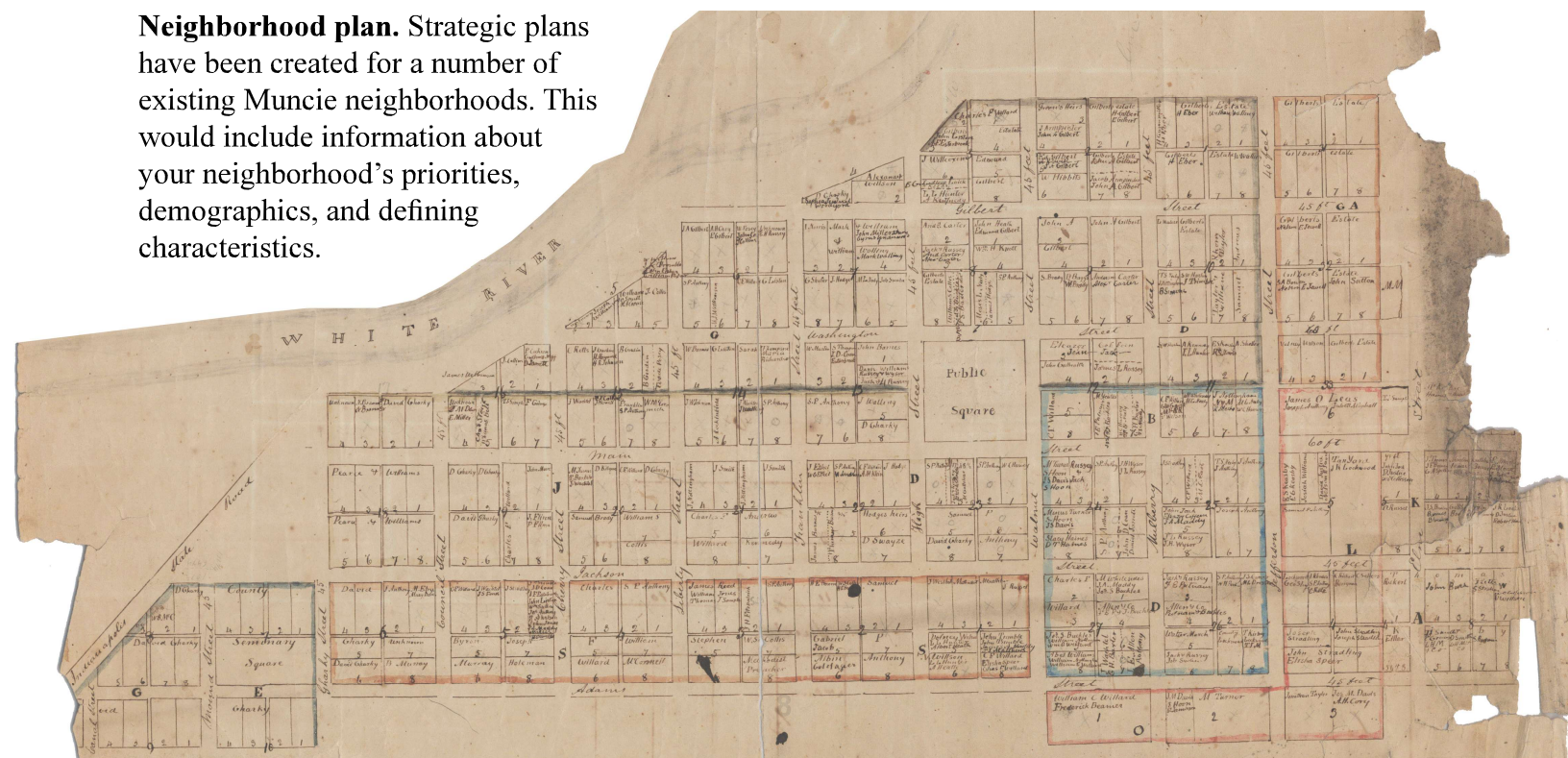
*Find them in the Delaware County Recorder's Office.*

**Neighborhood plan.** Strategic plans have been created for a number of existing Muncie neighborhoods. This would include information about your neighborhood's priorities, demographics, and defining characteristics.

*These can be found on the Muncie Neighborhoods website ([www.muncieneighborhoods.org](http://www.muncieneighborhoods.org)) under “Neighborhoods” tab.*

**Existing group.** It's possible that someone has already organized a neighborhood association in your area. Over time, associations can fall stagnant and their filings with the state can be unregistered or dissolved.

*To determine if your neighborhood has a registered association, visit <http://www.in.gov/sos/business/index.htm> and type in your neighborhood name in the “Search Businesses” option.*



## C. Know Where You're Headed

Even though you're just getting started, it's important to consider the elements that are required for successful neighborhood associations.

**Clear Goals and Objectives** provide a road map for associations and give them a reason to exist. Realistic and attainable goals promote communication and provide members with direction and a sense of accomplishment.

**Written Operating Procedures** ensure continuity from year to year. The most common operating documents are bylaws. *See the Additional Resources section for sample bylaws.*

**Association Structure.** Typically, there are three bodies of membership within a neighborhood association.

- **The General Membership** includes any interested person who lives within the boundaries as specified by the neighborhood association or those who work or do business in your neighborhood.
- **Committees** are task-related groups formed from the general membership that work on a particular project or issue. Some committees disband when a project is over, while others are ongoing. Committees report to the Board or Executive Board depending on the structure of your neighborhood association.
- **The Executive Board** is the governing body of the neighborhood association. Board responsibilities include neighborhood communication, public relations, and resource development (active members, financial support, meeting space, supplies, etc.). They are the primary decision-making body of the organization. *Sample officer job descriptions can be found in the Additional Resources section.*

**Solid Leadership.** An ideal leader is able to cast a vision, build consensus, encourage neighbor involvement, maximize neighborhood talent, delegate duties and authority to others, and cultivate future leaders. That is a tall order! Seek out neighbors who can help achieve these goals with you.

**Neighbor Input and Involvement.** The key to a vital and active association is its members—neighbors who pool their resources and maintain the integrity of their neighborhood. Successful associations empower neighbors to help themselves and one another.

**Democratic Process of Leadership and/or Officer Elections.** Electing officers allows members to have a voice and participate in the development and direction of the association and promotes officer/leadership accountability to the members. Your bylaws should include provisions for the election of officers.

**Funding.** Neighborhood associations are encouraged to build a budget based on their goals and objectives. In many cases, membership dues are the main source of funding for neighborhood associations. The association leadership, specifically the Treasurer, should provide a monthly report of the revenues, expenses, and balance on hand. *See the Employing Best Practices section for bookkeeping guidelines.*

## D. Find Your Organizing Committee

Once you have assessed your neighborhood's strengths, challenges, and history, you will be ready to engage your neighbors. The next step is to assemble a group of similarly concerned, motivated neighbors will work together to form your neighborhood association.

### 1) Make a list

Identify people who have been involved in charitable fund drives, political campaigns, sports organizations, children's activities, parent-teacher organizations, or are known as community-minded citizens. Expertise is not required, but they should be active community members who are willing to reach out to include others and volunteer their time.

### 2) Call, email, or visit each person on your list

Tell them about your ideas and ask what community issues are of concern to them. Ask for their suggestions about others who might serve on the organizing committee. Remember to give your name, email address, and telephone number in case they want more information or to refer others.

### 3) Call a meeting

When you have talked to everyone on your list and have at least six to eight interested parties, call a meeting of this initial organizing committee. Aim for no longer than two weeks after talking with them; If you wait too long, people begin to lose enthusiasm. Meetings may be held in a private home or a convenient public space.

### At the Organizing Committee Meeting

Make sure that everyone is properly introduced and comfortably seated.

Consider providing light refreshments.

Familiarize your group with the neighborhood's boundaries (see Additional Resources section). Discuss and answer the following questions with your organizing committee:

- Why do you want to organize or revitalize a neighborhood association?
- What are some of the common problems or concerns of your neighborhood that you think an association could help or improve?
- If there is a crisis at-hand, explain the situation and discuss how it may affect the livability of your area.
- Will funding be necessary to support your activities?

Right: A display shares plans for the future of Blaine Southeast neighborhood





# Yard of the Month

*Robinwood Neighborhood Association*



## *From the Association*

“The purpose of the Program is to promote goodwill and reward exemplary lawn care and property maintenance in the Robinwood neighborhood. For the months May through October, the Beautification Committee will recognize and support Robinwood neighbors who demonstrate exceptional efforts to maintain and improve their property in a manner that contributes to the overall appearance of the neighborhood.”

*- Charity Bishop, President*



# III. Launching

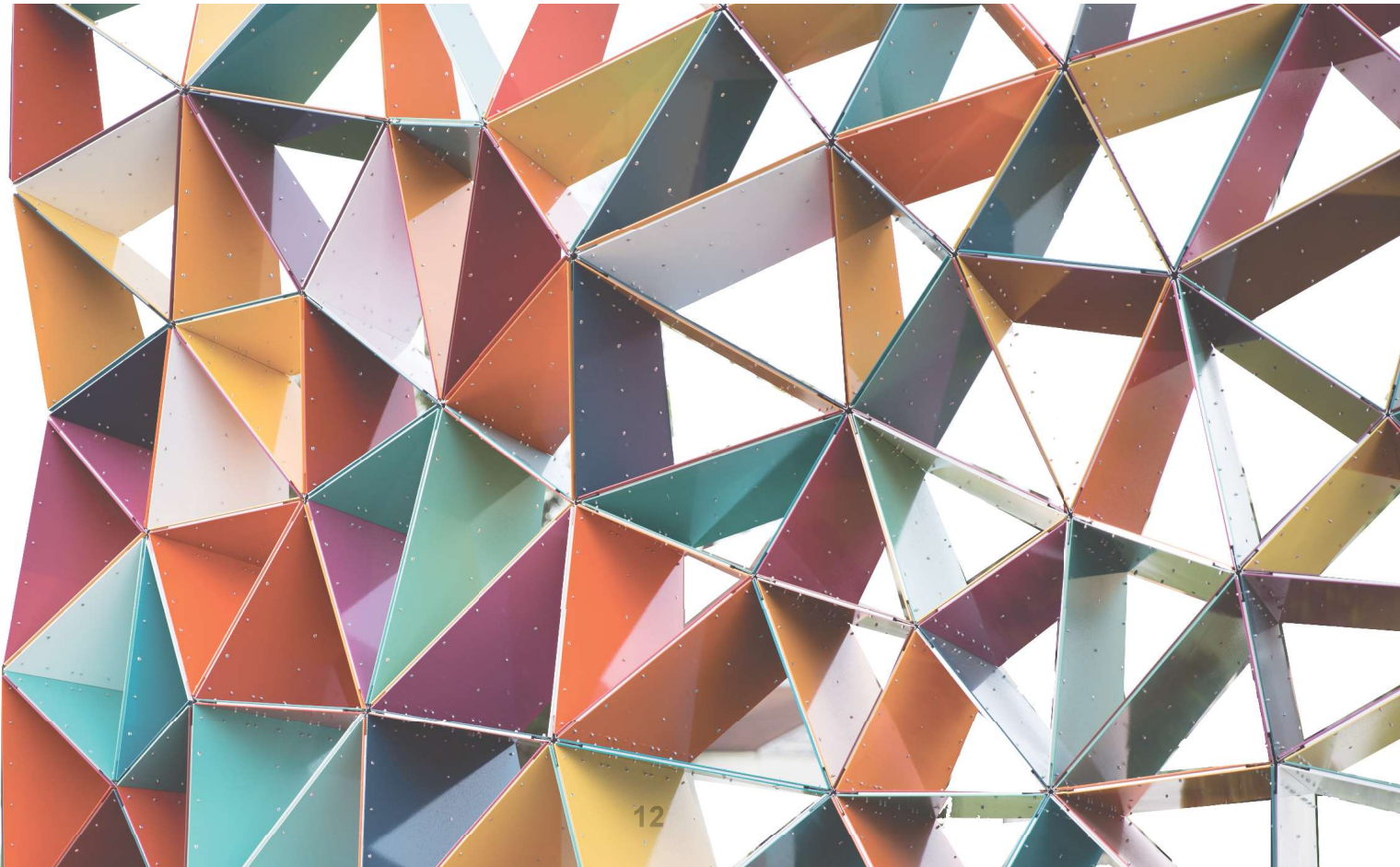
Once you have found and convened your organizing committee, you are ready to plan the launch of your neighborhood association.

## A. Plan the First Meeting

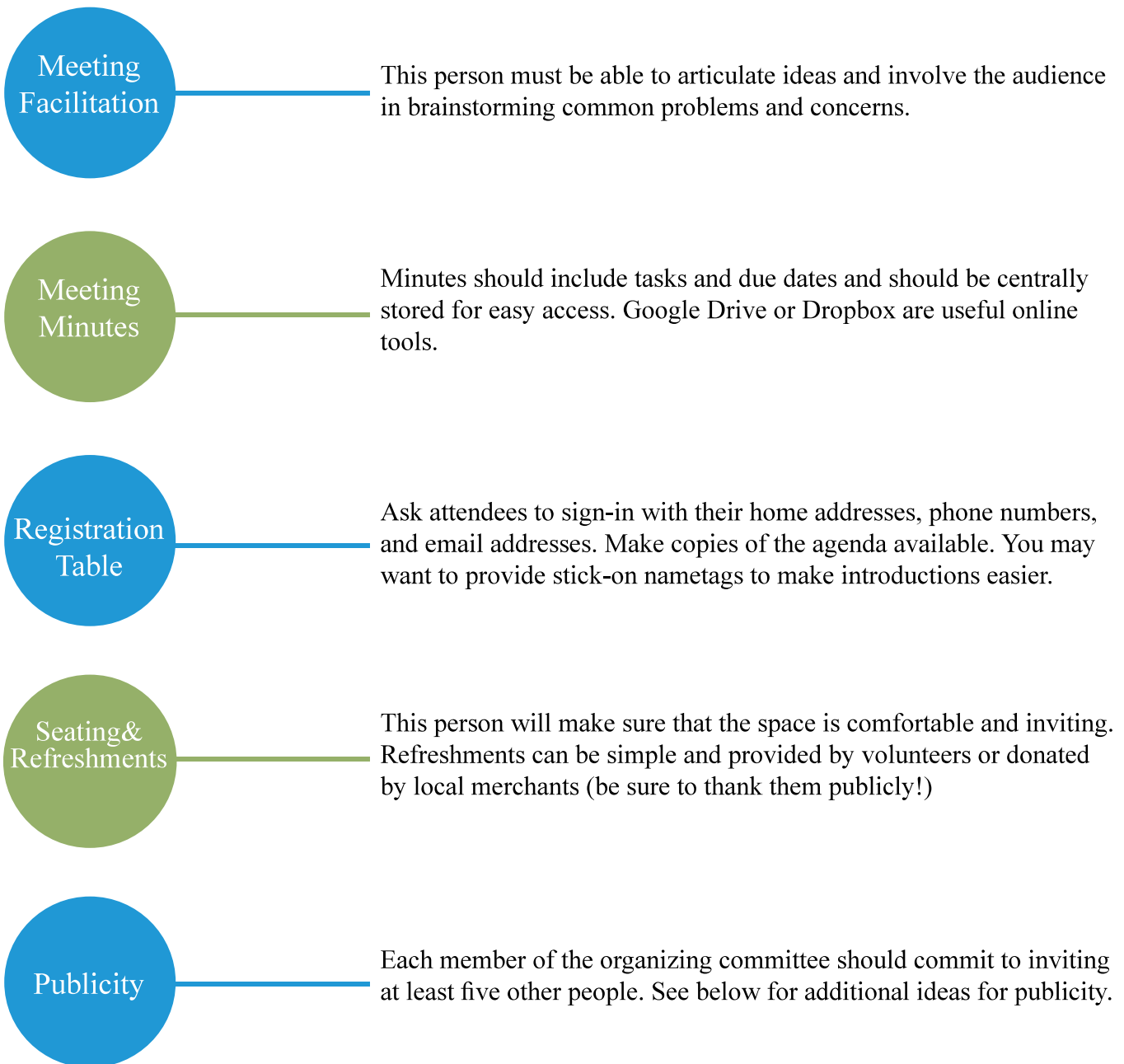
The first meeting is an important opportunity to set the tone for the neighborhood association. As an organizing committee, you will need to plan the following items.

### 1) Set the place and time

Decide when and where would be convenient for your neighbors to meet. Consider facilities within your neighborhood - churches, community centers, libraries, and schools might have available spaces (and don't forget to invite the leaders of those organizations). If possible, book the same space two months in a row so you can announce the place and time of your second meeting at the first general meeting.



## 2) Assign roles



## 3) Create an agenda

The first meeting agenda should include an explanation of the purpose and benefits of a neighborhood organization as well as topics that will appeal to your residents. Consider using Robert's Rules of Order as a way to structure your meeting.

*A sample agenda and Robert's Rules of Order are available in the Additional Resources section.*

The organizing committee should plan arrive at the meeting site about 30 minutes early to help with set-up and greet people as they enter.



## B. Spread the Word

It is worth the investment of time and energy to ensure that all neighborhood residents are invited to your first meeting. Invitations and publicity should contain what, where, when, and why the meeting is being held. Include a phone number or email address for people who have questions or need more information.

Make sure to include invitations to local PTOs, business groups, churches, sports associations, and other organizations in your neighborhood.

**Flyers.** Hand-out door to door, post on bulletin boards, and deliver to neighborhood stores, churches, PTO, businesses, and clubs.

*Note: It is illegal to knowingly deposit “mail-able matter” without postage in an established letter box. (U.S. Code Title 18, section 1725)*

**Signs.** Place signs in highly visible public places, including (with permission) front yards and common spaces.

**Social Media.** Facebook, Nextdoor, Twitter, Instagram, and other social media platforms will provide direct information to your immediate friends. Consider creating a public Facebook event. Share the link on your other publicity materials.

**Emails.** At your first meeting, try to collect email addresses for future event notices.

**Texting.** Texts can either remind residents of an upcoming meeting or event, or cancel a meeting or event in case of an unforeseen problem.

**Mailings.** Like email, be sure to gather the mailing addresses of attendees at your first meeting.

**Neighborhood web page.** Each Muncie neighborhood has a dedicated webpage on the Building Better Neighborhoods website ([www.muncieneighborhoods.org](http://www.muncieneighborhoods.org)). Check this regularly to make sure your neighborhood’s information is current. Your page should include neighborhood contact information, meeting information (date, time, location, and agenda), minutes from previous meetings, and upcoming events pertaining to your neighborhood.

*To update your neighborhood information, contact Ball State’s Office of Community Engagement at [oce@bsu.edu](mailto:oce@bsu.edu).*

## C. Set Regular Meetings

Meeting at a regular time and place improves residents’ involvement, allows for more time for planning and implementing long-term goals, and increases a sense of community.

Some associations convene general meetings only a few times a year, with association leadership meeting more frequently to monitor neighborhood projects and issues. Other associations convene the entire membership monthly or bimonthly.

A popular schedule convenes association leadership in even months and the general membership in odd months. Decide as a group what schedule will work best in your neighborhood.

## D. Continue to Reach Out

Now that you have established your neighborhood association, you need to grow and maintain an informed membership. It is important to be responsive to your neighbors and seek input from people who aren't involved in the association.

Include new members in tasks and activities quickly. An active member feels like a part of the association, not just a spectator. Provide small tasks as well as executive positions for people to be involved in.

One-time special projects, committees, and task forces are great ways to include the general membership without committing people to an officer's position. Do not let the membership become static or "clique-ish." With the support of most area residents, neighborhood associations have unlimited utility.

## How to Be a Good Neighbor

|   |  |
|---|--|
|  <b>Introduce Yourself</b> <p>Say hello, offer a welcome gift and share or ask about the local area.</p>   | <b>Keep Your Yard Tidy</b>  <p>Mow your lawn regularly and keep your flowers, trees, and bushes trimmed appropriately.</p>                    |
|  <b>Be Considerate</b> <p>Get to know your neighbors, their jobs and their schedules. Alert them to parties with plenty of warning and leave a telephone number if they need to contact you.</p> | <b>Manage Your Trash</b>  <p>Only put your trash out on pick-up day and return it to your home the same day.</p>                              |
|  <b>Share Important News</b> <p>If you hear of any neighborhood news (events, crime, special garbage pickups, etc.) make sure to pass the information along.</p>                                 | <b>Communicate</b>  <p>Touch base with your neighbors regularly and keep them in the loop.</p>  |
|  <b>Control Your Pets</b> <p>Keep your pet leashed or on your own property. Make sure to clean up after it and try to control problem barking or whining.</p>                                    | <b>Be Aware of Your Surroundings</b>  <p>Keep an eye on anyone you don't know who is acting suspiciously. When in doubt, call the police.</p> |
|  <b>Practice Parking Etiquette</b> <p>Do not block anyone's access or force them to pull out of a very tight spot. Make sure to not shine lights into windows or slam doors at night.</p>        | <b>Be Helpful &amp; Welcoming</b>  <p>Help shovel walkways and rake leaves. When someone new moves in, welcome them.</p>                      |

For more information please visit [www.muncineighborhoods.org](http://www.muncineighborhoods.org)

## E. Stay Positive

A fundamental role of a neighborhood association is helping to develop solutions to problems. Often, this simply means finding answers to residents' concerns before an actual problem arises.

To play a positive role as a problem solver, a neighborhood association needs to maintain the confidence of its members and be a catalyst for working together toward common goals. Depending on the nature of a problem, a neighborhood association's role and actions might include:

- Staying abreast of planning, public works projects, and other proposed developments within the neighborhood and adjoining its boundaries.
- Gathering facts about problems.
- Promoting open communications and seeking consensus.
- Helping to identify possible solutions.
- Working with neighbors or City staff to implement solutions.

### Solving Neighborhood Conflicts

In general, three kinds of approaches are involved in solving most neighborhood problems:

- **Voluntary Compliance** - Many problems can be solved by meeting and talking with the people involved. Getting the facts, concerns, and perceptions out in the open is often an effective way to obtain cooperation and voluntary compliance. For this step, the neighborhood association's assistance (or its help in arranging third-party assistance) is vital.

A trained mediator can act as an unbiased party in a disagreement. By developing cooperative attitudes and striving for solutions, mediation can be an effective method of resolving differences without resorting to legal arbitration.

- **City Involvement** - There are certain problems that city staff must address, particularly those involving enforcement. These might include: construction being done without permit, illegal parking, excessive noise, and storage of vehicles on landscaping. The role of City staff could include developing long-range solutions that require programming and budgeting—projects for streets, sidewalks, drainage, and utilities, for example. City staff might seek the neighborhood association's help in providing justification of details and reviewing project specifics.
- **Legal Action** - This might be necessary as a last resort in conflict resolution. If the basic problem is between residents, special effort should be made to avoid legal action, long-range damage to relationships, and costs.

For certain types of problems, an association might desire limited legal advice, for example, to identify a full range of options and possible legal implications for a particularly complex problem. City staff might obtain the assistance of the city attorney in these special cases.



# 4th of July Celebration

## *Robinwood Neighborhood Association*

“July 4, 2014, Robinwood Neighborhood saw the return of the neighborhood 4th of July Parade and Picnic. Robinwood children ages 12 and under and some 4-legged residents decorated themselves, bikes, wagons, and scooters, in a variety of creatives and patriotic ways and proceeded along a parade route supported by cheering neighbors. The parade participants were led by the Muncie Police and followed by the Muncie Fire Department. The parade ended in a central neighborhood location with hotdogs and snacks, games, prizes, and opportunities for neighbors of all ages to socialize and enjoy holiday festivities.

The annual parade and picnic was revitalized after an approximate 15 year hiatus as the neighborhood saw a decreasing number of children and young families in the 1990s.



Many new residents were interested in the opportunity for neighborhood children and families to participate in a fun event, and formed a planning committee to re-start the parade.

The event has now seen three successful years of revitalization with a growing number of neighbors in attendance at the parade and post-parade picnic in each of the past three years.”

*- Charity Bishop, President*

# IV. Employing Best Practices

You've done it! You've successfully organized and launched your neighborhood association! But what can you do to keep it going and thriving? In this section, you'll find a handful of best practices to make the most of your neighborhood association.

## A. Mission, Vision, and Objectives

As an organization, your mission, vision, and objectives provide the roadmap for the way you make decisions and operate. These statements reflect your purpose and direction, and share this information with the rest of the community.

**Vision Statements.** This statement should describe the goal that your organization is striving to achieve. This should be broad and idealistic, but still within the realm of possibility.

*For example...*

*Too narrow: "North End Neighborhood Association strives to end vandalism on James Street."*

*Just right: "North End Neighborhood Association strives to be the safest neighborhood in Indiana."*

**Mission Statements.** To support the broad vision of your neighborhood association, your mission statement explains what you do and how you do it. Mission statements should be simple, clear, and action-oriented. All neighborhood association activities should be consistent with your mission statement.

*For example...*

*"We make the New North End Neighborhood a safer place to live through building relationships, addressing challenges, and promoting community assets."*

**Objectives.** Objectives are specific, measurable outcomes to meet the goals set by your mission statement. Objectives tend to be updated more frequently than vision or mission statements.

*For example...*

*Objective 1: Identify community assets.*

*Objective 2: Create maintenance plans for these assets.*

*Objective 3: Create event programming to share assets with the community.*

## B. Outreach and Events

To get to know your neighbors better and give back to your community, try the following ideas:

### Coffee Hour

Serve light refreshments in your home to encourage neighbors to stop by and meet each other. Keep it simple - coffee, donuts, juice. Distribute name tags and ask guests to include their names and addresses. This information is a great icebreaker.

### Block Party

Choose a location - consider someone's yard, a cul-de-sac, or other open space. If you choose to host the event in the street, you will have to follow the street closure process (*see Additional Resources section*).

Choose a day and time when most neighbors can attend. Make dropping by or staying the entire time acceptable options. Think through your plans for inclement weather.

Pull together 4-6 other neighbors to help organize food and supplies, including paper plates, napkins, plastic forks, trash containers, condiments, tables and chairs, etc. A potluck is a good idea.

Arrange for entertainment, like croquet, volleyball, Ping-Pong, lawn bowling, cards, bingo, races, and games for kids.

Involve teenagers in decorating, planning games, and creating invitations.

Deliver invitations to each house approximately two weeks in advance. You can use signs, social media, phone, and email as well. Include names and phone numbers of the organizers. Ask for volunteers to help. The more people feel a part of the event, the more likely they will attend. Make it clear that people can drop in or stay the entire time.

Towards the end of the event, start cleaning up. Make sure you have at least 4-6 people you can count on to help.

### Neighborhood Garage Sale

Many sales along a block attract more customers and add to the day's success. Most residents on your street (or in your complex) will show up to see what you are selling. You will meet some new neighbors, make a little money, and have a good time!

Use fliers, email, social media and phone calls to invite neighbors' input on the best date. Once the date is decided, consider the following outlets to advertise:

- Classified ad in the StarPress
- Craigslist
- Facebook
- Nextdoor
- Yard signs and fliers (be sure to remove them after the event)

A few additional pointers from Angie's List:

- Group like items together, similar to how retail stores lay out their spaces.
- Make sure you give your shoppers enough space to shop.
- Place children's toys at kids' eye and hand level.
- Hang adult clothes using a clothing rack or horizontal ladder.
- Designate a "free" box and place where people driving by can see it.
- Price each item for about 20 percent of what you paid for it.
- Let shoppers shop in comfort. Have easy listening music on in the background, sell bottled water, greet people but don't watch them shop.
- Donate leftovers. Consider scheduling a pick-up with Goodwill or Muncie Mission Attic Window.



## Neighborhood Clean-Up

Neighborhood clean-ups beautify neighborhoods and bring residents together over the common purpose of making a noticeable difference in their neighborhoods.

Small cleanups can use the resident trash totes or scheduled pickups. You will need to work with the Muncie Sanitary District to reserve the use of trash trucks for larger events. Call 765-747-4865 to coordinate your event.

Muncie-Delaware Clean & Beautiful helps neighborhoods coordinate and promote clean-ups and have annual clean-ups of their own. Contact them by emailing [info@beautifulmuncie.org](mailto:info@beautifulmuncie.org).

MDCB can help interested neighbors by promoting the event, recruiting and coordinating volunteers, and loaning out equipment and supplies for the event.

## Tour Program

Offer realtors a personal tour of your neighborhood. Point out its assets and the things you are working to improve.

## Local School Volunteering

Muncie schools welcome your interest in volunteering to assist in the classroom. Contact your local school to get started.

## Community Garden

Gardens can be a great way to beautify your neighborhood, mitigate small scale flooding and drainage issues, and even produce fresh food for the community.

The Muncie Urban Garden Initiative (UGI) networks resources and community engagement to encourage more local urban food production. UGI has many resources for potential gardeners, including a Facebook page, books, tools, rototiller, straw, compost, seeds, plants, and experienced gardeners to educate. If your neighborhood, church, school, or business is interested, email [info@beautifulmuncie.org](mailto:info@beautifulmuncie.org).

## Disaster Preparedness and/or Fire Prevention Group

This can involve a one-time presentation to a small group of interested neighbors or it can consist of developing a neighborhood disaster preparedness plan over a period of several months. Contact the Muncie Fire Department or Red Cross for information on setting up your project.



## Neighborhood Watch

If you are concerned about security and safety issues, forming a Neighborhood Watch may be the answer. USAonWatch, a national neighborhood watch program by the National Sheriffs' Association, lays out five steps for starting a neighborhood watch.

- 1. Recruit your neighbors.** The Muncie Police Department recommends focusing on one or two blocks, no larger than 20 households. It should be an area small enough that you have daily contact.
- 2. Schedule a meeting with your local law enforcement.** Contact the Crime Watch/Crime Prevention Officer (765-741-1350) with the Muncie Police Department to set a time and date for your first neighborhood watch meeting and learn about other resources.
- 3. Discuss community concerns and develop an action plan.** Work with the Crime Prevention Officer to identify patterns of crime and develop strategies to address these problems. Appoint a block captain to coordinate these efforts.
- 4. Create a communication plan.** It is important to decide what type of communication will work for your watch group (e.g., meetings, social media, texting, newsletters.)
- 5. Take Action:** Hold meetings and events. Consider safety training topics that could benefit your neighborhood, including disaster preparedness, terrorism awareness and basic crime prevention. Have a kick-off event to announce your formation and encourage others to get involved.

## C. Communication

Regular and consistent communication is necessary among members and the businesses, non-profits, and other organizations that operate within the neighborhood. Here are a few tools that can help you keep in touch.

### Muncie Neighborhoods Website

Each Muncie neighborhood has its own web page at [www.muncieneighborhoods.org](http://www.muncieneighborhoods.org). Each page has space for your neighborhood's photos, map, history, interesting facts, meeting information, regular events, newsletters, and contact information. Contact the Ball State Office of Community Engagement at [oce@bsu.edu](mailto:oce@bsu.edu) to edit your neighborhood's page.

### Email

Consider setting up a dedicated email address for your association. You can open a free account with Google and get access to word processing, spreadsheets, a file manager and a number of other tools that can help you collaborate with other neighborhood association members.

### Nextdoor

Nextdoor is a free online platform that allows neighborhoods to create private groups to facilitate communication among neighbors. On Nextdoor, members can:

- Share local recommendations (plumbers, auto mechanics, babysitters, etc.)
- Sell or give away household items
- Publicize local events
- Exchange information about crime and safety issues
- Find neighbors in the directory
- View a neighborhood map
- Ask for advice

Residents can choose to view and respond to updates via email or directly on the website. To make the process even easier, Nextdoor will mail postcards to your neighbors with enrollment information - for free! To learn more, visit [Nextdoor.com](http://Nextdoor.com).

## Facebook

Creating a Facebook page for your neighborhood association can be an easy way to connect members and publicize your neighborhood's efforts. It also serves as an ongoing record of what your association has accomplished. A high percentage of non-profit and grassroots organizations in Muncie use Facebook as a primary communication tool, particularly for special events.

Muncie Action Plan's "Facebook 101" training provides the following advice:

### 1) **Decide on your "brand"**

What are the three or four core elements of the neighborhood that you are trying to promote? Create posts that reinforce those themes. Think about great things you wish more people would do, like gardening, leaving porch lights on, raking leaves, painting, and socializing, and post pictures of these activities with praise.

*For example...*

*If one of your core brand elements is friendly neighbors, make sure at least one posting a month introduces a friendly neighbor with a photo or reports on a positive neighboring activity.*

### 2) **Find collaborators**

Select two or three individuals to have "administrative" access and write posts at least once or twice a week. Many hands make light work and provide checks and balances.

### 3) **Be specific**

Provide information about events, meetings, etc. and encourage interaction by asking questions.

*For example...*

*"Great turnout for this month's meeting! A big thank you to Isabelle for bringing her delicious chili! What are some agenda items next month?"*

### 4) **Be visual**

Posts with photos always perform better. Consider involving young people in taking pictures and writing posts.

### 5) **Be positive. Be positive. Be positive.**

Praise neighbors' and volunteers' efforts. Tag as many individuals and organizations as you can.

### 6) **Watch out for the negative**

Do not use your neighborhood Facebook to complain, nag neighbors, post photos of children without parents' permission, play favorites, give out personal contact information without permission, or use inappropriate language. Delete inappropriate remarks or responses immediately - these reflect upon the entire neighborhood.

*More information is available at [www.muncieneighborhoods.org](http://www.muncieneighborhoods.org) under Resources > Best Practices > Neighborhood Technology Toolkit.*

## Newsletters

Newsletters can be a powerful communication tool, especially if not all residents are comfortable with social media. As you consider launching a newsletter, ask the following questions:

- **How many times a year can we reasonably publish a newsletter?** Putting together a newsletter requires a good amount of time and energy. Aim for something simple to start and be realistic about how often you can publish. Bi-monthly? Quarterly? Annually? Communicate deadlines for submissions - at least two weeks before publication.
- **Who will be the newsletter editor?** This person will oversee the collection, editing, and formatting of articles, photos, and other information.
- **Who can contribute to the newsletter?** Will the newsletter include factual information only, or will it also include opinion pieces? Who decides what opinions will be included?



- **How will we distribute the newsletter?** Your mode of distribution will impact how you put the newsletter together. Email newsletters can be simple text or more elaborately formatted using templates from free services like MailChimp or Canva. Printed newsletters require content to be formatted for specific page sizes, which can involve additional work. There are costs associated with printing, as well. However, printed newsletters can be distributed to all residents, regardless of whether they have provided their email addresses.
- **Who will get the newsletter?** Be sure to include businesses and other local organizations in your distribution list. Also consider sending copies to the mayor, city council, legislators, civic clubs, etc. Be sure to post on Nextdoor and Facebook, as well.
- **What do we want readers to do?** If you hope that newsletter readers will attend your next neighborhood association meeting, make that information clear and up-front. Provide the appropriate contact information if readers have questions or would like to get involved.

## Flyers

Much like newsletters, flyers can be plain or elaborate, printed or emailed, black-and-white or colorful. They are most useful for reaching people, businesses, and organizations in a defined geographical location. However, if you want to promote an event beyond your neighborhood, consider supplementing your flyer by creating a public Facebook event and a Nextdoor event.

## Surveys

The online program SurveyMonkey allows you to create free surveys that can be emailed to neighborhood association members or posted online via Facebook or Nextdoor. They provide more than 100 survey templates - including post-meeting and event surveys - and tons of tips for getting the right feedback.

# Newsletter

## Whitely Community Council

“Our monthly newsletter is packed full of information on upcoming programs, neighborhood successes, and important community info.”

*-From the WCC website*

### From the Association

“A monthly or quarterly newsletter is a great way to share information about neighborhood events, volunteer opportunities, or neighborhood initiatives. It can expand the reach of your neighborhood organization, especially if you include events and news relevant to stakeholders in your neighborhood who might be slow to get involved, like churches, businesses, nonprofits, etc. The newsletter should be available at neighborhood meetings and events, but should also have a permanent pickup location like the community table at your local library, at a local church, or in a nearby nonprofit like the YMCA, Boys & Girls Club, or community center.”

“For beginners, Microsoft Publisher is a simple, easy-to-learn option for creating and printing newsletters. You can create everything from a simple one-page newsletter to a complex, photo-filled multi-page booklet.”

*-Rebecca Parker, Whitely Board Member*

### Fresh Start for a New Year

Hygiene and Cleaning Products Available for Families in Need

A special donation to First Presbyterian Church (1400 W Riverside Ave) has led to a wonderful opportunity for WCC to give back to the community.

WCC members accompanied First Presbyterian's Tom Schwartz on a shopping trip to purchase cleaning and hygiene products for families in need. Products purchased include laundry detergent, bleach, fabric softener sheets, sponges, soap, body lotion, deodorant, shampoo, and more.

These products will be available at WCC meetings while supplies last. Please look for the “Fresh Start for a New Year” form at your next WCC meeting, fill it out, and pick up your supplies immediately after the meeting in the cafeteria area. **Please contact Rebecca Parker (765-747-8216) at Connection Corner for more information.** We are grateful to Tom Schwartz, First Presbyterian, and to their donor for the opportunity to help our community members get the items they need.



### Apples for Whitely

If you've ever wondered where WCC's Mary Dollison gets her seemingly endless supply of apples, the answer is David and Beth Edwards.

The Edwards regularly deliver apples with slight imperfections (but lots of delicious flavor and nutrition) to the Dollisons for distribution throughout the Whitely neighborhood. The apples come from a wonderful donor who prefers to remain anonymous. WCC would like to thank the Edwards for these deliveries and for their ongoing efforts to bring yummy, nutritious food to the Whitely neighborhood. Kids and adults throughout the community regularly enjoy these healthy treats, thanks to their efforts.

## D. Bylaws, Articles of Incorporation, and Tax-Exempt Status

|                   |                           | Does your Association Want to... |                       |                     |                              |
|-------------------|---------------------------|----------------------------------|-----------------------|---------------------|------------------------------|
|                   |                           | Hold Regular Meetings?           | File as a Non-Profit? | Get A Bank Account? | Obtain Federal 501c3 Status? |
| You Will Need.... | Bylaws                    | No                               | No                    | No                  | Yes                          |
|                   | Articles of Incorporation | No                               | Yes                   | Yes                 | Yes                          |
|                   | Tax ID Number             | No                               | No                    | Yes                 | Yes                          |

### Bylaws

Neighborhood associations should have bylaws describing how they will do business. They act as a constitution that establish the legal requirements for the association, outline the roles and responsibilities of officers, and govern the way the association functions. They should be taken seriously because they maintain the order and credibility of the association.

It is important to customize your bylaws to meet the needs of your group. Be specific, but still allow flexibility within your association. The bylaws will be part of your neighborhood association for a long time. Once bylaws are written, review them periodically to assure that the association's rules are continuing to meet the needs of the group.

*A sample set of bylaws are available in the Additional Resources section.*

### Tax Identification Number

Neighborhood associations should have a federal tax identification number. The number acts as a Social Security number for organizations, and can be used to open bank accounts, file IRS tax forms, apply for tax exempt status, etc.

Organizations do not need to be incorporated to receive a tax identification number. The form needed for a tax identification number is short and takes a small amount of time to complete. Contact Muncie's Internal Revenue Service and ask for Tax ID Form SS-4. Return the form to the Muncie office and you should receive your tax ID number in six to eight weeks.

If you need to use the number before you receive it in the mail (for bank accounts or non-profit status), simply state that you have applied for it, but have not received it yet. You may also apply online at the <https://www.irs.gov/>.

## Articles of Incorporation

Incorporation is optional, but may be beneficial to your neighborhood association. When a non-profit organization incorporates, it helps give the group credibility and definition. Incorporation also protects the personal liability of group members.

To incorporate your neighborhood association as a nonprofit entity within Indiana, visit the Indiana Secretary of State's website.

If you're planning to also file as a 501(c)3 non-profit organization with the Internal Revenue Service, your Articles of Incorporation will need to include the following information:

- a clause stating that your corporation was formed for a recognized 501(c)(3) tax-exempt purpose (charitable, religious, educational, etc.)
- a clause stating that any assets of the nonprofit that remain after the entity dissolves will be distributed to another 501(c)(3) tax-exempt nonprofit, or a federal, state, or local government for a public purpose.

*Sample articles of incorporation are available in the Additional Resources section.*

## Tax Exempt Status

In order to apply for tax exemption, your group needs to be incorporated and needs to apply to the Internal Revenue Service. This status permits large donations to your group to be tax deductible.

Tax-exempt status is almost mandatory if your group plans to apply for foundation monies or solicit large donations.

*NOTE: Processing the tax-exempt status application usually takes about six months. Detailed description of the process and the forms necessary to file can be found at <https://www.irs.gov/>.*

## E. Basic Bookkeeping and Accounts

While neighborhood associations generally do not have large amounts of money, it is important to track whatever money comes in or goes out from your organization.

It is a good idea to have an accountant or bookkeeper help you set up a financial tracking system. This may include basic journals or a General Ledger. A number of associations use software (e.g., Quicken, QuickBooks, web-based applications like Wave Accounting). What will work best for your association will depend on the following:

- How computer savvy are the board members who will need to use the software?
- What level of trust does the board have in web applications versus a program installed on a personal computer?
- Is there a budget to purchase software? Besides memberships, does the organization have any other retail endeavors that need to be considered?

## Bank Accounts

There are three things to consider when determining the type of bank account for your neighborhood association:

- How often will you withdraw money?
- How much money do you have?
- Do you have enough to keep a minimum balance or pay service fees, if any?

## Checking vs. Savings

Any type of individual bank account is available for neighborhood associations. If you make limited withdrawals, it may make sense to open a savings account with checking privileges. Most accounts have a minimum deposit and/or balance requirements. Some associations prefer to use paper checks; others take advantage of online bill payment, direct deposit and debit cards.

Banks may waive service charges to the organizations that provide a necessary public service, but not all nonprofits receive waivers. The decision to waive the charge is at the discretion of the bank.

Associations should have at least two signatures on all accounts - the association's president, secretary/treasurer, and anyone else who will sign on the account. This does not mean that you will have to have double signatures on checks, but it does provide transparency, accountability, and immediate access to the accounts if the treasurer is unavailable.

## To Open an Account

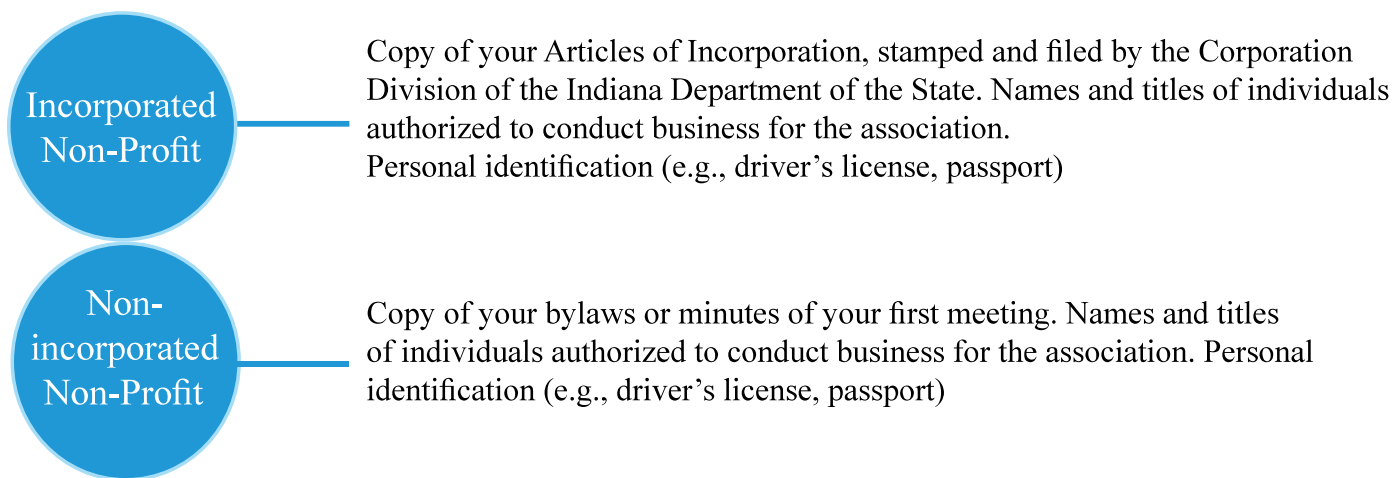
### 1 Obtain an Employer Identification Number (EIN) from the IRS.

Visit <https://www.irs.gov/> or call the Muncie IRS office and request Form SS-4. The EIN number enables the bank to report account earnings to the IRS.

If you don't have an EIN, you can open an account with a member's personal Social Security number.

NOTE: The money in the account is considered the personal money of the ID holder. That person is liable to pay taxes on the interest income reported by the bank to the IRS. Also, if there is ever a lien against that person's assets, those monies are considered personal property and can be assessed.

### 2 Bring the required documentation.



The bank will provide a card with wording for a proposed resolution to be passed by your board and/or membership to authorize the account. You may consider including a spending threshold in your bylaws.

*For example...*

*Any check written for more than \$100 must be pre-approved by the neighborhood's executive board.*



### A Word of Caution

To avoid boxes and boxes of paper documentation, some neighborhood boards are using online applications like Google Drive to store documents like agendas, minutes, and other neighborhood business. This can help facilitate easy sharing and access of information.

But organizations should be careful when moving “to the cloud.” Someone should keep a local backup that is refreshed on a regular basis. In addition, some storage services, do not protect information very well. Some are not based in the United States which means your data may not be as secure as you think. Google Drive’s terms of agreement include them retaining the right to scan your data for advertising opportunities.

Free and low-cost options like pCloud

([www.pcloud.com](http://www.pcloud.com)) allow you to create multiple logins for secure content and allow read-only access for public content.

*Thank you to the treasurers of Robinwood and Country Village neighborhood associations for their insights in this section.*

## General Ledger

Starting date

Jan-18

|  | Beginning | Jan-18 | Feb-18 | Mar-18 | Apr-18 |
|--|-----------|--------|--------|--------|--------|
| <b>Cash on hand (beginning of month)</b> | 10,000    | 10,000 | 10,420 | 11,120 |        |

| CASH RECEIPTS               |        |        |        |        |       |
|-----------------------------|--------|--------|--------|--------|-------|
| Event Tickets               |        | 200    | 800    |        | 1,000 |
| Donations                   |        |        |        |        | 0     |
| Interest, other income      |        | 10     |        |        | 10    |
| Membership Dues             |        | 500    | 200    |        | 700   |
| <b>TOTAL CASH RECEIPTS</b>  |        | 710    | 1,000  | 0      | 1,710 |
| <b>Total cash available</b> | 10,000 | 10,710 | 11,420 | 11,120 |       |

| CASH PAID OUT                      |        |        |        |        |     |
|------------------------------------|--------|--------|--------|--------|-----|
| Advertising                        |        | 20     |        |        | 20  |
| Insurance                          |        |        |        |        | 0   |
| Materials and supplies             |        |        |        |        | 0   |
| Office expense                     |        | 20     |        |        | 20  |
| Rent or lease                      |        |        | 200    |        | 200 |
| Taxes and licenses                 |        |        | 50     |        | 50  |
| Utilities                          |        | 50     | 50     |        | 100 |
| Events                             |        | 200    |        |        | 200 |
| Miscellaneous                      |        |        |        |        | 0   |
| <b>SUBTOTAL</b>                    |        | 290    | 300    | 0      | 590 |
| Loan principal payment             |        |        |        |        | 0   |
| Capital purchases                  |        |        |        |        | 0   |
| <b>TOTAL CASH PAID OUT</b>         |        | 290    | 300    | 0      | 590 |
| <b>Cash on hand (end of month)</b> | 10,000 | 10,420 | 11,120 | 11,120 |     |



# Membership Dues

## *Country Village & Creekwood Estates Neighborhood Association*

“The CVCNA is 100% volunteer based and funded through membership dues, donations and fundraising efforts. Dues make up the majority of our income and are vital to keeping the neighborhood looking beautiful, safe and inviting to new potential homeowners and existing residents.”

*- From the CVCNA website*

### *From the Association*

As a result of MAP's support Country Village / Creekwood Neighborhood Association established a progressive system of dues collection. We started with digital advertising, moved on to postcards (funded by MAP), progressed to physical mailers and finished with letters to targeted homes.

MAP's support gave us a new tool in our goal of increase our membership dues. As a result, were our dues collected by the end of December 2017 finished higher than our dues collected by the end of December 2016. Approximately 200 homes have paid, or pledged, dues for this year.



*-Mitch Isaacs, Board President*

# Great Pumpkin Carving Party

## *East Central Neighborhood Association*

### What:

“The Great Pumpkin Carving Party is open to all kiddo’s in the East Central Neighborhood. This is the 5th year for this favorite Fall event. There are games like “Pumpkin Golf & The Great Pumpkin Walk, Pumpkin Toss, Pumpkin Snack & Paint... Pumpkin stories inside Emily’s Home. Each child get to carve an individual pumpkin to take home to light on Halloween night. This event is all free to our neighbors!” -From the ECNA Facebook page

### Who:

Volunteers for set up and tear down, monitoring games, and of course- planning!

### Where:

ECNA holds this event on Washington Street in front of neighborhood homes. Some events, like the storytelling, take place indoors.

### When:

End of October

### Needed:

- Volunteers to monitor and teach games
- Refreshments
- Carvers and gutters to prep pumpkins the night before
- Tents (in case it rains)
- Tables for each station
- Materials for games and carving
- Decorations



## *From the Association*

“ECNA was fortunate to have a neighbor who LOVED pumpkins....her yard was full of pumpkin vines and her house was painted a bright orange. She was always trying to figure a way to include pumpkins in some of our neighborhood activities.

She planned a Pumpkin Run in Beech Grove Cemetery where the participants carried already carved pumpkins as they ran a course through the grounds.



And, we had a fundraising event at the Kimbrough Museum called “All Things Pumpkin” which featured art work and vendors and a silent raffle with fall themed items in baskets. Pumpkin desserts of all sorts were featured.

Her “Pumpkin Love” spread into a neighborhood wide event--Our Pumpkin Carving Party. ECNA petitions the street department to close that block of E Washington and we set up 5-6 of our pop up tents, to designate the game areas. We set up 3-4 plastic tables and put out all of the kid safe pumpkin carving tools and some booklets and patterns, in case the kids want to be non traditional!!

There are pumpkin/Halloween themed games, with Halloween type prizes. Each child gets a free plastic pumpkin and they can load it up with the ‘winnings’ from the games. Fake fingers filled with bubbles, spiders, bats, and other scary prizes are given during Mummy Bowling, Witch Hat ring toss, or any of several other fun games.

This year, a neighbor donated quite a few toys for the “door prize table” and each child was given one half of a ticket, with the other going into the bowl for drawing. (each child miraculously won a prize!!)

The neighborhood wide newsletter is distributed with information on the event, and signage is set up the day of the event to remind the neighbors. Our ‘best year’ was really warm and we had to run and get more pumpkins....almost 100 were carved that day!!! (we do ‘gut’ the pumpkins before the event to keep the mess to a minimum. Thanks to the FIJI Fraternity members for their help this year.)

We have done this for at least 5 years. Neighbors wear costumes and we have decorations and blow up Halloween creatures and play spooky Halloween music. It is really a fun time for ALL involved!!!”

*-Lynn Thornburg, ECNA Treasurer*

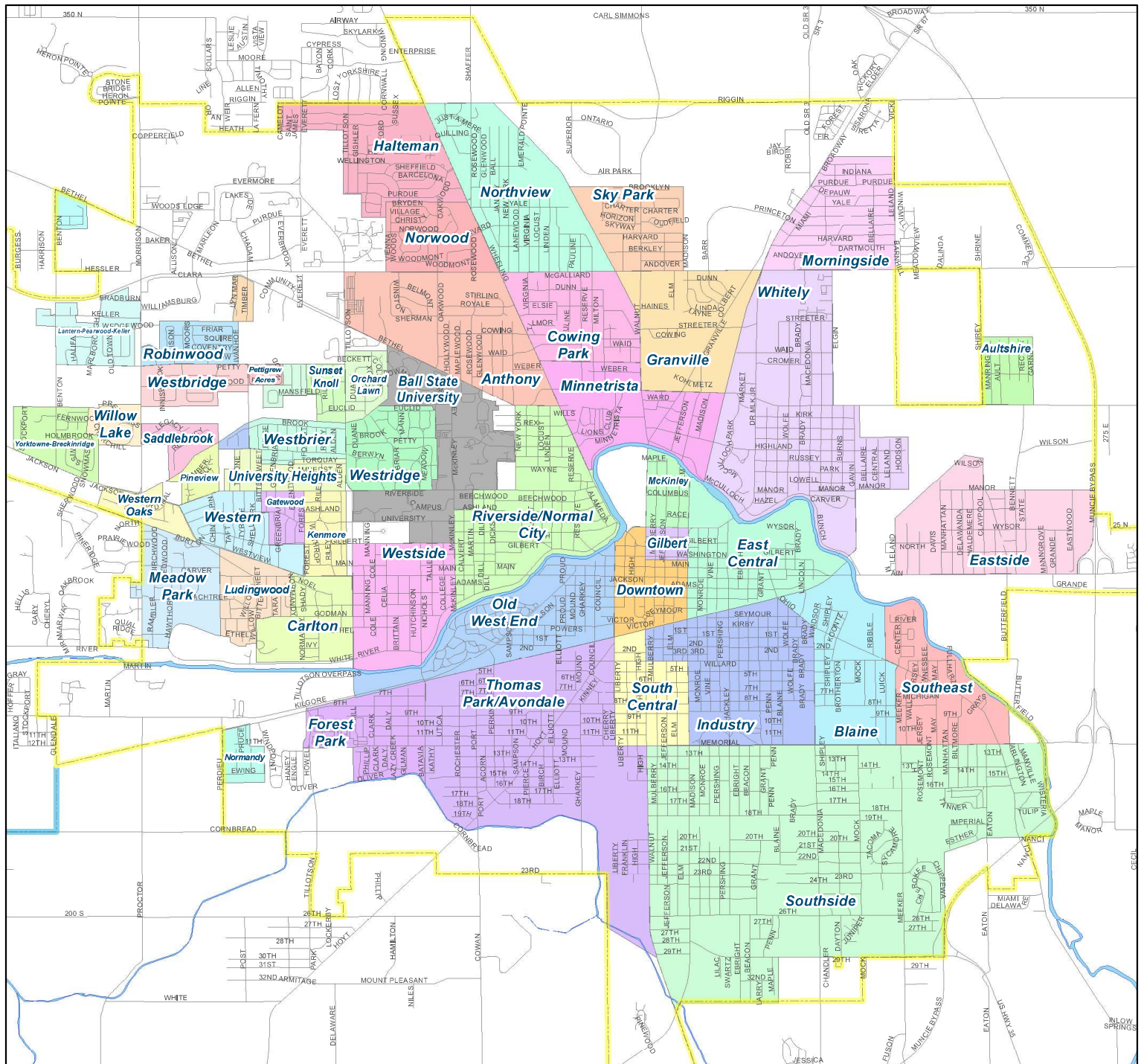
# V. Additional Resources

## List of Additional Resources

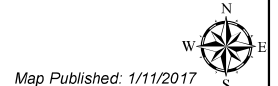
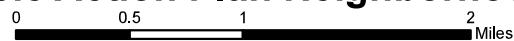
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# A. Map of Muncie Neighborhoods



## Muncie Action Plan Neighborhoods



Map Published: 1/11/2017

## **B. Sample Agenda For First Meeting**

### **Introductions**

Introduce the members of the organizing committee, and all resident attendees depending on the size of the group.

### **Why our neighborhood should organize**

This should be a short presentation on why the organizing committee thinks that a neighborhood association is a good idea.

### **Brainstorming issues and concerns**

You must be open to the needs and concerns of your neighbors, the membership. You and the organizing committee are not the neighborhood association—you are only the catalyst for it to happen. Take care to solicit the attendees' opinions on the important issues for your neighborhood. Perhaps people can break into smaller "interest groups" to focus on problem areas, returning with reports to the larger group.

### **Identification of tasks for the next meeting**

These include: Who will serve as chair? Who will do publicity? Who will set-up chairs and refreshments? Who will be in charge of registration and agendas (including copies of minutes)? Be sure to ask people to "network" for new members.

### **What tasks were suggested during the brainstorming session?**

Is research needed on a particular topic? Would a speaker from the City, another neighborhood association, or a local business be helpful? Make sure the minute taker is keeping track of these assignments.

### **Are you ready to develop the organization?**

Assign a small committee to review and suggest bylaws, propose a slate of officers, establish a dues structure, and consider other housekeeping details.

### **Announce date, time, and place of the next meeting**

Have save the date flyers available for residents to take and pass out to their neighbors

### **Adjournment and social time.**

## C. Robert's Rules of Order—A Short Summary

### Meeting Agenda

The Chair sets the meeting agenda, including when members may speak and for how long. A member may only speak when recognized by the Chair to do so. Note: any complaints or questions must be made after the Chair recognizes a member. Most issues should be held until the end of the meeting.

### Motions

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can: Call to Order, Second Motions, Debate Motions, and Vote on Motions.

There are six types of motions:

- **Main motions.** Purpose is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
- **Subsidiary motions.** Purpose is to change or affect how a main motion is handled and is voted on before a main motion.
- **Privileged motions.** Purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
- **Incidental motions.** Purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.
- **Motion to Table.** This motion is often used to put a matter aside. If a vote is successful, the matter may only be brought up again by another motion to “take from the table.”
- **Motion to Postpone Indefinitely.** This is often used as a means to allow an opponent of a motion to postpone a vote on the matter being discussed for a vote.

### How can you present a motion?

**1. Obtain the floor.** Wait until the last speaker has finished. Rise and address the Chair by saying, “Mr. Chairman or Mr. President.” Wait until the Chair recognizes you.

**2. Make your motion.** Speak in a clear and concise manner. Always state a motion affirmatively. Avoid personalities and stay on your subject.

*For example ...*

*“I move that we...” rather than, “I move that we do not...”*

**3. Wait for someone to second your motion.**

Another member will second your motion or the Chair will call for a second. If there is no second to your motion, it is lost. If there is a second, the Chair will state your motion.

**4. Speak in favor of your motion.** At this point, the membership may debate your motion or move directly to a vote. Once your motion is presented to the membership by the Chair, it becomes “assembly property,” and cannot be changed by you without the consent of the members. All comments and debate must be directed to the Chair.

This is the time to speak in favor of your motion, rather than at the time that you present it. The mover is always allowed to speak first. Always abide by the established time limit for speaking.

The mover may speak again only after other speakers are finished, unless called upon by the Chair.

**5. Vote on the motion.** The Chair will ask, “Are you ready to vote on the question?” If there is no more discussion, a vote is taken. Most motions are by hand vote, or voice vote. If a ballot vote is taken, the ballots must show the name of the member.

## D. Things to Keep in Mind when Writing a Newsletter

(from the Kirkland, Washington, Neighborhood Organization Workbook)

1. **Try to be clear about the purpose of each story.** Generally, it's better to do separate stories rather than try to combine objectives or unrelated things.
2. **Find a voice that is straightforward and concise.** Save the flowery language for another time. Simple sentences communicate best when space is limited.
3. **Avoid inflammatory language.** As much as possible let the facts speak for themselves without editorializing (giving your own opinions) in the story.
4. **Quote known individuals when you want to make a point instead of just giving your own opinion.** It lends more credibility to your publication.
5. **Don't throw around facts and figures that haven't been checked out.** Once you lose the credibility of your readership, it can take many, many months to gain it back.
6. **Avoid the temptation to exaggerate.**
7. **Try to step back from your work every so often and imagine how the stories you have written will be seen by your readers.** Are you communicating what you set out to do or did you get sidetracked?
8. **Try to avoid using the same names over and over again as "experts."** If you always quote Jane Doe, to the exclusion of everyone else, the publication will start to sound like a soapbox for Jane Doe.
9. **Personalizing stories through anecdotal accounts is a good way to grab the reader's interest,** but be sure the person whose story you're telling has okayed it to be used in print. Be respectful of privacy issues. A newsletter is not the place to offend or embarrass someone.
10. **Make sure all the concerns of all groups in your neighborhood are represented** (i.e. a publication for homeowners and apartment dwellers in the same neighborhood should have equal representation). Similarly, do not only talk about businesspersons or homemakers. Be proactively sensitive.
11. **Don't try to slaughter opponents' positions by attacking them in print.** Invite them to write their own position paper with the goal of providing information on which your readers can make their own decisions. You can always add "an editor's note" to the end of an opponent's piece if you feel it's misleading or inaccurate.
12. **Whenever possible, give readers a phone number, name, or address where they can go for more information or to pursue a topic.** You don't want to get people all inspired and then leave them with nowhere to go. Be prepared to take advantage of any energy you may stir up.
13. **Keep design simple and straightforward.** Your readers aren't looking for the latest in design trends—they want information that's easy to read.
14. **Double and triple check spellings in headlines.** A typo in the body type of a story is bad enough, but a typo in headlines can haunt you forever.
15. **Ask someone else to read over the publication before it goes to press.** A fresh pair of eyes can catch things writers and editors miss.
16. **Establish a conservative, manageable publication schedule and stick to it.** It's better to say you will do a quarterly and really do it than to promise a monthly and not deliver. You can always add in "special editions" along the way.



## **E. Sample Bylaws and Articles of Incorporation**

(from the North Rose Hill Neighborhood Association)

### **Article I: Mission Statement**

The mission of the Association is to maintain and improve the unique residential characteristics of the North Rose Hill Neighborhood, with objectives to include:

- Promote safe and adequate pedestrian, bicycle and vehicular traffic, and traffic calming measures.
- Protect wetlands, streams, wildlife habitat, and other sensitive areas.
- Minimize noise, water and air pollution.
- Support and enhance Mark Twain Elementary School and Lake Washington Technical College.
- Promote markers at appropriate gateways to identify North Rose Hill as a residential entity and not simply a traffic corridor between NE 85th and NE 116th.
- Promote and support parks and open spaces.
- Monitor and inform residents of changes proposed by the City of Kirkland that could affect residents (e.g. opening or widening streets, expanding the sewer system, and changing zoning).
- Consider and study other neighborhood concerns identified by residents.
- Provide lines of communication between residents and the City of Kirkland and assist in obtaining a cooperative response by the City to residents' concerns.

#### **Section 1**

The name of this organization shall be the North Rose Hill Neighborhood Association.

#### **Section 2**

Purposes:

- To enhance the livability of the area by establishing and maintaining an open line of communication and liaison between the neighborhood, government agencies and other neighborhoods.
- To provide an open process by which all residents of the neighborhood may involve themselves in the affairs of the neighborhood.
- To perform activities related to said purposes, to have and enjoy any lawful activity for which corporations may be organized under (RCW 24.03)
- To be organized exclusively for educational, scientific and charitable purposes. Notwithstanding any statement of purposes or powers aforesaid, this association shall not, except to an insubstantial degree, engage in activities or exercise powers that are not in furtherance of its specific and primary purpose.

### **Article II: Membership Qualifications**

Membership in the Association shall be open to all residents. A resident shall be defined as anyone who lives within the boundaries of North Rose Hill Neighborhood Association as defined in Article X of these bylaws.

#### **Section 1**

Membership Voting: All residents, located within the Association boundaries, 16 years of age or older, shall have one vote each to be cast during attendance at any general or special meeting.

### **Article III: Dues**

No dues or membership fees shall be charged. Voluntary contributions will be accepted. Activities to raise funds may be held if appropriate.

## **Article IV: Membership Meetings**

### **Section 1**

General Membership Meetings: There shall be at least one general membership meeting yearly. The meetings shall be convened in the fall or spring and upon any day decided upon by the majority vote of the board of directors. Notification for general meetings shall require seven (7) days advance written or telephone notice to active members of the Association. Active member is defined as one who has attended at least one of the last two general or special meetings of the membership.

### **Section 2**

Special Membership Meetings: Special meetings of the membership may be called by the chair or the board of directors as deemed necessary. Notification and purpose(s) of the special meeting shall require written or telephone notice to active members of the Association.

### **Section 3**

Agenda: Subject to the approval of the board of directors, the chair shall prepare the agenda for general and special meetings of the membership. Any member may make a motion to add an item to the board, general or special agendas at those respective meetings. Adoption of that motion requires a second and majority vote.

### **Section 4**

Quorum: A quorum for any general or special meeting shall be the number of members in attendance. Unless otherwise specified in these bylaws, decisions shall be made by a 2/3 majority vote of those members present at any meeting.

### **Section 5**

Participation: Any general, special, board or committee meeting is open to any person and all who may wish to be heard. However, only those eligible for membership are entitled to vote. All actions or recommendations of the general or special meetings, including minority reports, shall be communicated to all affected parties.

### **Section 6**

Procedures: Letters or statements on behalf of the Association will require board approval before dispatch. The Association shall follow Robert's Rules of Order (Revised) in all areas not covered by the bylaws (see Appendix A).

## **Article V: Board of Directors**

### **Section 1**

Number of board members: The board of directors shall determine the exact number of board positions annually. There shall be at least 6 and no more than 12 members.

### **Section 2**

Terms of Office: Each director shall hold office for a term of one (1) year for which he/she is elected or appointed and until his/her successor shall have been elected or appointed to take office.

### **Section 3**

Eligibility for board service: Only persons eligible for Association membership shall be qualified to hold an elected or appointed position.

### **Section 4**

Duties of board members: The affairs of the Association shall be managed by the board in the interim between general meetings. The board shall be accountable to the membership; shall seek the views of those affected by proposed policies actions before adopting recommendations on behalf of the Association; and shall strictly comply with these bylaws.

### **Section 5**

Election of board members: Board members shall be elected annually by a vote of the membership at its annual meetings. The names of all candidates for the board shall be placed in nomination. In the event two or more names are proposed for a position, secret written ballots shall be issued for voting for board members. Election requires a majority vote of the members present.

### **Section 6**

Board vacancies: The board may fill any vacancy on the board by a majority vote of the board in cases involving absences by a board member from three (3) consecutive meetings. A member appointed to fill a vacancy shall serve the remainder of the unexpired term and until his/her successor is elected or appointed.

### **Section 7**

Duties of board officers:

**Chair**—the Chair shall prepare the agenda and preside at meetings of the board and membership; shall appoint members of committees not elected, with a majority approval of the board, except for members of the Grievance Committee.

**Vice-Chair**—the first alternate shall assist the Chair; in the Chair's absence shall function as Chair; shall serve as a member of the Kirkland Alliance of Neighborhoods (KAN).

**Secretary**—the Secretary shall keep the minutes and written records of majority and minority opinions expressed at all meetings; shall assist with correspondence of the Association; shall make records of the Association available for inspection for any proper purpose at any reasonable time.

**Treasurer**—the Treasurer shall be held accountable for all funds and shall give an accounting at each general meeting; shall receive, keep safe, and disburse Association funds, but such disbursement shall require the signature of one other board member for expenditures of \$100.00 or more.

**Board members**—at-large members shall inform the board and the Association of activities of their areas of responsibility.

### **Section 8**

Board meetings: The board shall meet prior to any general meeting and at other times the chair may designate. These meeting shall be open session; however, only board members shall be entitled to vote. A quorum for board meeting shall be the number of board members in attendance; decisions shall be made by a 2/3 majority vote. Directors shall be notified of board meetings in writing or by telephone in advance. A majority of board members, by signed petition, may call a board, general or special meeting.

## **Article VI: Committees**

The board shall establish both standing and ad hoc committees as it deems necessary. Committees shall make recommendations to the board for board actions. Committees shall not have the power to act on behalf of the Association without specific authorization from the board.

## **Article VII: Conflict of Interest**

### **Section 1**

Definition: A conflict of interest exists for a member or board member whenever the member or board member holds a personal financial interest, which will be impacted by the action or inaction by the Association on a proposal before the membership or board. A personal financial interest shall include a financial interest held by the member or board member and/or by members of their immediate family. A personal financial interest includes an ownership interest above 5% of a business, which will be impacted by the decision. Examples of personal financial interest would include: Employment by the Association; ownership of property the use or control of which is being considered by the Association; plans to purchase property the use or control of which is under discussion by the Association, etc.

### **Section 2**

Declaring the conflict of interest: Whenever a member or board member determines that they have a conflict of interest relating to an item under discussion, they must inform the body (membership or board) hearing the proposal that the conflict of interest exists.

### **Section 3**

Abstention from voting: Members or board members shall not vote on matters in which they have a conflict of interest.

## **Article VIII: Grievance Procedures**

### **Section 1**

Eligibility to grieve: A person or group adversely affected by a decision or policy of the Association may submit in writing a complaint to any member of the Grievance Committee.

### **Section 2**

Complain Receipt: Within seven (7) days of receipt of the complaint, the committee shall arrange with the petitioner a mutually acceptable place, day and hour for a review of the complaint, and will, in writing, within thirty (30) days recommend a resolution of the grievance to the board.

### **Section 3**

Final Resolution: The committee shall attempt to resolve the complaint and shall submit a report of their recommendations and/or action to the complainant, board and membership. If the committee, board, and petitioner cannot reach agreement, final resolution of the complaint shall be by a vote of a 2/3 majority of the membership at a general or special meeting.

## **Article IX: Procedure for Consideration of Proposals**

### **Section 1**



Submission of proposals: Any person, group, or city agency, inside or outside the boundaries of the Association may propose in writing items for consideration and/or recommendation to the board. The board shall decide whether proposed items will appear on the agenda of either the board, standing or special committees or general or special meetings.

## **Section 2**

Notification: The proponent and members directly affected by such proposals shall be notified in writing or by telephone of the place, day and hour the proposal shall be reviewed not less than seven (7) days in advance.

## **Section 3**

Attendance: The proponent may attend this meeting to make a presentation and answer questions concerning the proposal.

## **Section 4**

Dissemination: The Association shall submit recommendations and dissenting views as recorded from the meeting to the proponent and other appropriate parties within thirty (30) days.

## **Article X: Boundaries**

### **Section 1**

Boundaries: Boundaries of the Association shall be defined as follows: Beginning at the Northern edge of Planned Area 14A on 124th Ave. NE at approximately NE 87th St., West to 123rd Ave NE, thence North to NE 90th St., then West to the East boundary of I-405. Thence North to the intersection with NE 116th St., then East on NE 116th St. to the intersection with Slater Ave NE. Then Northeast on Slater to the South side of NE 123rd St along to and including both East and West sides of 131st PL NE. From Slater Ave NE, East on NE 120th St. to the juncture with 132nd Ave NE, thence South along the center of 132nd Ave. NE, to the Northern edge of Planned Area 14B (just North of NE 85th St.). Thence West along the Northern border of the Planned Area to the beginning on 124th Ave NE.

## **Article XI: Public Meetings/Public Records Requirement**

The Association shall abide by all Indiana statutes relative to public meetings and public records. Official action(s) taken must be on record or part of the minutes of each meeting. The minutes shall include a record of attendance and the results of any vote(s) taken.

## **Article XII: Non-Discrimination**

The Association will not discriminate against individuals or groups on the basis of race, color, sex, sexual orientation, age, disability, national origin, income or political affiliation in any of its policies, recommendations or actions.

## **Article XIII: Adoption and Amendment of Bylaws**

All amendments to these bylaws must be proposed in writing and submitted to members at a regular meeting of the Association. Adoption of and amendments to these bylaws shall require a two-thirds (2/3) vote by the members present at a general meeting

## F. Sample Neighborhood Association Position Descriptions

### President

Responsible for the overall leadership of, and serves as spokesperson for the Board. Sets the agenda and facilitates meetings by handling the responsibilities of calling the meeting to order, following the set agenda, maintaining order, calling for votes, etc. The President appoints committee or task force chairs, and is ultimately responsible for the day to day operation of the neighborhood association. The President should possess strong leadership qualities, be objective and fair, and allow others equal time to speak.

### Vice President

Assists the President and serves in an advisory role to the President. In the absence of the President, the Vice President conducts the meetings and exercises all the usual duties of the President. Like the President, the Vice President should possess strong leadership qualities, be able to ensure meetings run smoothly, and serve as a well-informed source about the organization's rules and governing documents.

### Secretary

Records the minutes of the meetings and makes sure that copies of the minutes, agendas, and other neighborhood association records are available for the Board and the public. The Secretary keeps records up-to-date and ensures all legal documentation meets official requirements and filing deadlines.

### Treasurer

Is responsible for the funds of the neighborhood association, monitors the organization's budget, and reports on year-end finances. Most Boards do not require anything but an occasional status report from the Treasurer. (Note: This is an optional position since some neighborhood associations do not have a treasury. The Treasurer position can also be added to the Secretary position for a joint Secretary/Treasurer.)

### Newsletter Editor

This position has overall responsibility for overseeing production of any newsletters the neighborhood association puts out. The Editor may gather content for the each edition of the newsletter, assign additional responsibilities as needed, and be responsible for the newsletter distribution.

### Additional Positions and Chairs

Each neighborhood association is different and will need different committees and positions accordingly.

## G. Applying for 501(c)(3) Tax Exempt Status

Excerpts from the IRS Publication 4220

### 501(c)(3) Applying for 501(c)(3) Tax-Exempt Status

Federal tax law provides tax benefits to nonprofit organizations recognized as exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code (IRC). It requires that most organizations apply to the Internal Revenue Service (IRS) for that status. This IRS Publication 4220 presents general guidelines for organizations that seek tax-exempt status under section 501(c)(3) of the IRC. Content includes references to the statute, Treasury regulations, other IRS publications that explain the requirements for tax-exempt status, and IRS forms with instructions. Publication 4220 is neither comprehensive nor intended to address every situation. As an alternative to applying for exemption, an organization may obtain many of the benefits of 501(c)(3) status by affiliating with an existing charity that acts as its agent. It is important to note that the existing charity must be given full control and authority over the program.

To learn more about the rules and procedures that pertain to organizations applying for exemption from federal income tax under section 501(c)(3) of the IRC, see Publication 557, Tax-Exempt Status for Your Organization. For assistance on 501(c)(3) status, you may also want to consult a tax adviser.

### Why Apply for 501(c)(3) Status?

The benefits of having 501(c)(3) status include exemption from federal income tax and eligibility to receive tax-deductible charitable contributions. To qualify for these benefits, most organizations must file an application with, and be recognized by, the IRS as described in this publication. Another benefit is that some organizations may be exempt from certain employment taxes.

Individual and corporate donors are more likely to support organizations with 501(c)(3) status because their donations can be tax deductible. Recognition of exemption under section 501(c)(3) of the IRC assures foundations and other grant-making institutions that they are issuing grants or sponsorships to permitted beneficiaries.

An IRS determination of 501(c)(3) status is recognized and accepted for other purposes. For example, state and local officials may grant exemption from income, sales or property taxes. In addition, the U.S. Postal Service offers reduced postal rates to certain organizations.

### Who is Eligible for 501(c)(3) Status?

There are three key components for an organization to be exempt from federal income tax under section 501(c)(3) of the IRC. A not-for-profit (i.e., nonprofit) organization must be organized and operated exclusively for one or more exempt purposes.

**Organized** – A 501(c)(3) organization must be organized as a corporation, trust, or unincorporated association. An organization's organizing documents (articles of incorporation, trust documents, articles of association) must:

- limit its purposes to those described in section 501(c)(3) of the IRC;
- not expressly permit activities that do not further its exempt purpose(s), i.e.,
- unrelated activities; and, permanently dedicate its assets to exempt purposes.

**Operated** – Because a substantial portion of an organization’s activities must further its exempt purpose(s), certain other activities are prohibited or restricted including, but not limited to, the following activities. A 501(c)(3) organization:

- must absolutely refrain from participating in the political campaigns of candidates for local, state, or federal office;
- must restrict its lobbying activities to an insubstantial part of its total activities;
- must ensure that its earnings do not inure to the benefit of any private shareholder or individual
- must not operate for the benefit of private interests such as those of its founder, the founder’s family, its shareholders or persons controlled by such interests
- must not operate for the primary purpose of conducting a trade or business that is not related to its exempt purpose, such as a school’s operation of a factory
- must not have purposes or activities that are illegal or violate fundamental public policy.

**Exempt Purpose** – To be tax exempt, an organization must have one or more exempt purposes, stated in its organizing document. Section 501(c)(3) of the IRC lists the following exempt purposes: charitable, educational, religious, scientific, literary, fostering national or international sports competition, preventing cruelty to children or animals, and testing for public safety.

## What Responsibilities Accompany 501(c)(3) Status?

While conferring benefits on 501(c)(3) organizations, federal tax law also imposes responsibilities on organizations receiving that status.

### Recordkeeping

Section 501(c)(3) organizations are required to keep books and records detailing all activities, both financial and nonfinancial. Financial information, particularly information on its sources of support (contributions, grants, sponsorships, and other sources of revenue) is crucial to determining an organization’s private foundation status. See Publications 4221-PC and 4221-PF, Publication 557, and the instructions to Forms 990, 990-EZ, and 990-PF for more information.

### Filing Requirements

**Annual Information Returns** – Organizations recognized as tax exempt under section 501(c)(3) of the IRC may be required to file an annual information return: Form 990, Form 990-EZ, 990-N (see below) or Form 990-PF along with certain schedules that may be required for your organization. Certain categories of organizations are excepted from filing Form 990 or Form 990-EZ, including churches. See the instructions with each of these forms for more information.

**Annual Electronic Notice** – To meet their annual filing requirement, organizations with gross receipts normally \$50,000 or less may choose to submit an annual electronic notice using Form 990-N, Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required To File Form 990 or 990-EZ. The e-Postcard can only be filed electronically; there is no paper version. For more information about the e-Postcard, go to [www.irs.gov/Charities-&-Non-Profits](http://www.irs.gov/Charities-&-Non-Profits).

Any organization that fails to file a required annual return or notice for three consecutive years will automatically lose its tax-exempt status, by act of law, as of the due date of the return for the third consecutive year.

**Unrelated Business Income Tax** – In addition to filing Form 990, 990-EZ, or 990-PF, an exempt organization must file Form 990-T if it has \$1,000 or more of gross income from an unrelated trade or business during the year. The organization must make quarterly payments of estimated tax on unrelated business income if it expects its tax liability for the year to be \$500 or more.



The organization may use Form 990-W to help calculate the amount of estimated payments required. In general, the tax is imposed on income from a regularly carried-on trade or business that does not further the organization's exempt purposes (other than by providing funds). See Publication 598, Tax on Unrelated Business Income of Exempt Organizations, and the Form 990-T instructions for more information.

## **Disclosure Requirements**

### **Public Inspection of Exemption Applications and Returns – Section 501(c)(3)**

organizations must make their applications (Form 1023 or 1023-EZ) and the annual returns (Form 990, Form 990-EZ or Form 990-PF) available to the public for inspection, upon request and without charge (except for a reasonable charge for copying). Each annual return must be made available for a three-year period starting with the filing date of the return. The IRS is also required to make these documents available for public inspection and copying. These documents must be made available at the organization's principal office during regular business hours. The requests may be made in person or in writing. See Publication 557 for more information.

For tax years beginning after August 17, 2006, section 501(c)(3) organizations that file unrelated business income tax returns (Forms 990-T) must make them available for public inspection, and the IRS must make those returns publicly available. Organizations should not include private information of donors or other individuals, such as a social security number, in any information return.

**Charitable Contributions—Substantiation and Disclosure –** Organizations that are tax exempt under section 501(c)(3) of the IRC must meet certain requirements for documenting charitable contributions. The federal tax law imposes two general disclosure rules: 1) a donor must obtain a written acknowledgment from a charity for any single contribution of \$250 or more before the donor can claim a charitable contribution on his/her federal income tax return; 2) a charitable organization must provide a written disclosure to a donor who makes a payment in excess of \$75 partly as a contribution and partly for goods and services provided by the organization. See Publication 1771, Charitable Contributions – Substantiation and Disclosure Requirements, for more information.

## **Recordkeeping Requirements**

A donor cannot claim a tax deduction for any contribution of cash, a check or other monetary gift made on or after January 1, 2007, unless the donor maintains a record of the contribution in the form of either a bank record (such as a cancelled check) or a written communication from the charity (such as a receipt or a letter) showing the name of the charity, the date of the contribution, and the amount of the contribution.

## **How Do You Apply for 501(c)(3) Status?**

Organizations that want to apply for 501(c)(3) status should be aware of the forms required, the user fee, the filing deadline, and the processing procedures.

## **FORMS TO FILE**

**FORM SS-4--** An Employer Identification Number (EIN) is your account number with the IRS and is required regardless of whether the organization has employees. Include the organization's EIN on all correspondence to the IRS. Apply for an EIN by completing Form SS-4, Application for Employer Identification Number, by calling toll-free (866) 816-2065, or by submitting an online version of the form via [www.irs.gov](http://www.irs.gov). Form SS-4 is available at Social Security Administration offices, by request through the IRS at (800) 829-3676, and by downloading the form from the IRS Web site at [www.irs.gov](http://www.irs.gov).

For more information about EINs, see Publication 1635, Understanding Your EIN.

Do not apply for an EIN until your organization is legally formed. Applying for an EIN signals to IRS computer systems that an organization has been created, and therefore triggers filing requirements.

## **TYPES OF APPLICATIONS**

**FORM 1023--** Complete Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code, and mail to the address indicated in the instructions. The required user fee must accompany Form 1023. The IRS will not process an application until the user fee is paid.

**FORM 1023-EZ--** Small organizations may file Form 1023-EZ, Streamlined Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code, instead of Form 1023, and pay the required user fee. Form 1023-EZ must be filed electronically. For more information, see Form 1023 and 1023-EZ.

**FORM 1023, Interactive--**Interactive version of Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code, includes helpful hints and links to help applicants submit a complete application.

**FORMS 2848 and 8821--** Attach Form 2848, Power of Attorney and Declaration of Representative, if someone other than your principal officer or director will represent you on matters about the application. Attach Form 8821, Tax Information Authorization, if you want the IRS to be able to provide information about your application to someone other than a principal officer or director.

## **When to File**

Most organizations must file this application by the end of the 27th month after they were legally formed.

Formation date: A corporation is legally formed when its articles of incorporation are filed with the state; an unincorporated association is legally formed when its organizing document is adopted by the signature of at least two individuals; and a trust is legally formed when all non-charitable interests in the trust property expire, or when it is funded if there are no non-charitable interests.

An organization that is not a private foundation is not required to file an application unless its annual gross receipts are normally more than \$5,000. An organization must file an application within 90 days of the end of the tax year in which it exceeds this threshold.

An organization that files its application before the deadline will usually be recognized as tax exempt under section 501(c)(3) of the IRC from the date of its creation, if it meets exemption requirements. An organization that files an application after the deadline will usually be recognized as tax exempt from the date of the application. It may also request exemption retroactive as of the date of creation. See the instructions to the application form for more information.

## Determination Letter

The IRS tax specialist reviewing an application may request additional information in writing. If all information received establishes that an organization meets the requirements for exemption, the IRS will issue a determination letter recognizing the organization's exempt status and providing its public charity classification. This is an important document that should be kept in the organization's permanent records.

## While Your Application is Pending

While an organization's application is waiting for processing by the IRS, the organization may operate as a tax-exempt organization.

Most organizations are required to file an annual information return (Form 990, Form 990-EZ or Form 990-PF) or electronic notice (Form 990-N) while their application for exemption is pending. An organization's exempt status can be automatically revoked while its application is pending if it has not filed a required return or notice for three consecutive tax periods after its formation date. These returns are subject to public disclosure. If the organization has unrelated business income of more than \$1,000, it must also file a Form 990-T. See Publication 4221-PC or 4221-PF for more information.

Although donors have no assurance that contributions are tax-deductible for federal income tax purposes until the application is approved, contributions made while an application is pending would qualify if the application is approved. However, if the application is disallowed, contributions would not qualify. Moreover, the organization would be liable for filing federal income tax returns unless its income is otherwise excluded from federal taxation.

The EO website ([www.irs.gov/charities](http://www.irs.gov/charities)) provides information about how to find out about the status of an application for tax-exempt status.

## How Do You Get IRS Assistance and Information?

The IRS offers help through live telephone assistance and with reading material that is accessible either online, via mail, or at IRS walk-in offices in many areas across the country. IRS forms and publications can be downloaded from the Internet and ordered by telephone.

Specialized Assistance for Tax-Exempt Organizations,

Get help with questions about applying for tax-exempt status, annual filing requirements, and information about exempt organizations through the IRS Exempt Organizations (EO).

**EO Web Site:** [irs.gov/Charities-&-Non-Profits](http://irs.gov/Charities-&-Non-Profits),

**Web-based Training Modules:** [www.stayexempt.irs.gov](http://www.stayexempt.irs.gov)

**EO Customer Service:** (877) 829-5500,

**EO Determinations Office Mailing Address:**

Internal Revenue Service,  
TE/GE, EO Determinations Office  
P.O. Box 2508,  
Cincinnati, OH 45201

## H. Street Art on Crosswalks

No, not graffiti, posters, or murals - but actual street art. It would be art that is, quite literally, on the street - crosswalks to be specific.

An essential tool in aiding pedestrians to move safely, conveniently and predictably across roadways is crosswalks. Crosswalks can also provide a unique streetscape design treatment to emphasize pedestrians' presence and primacy.

Painted crosswalks alert drivers to expect pedestrians and to slow down. They also direct pedestrians to desirable crossing locations and make them feel safe. Crosswalk art can give a neighborhood a sense of identity, flair, and a gateway to the neighborhood (1).

Streetscape design should emphasize crosswalks as a fundamental part of the pedestrian realm. Below are examples of pedestrian crosswalks painted to highlight pedestrian areas.





## Project intent

The art crosswalk, aims to encourage and facilitate vibrant social interaction, promote pedestrian life, enhance the physical image of Muncie, and be a source of pride for the community.

## Here's what you need to paint the crosswalks in your neighborhood:

**Paint (Water Based Fast Dry)** - Fast dry water based paint is specially formulated to be dry to the touch in approximately 5 minutes and traffic ready in approximately 15. This type of paint is no different in quality to its “regular dry” paint, the only difference is the addition of chemicals that allow it to dry much faster. This type of paint is perfect for jobs where the customer needs to have traffic flowing as soon as possible and they understand the importance of “time is money”. A five gallon bucket costs around \$119.00 (2). The cost of painting one crosswalk is approximately \$45 (3). Due to weathering and traffic flow, the artwork is considered as temporary and may be removed or replaced at the discretion of the City of Muncie.

| Material          | Cost               | Lifespan (months) | Retroreflectivity |
|-------------------|--------------------|-------------------|-------------------|
| (new application) |                    |                   |                   |
| Paint             | \$0.03 – \$0.05/LF | 9 – 36            | Low               |
| Epoxy Paint       | \$0.20 – \$0.30/LF | 48                | Medium            |
| Thermoplastic     | \$0.19 – \$0.26/LF | 72*               | Medium            |
| Preformed Tape    | \$1.50 – \$2.65/LF | 48 – 96*          | High              |

**Artist - Requirements:** An original two-dimensional design into a print-ready graphic file. Artwork design must have high-visibility and be recognizable as a crosswalk. Width – 24”, Length – 8’

**Painters - Requirements:** Art experience is not required. All ages (around 8yrs and up with supervision) and abilities are welcomed.

**Application of Paint** - A two-dimensional design will be reproduced as stencils and then painted onto the street by volunteers.

### Possible Locations -

- 1) Greenway Pedestrian/Bicycle Crossing Ways:
- 2) Neighborhood Entry Ways
- 3) Art Walk

# I. Local Codes and Resources

## Street Closures

The following form must be filled out according to the listed procedures for all street closure requests. You can find this form on the City of Muncie's website (<http://www.cityofmuncie.com/street-department-forms-muncie.htm>).

### PROCEDURES

#### **THIS FORM IS TO BE USED TO APPLY FOR PARADE, WALKS OR STREET CLOSINGS FROM THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MUNCIE, IN ACCORDANCE WITH ORDINANCE #96.42 AND #96.44**

1. Three **(3)** copies of the application must be filled out and submitted to Muncie Police Chief and/or Ball State University Campus Police Chief's Office as well as the Muncie Fire Chief's Office for each permit requested. If an event incorporates the use of the Cardinal Greenway, approval must be obtained from the Director.
2. The Parade Route, Procession Route or Street Closing information must be provided in sufficient detail to allow a member of the police department to locate such from the information given on this application.
3. A diagram of the Parade Route showing location must accompany the application.
4. All Street-closing permits must have prior notice of at least **60 days**.
5. All parades/procession permits must have prior notice of at least **60 days**.
6. All applications requiring police security/coverage for their event must request such police presence 60 days or more prior to the event date. The Chief of Police or designated agent will determine any cost for requested police personnel.
7. After approval from the Muncie Police Chief's Office and/or Ball State University Campus Police Chief's Office, the Muncie Fire Chief, and the Cardinal Greenway Director, if needed, returns application to the Muncie Street Department 5790 W. Kilgore Avenue, Muncie, IN 47304 for consideration by the Board of Public Works and Safety.
8. Proof of Liability Insurance **MUST** be attached to the application prior to Board of Works approval. Public liability insurance in an amount not less than three hundred thousand dollars (\$300,000) for property damage and three hundred thousand dollars (\$300,000) for injury to any one (1) person, and one million dollars (\$1,000,000) for any one (1) occurrence.
9. An indemnity agreement must be signed by and authorized representative of the organization requesting a permit.
10. **NOTE:** The Board of Public Works and Safety meets every Wednesday at 9:00 a.m. in the Auditorium of the City Hall – First Floor, 300 North High Street, Muncie, IN 47305. Applications are requested to attend Board of Public Works and Safety Meeting. If this request required closure of Streets for the first-time event, the applicant must attend in order to speak to the basis for the request. Failure to appear will result in a denial of the application.
11. Upon submission of application to the Board of Public Works and Safety, there will be a charge of **\$20.00** for a Right-of-Way Use Permit. Check or Cash is accepted.

- 12.** After the Board of Public Works and Safety's Approval, a copy of the Street Closing or Parade/Procession permit will be mailed back to the applicant at the mailing address supplied in this application.
- 13.** Clean up is the responsibility of the Applicant. Failure to abide with this clause may result in denial of future event.

| SIGNATURES OF APPROVAL     |  |      |
|----------------------------|--|------|
| Muncie Chief of Police     |  | Date |
| Muncie Fire Chief          |  | Date |
| BSU Police Chief           |  | Date |
| Cardinal Greenway Director |  | Date |

**Application for Street Closing/Parade & Procession**  
PRINT INFORMATION CLEARLY

Organization: \_\_\_\_\_

Permit Requested by: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Res. Phone \_\_\_\_\_

\_\_\_\_\_ Mobile Phone: \_\_\_\_\_

\_\_\_\_\_

Date of St. Closing/Parade  
Or Procession \_\_\_\_\_

Rain Date  
\_\_\_\_\_

Time of St. Closing/Parade  
Or Procession \_\_\_\_\_

Duration of Time  
\_\_\_\_\_

**STREET CLOSING SECTION:**

**Street(s) to be closed:**

|       |      |       |    |       |
|-------|------|-------|----|-------|
| _____ | from | _____ | to | _____ |
| _____ | from | _____ | to | _____ |
| _____ | from | _____ | to | _____ |
| _____ | from | _____ | to | _____ |

Reason for Closing Street(s) \_\_\_\_\_

Have you sponsored this event in the past? \_\_\_\_\_

How many years? \_\_\_\_\_

You must appear in person at the meeting of the Board of Public Works and Public Safety before the request will be approved.

( ) PARADE/PROCESSION SECTION

Type of Police Units Requested: ( ) Police Cars

Route of Parade or Procession:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proof of Liability Insurance \_\_\_\_\_  
(Please attach copy) (Carrier) (Policy#) (Coverage period)

Non Profit Status of Organization/Event \_\_\_\_\_

Applicant's Name: \_\_\_\_\_  
(Print clearly) (Date)

\_\_\_\_\_  
(Signature)

Application Fee of \$20.00 due at submission to the Board of Public Works and Safety  
Acceptance of Cash or Check (Make check payable to the CITY OF MUNCIE)

Paid in Full [ ] Yes Right-of-Way Use Permit No. \_\_\_\_\_  
[ ] No Receipt No. \_\_\_\_\_

**Clean up is the responsibility of  
the Applicant. Failure to abide  
with this clause may result in  
denial of future events.**

\_\_\_\_\_  
John Quirk, President

\_\_\_\_\_  
Roger Overbey, Vice-President

Board of Public Works and Safety

Approval Date: \_\_\_\_\_

\_\_\_\_\_  
Bobbie Clemens, Secretary

Date Denied: \_\_\_\_\_



**Indemnity Agreement:**

In consideration of the issuance of a Right-of-Way Use Permit as requested by the undersigned applicant, the undersigned agrees to indemnify, defend, and hold harmless the City of Muncie, Indiana, its officials, agents and employees from any liability due to loss, damage, injuries or other casualties of any kind, to the person or property of anyone on or off the right-of-way arising out of, or resulting from the issuance of the permit or the work activity therewith, or from the work or activity undertaken there under, whether due in whole in part to the negligent acts or omissions of the City, its officials, agents, or employees, or the applicant, his agents, contractors or employees or other persons engaged in the performance of the work or activity, or the joint negligence of any of them, including any claims arising out of the workman's compensation act or any other law, ordinance, order, or decree, for a period of the applicable statute of limitations. The applicant shall pay all reasonable expenses and attorney fees incurred by or imposed on the City in connection herewith in the event that the applicant shall default under the provisions of the indemnity agreement

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE INFORMATION SET FORTH ON THIS APPLICATION IS TRUE AND CORRECT.

Signature of Applicant: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Witness:**

Signature of Witness: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

(Revised 3/10/2015)

# Housing Ordinance and Affidavit of Occupancy

Taken from Code of Ordinances for the City of Muncie, IN.  
Find them at [www.cityofmuncie.com](http://www.cityofmuncie.com)

## HOUSING CODE

§ 155.01

### CHAPTER 155. HOUSING CODE\*

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\***Editor's note**—Ord. No. 15-02, adopted June 3, 2002, amended former Ch. 155 in its entirety to read as herein set out. Former Ch. 155 pertained to similar subject matter and derived from the Code of 1968; Ord. No. 220-B, 2-7-72; Ord. No. 89-95, §§ 1—4, 11-3-95.

- Sec. 155.41. Prosecution of violation.
- Sec. 155.42. Penalty.

### DIVISION 1. GENERAL PROVISIONS

#### Sec. 155.01. Definitions.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

*Adult occupant.* Any person over 18 years of age, including owner or operators, living and sleeping in a dwelling unit or having actual possession of the dwelling or rooming unit.

*Approved.* As applied to material, device, or method of construction, official sanction given by the building commissioner or other official authorized by or designated by the building commissioner or by law to give official sanction in the matter in question.

*Basement.* A portion of the building partly underground, but having more than half of its clear height below the average grade of the adjoining ground.

*Board.* "Board" shall mean and refer to the housing board as established under 155.21(A) herein.

*Boarding house.* A building not open to transients, where lodging and/or meals are provided regularly for not less than three nor more than 30 persons; a lodging house.

*Building code.* Any code officially adopted or officially designated by the legislative body of the municipality for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures.

*Building commissioner.* The official designated by the municipality to enforce building, housing quality, zoning, or similar laws, or his duly authorized representative.

*Dwelling.* A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Exterior property areas.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination.* The control and elimination of insects, rodents, or other pests, by eliminating the harborage place; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

*Garbage.* The animal, vegetable and mineral wastes resulting from the handling, preparation, cooking, and consumption of food.

*Gross floor area.* The total area of all habitable space in a building or structure.

*Habitable room.* A room or enclosed floor space arranged for living, eating, or sleeping purposes, not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways, and other accessory floor spaces.

*Infestation.* The presence, within or contiguous to a dwelling unit, or premises, of insects, rodents, vermin, or other pests.

*Openable area.* That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care, or control of a dwelling unit or rooming house in which rental units or rooming units are let for occupancy.

*Owner.* Any person or legal entity having a legal or equitable interest in the property.

*Person.* A natural person or any legal entity.

*Plumbing or plumbing fixtures.* Water heating facilities, water pipes, gas pipes, garbage and disposal units waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

*Premises.* A lot, plot, or parcel of land including the buildings or structures thereon.

*Rent, rental or rented.* A transaction whereby money or other valuable consideration is transferred by the tenant to the landlord in return for possession and use of premises.

*Rental building.* A building containing one or more rental units.

*Rental dwelling unit.* A dwelling unit in residential premises covered by a tenancy agreement.

*Rental unit.* Rented dwelling unit or rooming unit.

*Rooming house.* Any residence building, or any part thereof, containing one or more rental units, in which space is let by the owner or operator to more than three persons who are not members of the family.

*Rooming unit.* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Rubbish.* Combustible and noncombustible waste materials, except garbage; and shall include without limitation the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

*Tenant.* Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.

*Tenancy agreement.* A written agreement embodying the terms and conditions concerning the use and occupancy of a rental unit and premises.

*Transient occupancy.* Occupancy which is less than two weeks duration in the same or similar units owned by the same owner.

*Ventilation.* The process of supplying and removing air by natural or mechanical means to or from any space, and shall include:

- (1) *Mechanical.* Ventilation by power-driven devices.

- (2) *Natural*. Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks, without wind-driven devices.

*Workmanlike*. Made in a reasonably skillful manner consistent with local standards and in conformance with legally required standards.

*Yard*. An open unoccupied space on the same lot with a building, extending along the entire length of the front, or rear or side lot-line.

(Ord. No. 15-02, 6-3-02)

### **Sec. 155.02. Title; purpose; scope.**

(A) *Title*. This chapter, together with any revisions, amendments, restatements, or additions thereto, and all matters included therein by reference, shall be known as the "Minimum Housing Standards Code of the City of Muncie, Indiana." It may be referred to and cited as the "Muncie Housing Code of 2002."

(B) *Purpose*. The purpose of this chapter is to protect the public health, safety, and welfare in buildings and premises used for dwelling purposes as hereinafter provided:

- (1) Establishing minimum standards for basic equipment and facilities for light, ventilation, heating, and sanitation; for safety from fire; for space, use, and location; for parking; for safe and sanitary maintenance; and for cooking equipment in all dwellings.
- (2) Fixing the responsibilities of owners, operators, and occupants of dwellings;
- (3) Providing for administration, enforcement, and penalties.

(C) *Scope*. The provisions of this chapter shall apply to all structures used for human habitation, which are now, or may in the future become, substandard with respect to structure, protection against fire hazards, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, and overcrowding, or otherwise may be deemed to constitute a menace to the safety, health, or welfare of their occupant. The existence of such conditions, factors, or characteristics adversely affect public

safety, health, and welfare, and lead to the continuation, extension, and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum housing standards.

(D) *Travel trailers and mobile homes*. All movable units used for human habitation, and the areas, grounds, or parcels on which they are located, as provided for in the laws or ordinances of the city applicable thereto, shall comply with the requirements of this chapter.

(Ord. No. 15-02, 6-3-02)

### **Sec. 155.03. Applicability.**

Every portion of a building or premise used or intended to be used for residential purposes, except hotels and motels having transient guests only, rest homes, convalescent homes, and nursing homes, shall comply with the provisions of this chapter, except as hereinafter provided.

- (A) *Application of building code and zoning laws*. Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with applicable sections of the then existing building code and zoning laws of the municipality.
- (B) *Conflict with other ordinances*. In any case where a provision of this chapter is found to be in conflict with the provision of any zoning, building, fire, safety, or health ordinance of the city existing on the effective date of this chapter, the provision which establishes the higher standard protection of the safety and health of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance of this municipality, existing on the effective date of this chapter, which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this chapter shall prevail.
- (C) *Existing buildings*. This chapter establishes minimum requirements for the initial and continued occupancy of all build-



ings used for human habitation and does not replace or modify requirements otherwise established for the construction, alteration, or use of buildings, equipment, or facilities.

- (D) *Hazardous conditions.* Where it is determined that there is a condition in any building which is hazardous to human life or health or to adjoining property and in violation of this housing code, the building commissioner shall have full power and authority to require changes or alterations therein regardless of whether the buildings were built in compliance with laws applicable at the time or whether there was no applicable law within the scope of this section at the time of construction.

(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.04. Existing remedies.**

Nothing in this chapter shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.  
(Ord. No. 15-02, 6-3-02)

### **DIVISION 2. ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 155.05. Enforcement authority; coordination of enforcement.**

(A) *Enforcement officer.* It shall be the duty and responsibility of the building commissioner of the municipality to enforce the provisions of the housing code as hereby provided.

(B) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the building commissioner of the municipality. Wherever, in the opinion of the building commissioner, it is necessary or desirable to have inspection of any condition by any other department, he shall arrange for this to be done in such a manner that

the owners or occupants of the building shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders.

(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.06. Administrative liability.**

(A) *Administrative liability.* Except as may otherwise be provided by statute or local law or ordinance, no officer, agent, or employee of the municipality charged with the enforcement of the housing code shall be held personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his duties under this chapter. No person who institutes or assists in the prosecution of a criminal proceeding under this chapter shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this chapter, shall be defended by the legal representative of the municipality until the final determination of the proceedings therein.  
(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.07. Inspections and citations.**

(A) The building commissioner or authorized representative shall perform inspections and enforce the provisions of this Code:

- (1) Upon complaint of a code violation; or
- (2) Whenever the commissioner has cause to believe that a structure or premise does not comply with the provisions of this Code.

(B) Notice of inspection. Citations.

- (1) Prior to the inspection, written notice of the inspection shall be given to the owner or the owner's agent and to the occupant at least seven days prior to the date of inspection by certified mail, by personal service, or by leaving a copy at the structure to be inspected. If service is by personal delivery or leaving a copy at the structure, service shall also be made by

ordinary mail to the last known address of the person being served. The building commissioner shall in each instance keep a record of the service of the notice. If the building commissioner determines there is a potential condition hazardous to life or health, or property, the inspection may be made immediately and the notice served contemporaneously therewith.

- (2) The notice shall show the date and time the inspection will be made, the address of the property to be inspected, the nature of the inspection and reason therefor, and such other information as the building commissioner shall deem pertinent.

(C) Every owner and every occupant of a dwelling unit shall give the building commissioner or his authorized representative access to any part of the dwelling unit and its premises for the purpose of making inspections, and every occupant shall give the owner or the owners agent access thereto for the purpose of maintenance, repair or alterations necessary to comply with the provisions of this Code.

(D) Notice and citation. Upon completion of the inspection, if the building commissioner finds a violation of any provision of this code, a notice specifying the violation(s) shall be issued and served upon the owner and the occupant in the manner set forth in subsection (B) hereof. The violations shall be cured within 30 days from the date of receipt of the notice. If the violations are not cured within 30 days, with no extension granted, the building commissioner shall cause a citation to be filed by the city legal representative against the owner or operator. Upon good cause shown why the violation(s) cannot be cured within 30 days, the building commissioner may in his discretion extend in writing the time for curative work for a definite period of time, not to exceed (60) days.

(Ord. No. 15-02, 6-3-02)

**Secs. 155.08, 155.09. Reserved.**

### DIVISION 3. CONDEMNATION

#### **Sec. 155.10. Dangerous structures; structures unfit for human occupancy.**

(A) *Dangerous structures.* If all or part of any building or structure, including, among others, a fence, billboard, or sign, or the equipment for the operation thereof, the heating plant, plumbing, electric wiring, moving stairways, elevators, and fire extinguishing apparatus, shall be found, in the opinion of the building commissioner, to be in an unsafe condition dangerous to life, health, or property, he shall proceed to have the same condemned pursuant to the applicable laws pertaining to unsafe structures.

(B) *Structures unfit for human occupancy.* Whenever the building commissioner finds that any dwelling constitutes a hazard to the safety, health, or welfare of the occupants, or to the public, because it lacks maintenance; or is in disrepair, unsanitary, vermin-infested, or rodent infested; or because it lacks the sanitary facilities or equipment; or otherwise fails to comply with the minimum provisions of this chapter, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure, as hereinbefore provided, he may declare such dwelling as unfit for human habitation, and order it to be vacated.

(C) *Unlawful structure.* If any dwelling, or any part thereof, is occupied by more occupants than permitted under this chapter, or was erected, altered, or occupied contrary to law, such dwelling shall be deemed an unlawful structure, and the building commissioner may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation as the case may be, has been made to conform to the law.

(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.11. Notice.**

(A) *Notice.* Notice of the declaration of any building as unfit for human habitation, and the order to vacate it shall be served as provided in the following sections. When the condition requires the removal or demolition of the building,

such notice shall be given as provided in the building code or any other laws or ordinances of the municipality pertaining to unsafe buildings.

(B) *Posting of notice.* Any dwelling declared as unfit for human habitation shall be posted with a placard by the building commissioner. The placard shall include the following:

- (1) Name of city;
- (2) The name of the authorized department having jurisdiction;
- (3) The section of the chapter under which it is issued;
- (4) An order that the dwelling, when vacated, must remain vacated until the provisions of the order are complied with and the order to vacate is withdrawn;
- (5) The date that the placard is posted;
- (6) A statement of the penalty for defacing or removal of the placard.

(C) *Form of notice.* Whenever the building commissioner has declared a dwelling as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the dwelling as unfit for human habitation. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate, sufficient for identification;
- (3) Include a statement of the reason or reasons why it is being issued;
- (4) State the time to correct the condition;
- (5) State the time occupants must vacate the dwelling units.

(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.12. Service of notice.**

Service of notice to vacate shall be made on the occupant and owner as follows:

- (A) By delivering to the owner and occupant personally; or
- (B) By sending a copy of the notice to vacate by certified mail to the last known ad-

dress of the owner, and by sending a copy by certified mail addressed to the occupant; or

- (C) By publication of the notice in a local newspaper of general circulation for three consecutive days, if all other methods of service shall fail.

(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.13. Removal of placard or notice.**

No person shall deface or remove the placard from any dwelling which has been declared or placarded as unfit for human habitation, except by authority in writing from the building commissioner.

(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.14. Vacation of declared building.**

Any dwelling which has been declared and placarded by the building commissioner as unfit for human habitation shall be vacated within a reasonable time as required by the building commissioner, and it shall be unlawful for any owner or operator to let such dwelling or dwelling unit therein to any person for human habitation. After the date set forth in the placard, no person shall occupy any dwelling which has been declared or placarded by the building commissioner as unfit for human habitation. If the building commissioner determines that the structure presents an immediate threat to life or health, the immediate vacation of the dwelling may be ordered. Extensions of time may be granted for good reason, in sole judgment of the building commissioner.

(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.15. Occupancy of building.**

No dwelling which has been declared or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the building commissioner, who shall remove such placard, whenever the defect or defects upon which the declaration and placarding action were based have been eliminated. The building commissioner shall reinspect such dwelling within three working days after notification of correction.

(Ord. No. 15-02, 6-3-02)

**Sec. 155.16. Report of notice to vacate.**

The building commissioner shall furnish to any other designated officials in the municipality concerned therewith, a copy of each notice to vacate a building.

(Ord. No. 15-02, 6-3-02)

**Secs. 155.17—155.19. Reserved.**

#### DIVISION 4. TENANCY AGREEMENTS AND VARIANCES

**Sec. 155.20. Tenancy agreements.**

(A) Any person operating a rental unit shall have a written tenancy agreement with each adult individual dwelling on the premises. This agreement shall include the name, address and phone number of the owner of the property and the agent, if any, for the owner, and shall include or be accompanied by information summarizing current city codes, on a form provided by the building inspector, including but not limited to the following:

- (1) Trash placement and disposal, including proper containers, regular trash pickup day, placement of containers, and other restrictions desired by the owner.
- (2) Noise ordinances, including noise limits for appliances, machinery, and social gatherings.
- (3) Parking for vehicles, including:
  - (a) Provisions and designations for legal off-street parking as required by city codes.
  - (b) A summary of any on-street parking regulations for both sides of any street contiguous with the rent unit.
- (4) Legal limitations on number of occupants.

(B) A person operating a rental unit shall execute and shall secure from each tenant an executed affidavit of occupancy on a form to be provided by the building commissioner. The affidavit(s) shall be kept by the person operating the rental unit and each tenant shall retain a copy at the rental unit.

(Ord. No. 15-02, 6-3-02)

**Sec. 155.21. Variances.**

(A) The municipality shall establish a five-member housing board which shall consist of the building commissioner, who shall be the presiding officer, a member of the common council of the city and three private citizens. The common council shall designate its member and shall designate two private citizens and the mayor shall designate one private citizen member to sit on the board.

(B) No variance in the application of the provisions of this chapter shall be made by the board relating to dwellings, or premises now existing or to be constructed, unless, after a public hearing, the board shall find that the structure or the plans and specifications for the construction of any such structure are substantially in keeping with the intent and purposes of this chapter, and that the granting of such variance will not be detrimental to the public health, safety, and welfare. No variance will be granted if such structure or premises are in violation of any existing building, zoning, or other ordinances of the municipality.

(C) An application for a variance shall be submitted to the building commissioner and shall be in writing and verified, and specifically state all facts in support thereof, on forms provided by the building commissioner the applicant shall conclusively prove that he cannot secure reasonable use of the property if compelled to comply with this chapter, that he suffers a hardship as defined herein, resulting from the provisions of this chapter, that the hardship claimed is suffered by his property directly, not merely by other properties, and is not the result of applicant's own actions. The applicant must prove and the board must find that there are peculiar circumstances applicable to the property or its intended use that do not apply generally to other property in the neighborhood, that the variance will not be detrimental to public welfare or to property in the neighborhood and that it will not be contrary to the goals of this chapter. It is not a hardship that the property would be worth more or produce more income if the variance were granted.

(D) The variance shall be subject to public hearing and the applicant shall publish notice of the hearing on a notice form to be provided by the



building commissioner, in a newspaper of general circulation in the city at least ten days prior to the hearing. The applicant shall cause the notice to be published and pay all cost thereof. The applicant shall submit a complete list of all surrounding property owners within a 300-foot radius of the property, together with addressed envelopes and postage necessary to mail the hearing notice to such owners. All hearings shall be open to the public and the applicant may appear in person and/or by an agent or attorney.

(E) **Judicial review.** Each decision of the housing board is subject to review by certiorari. Each person aggrieved by a decision of the board may present, to the circuit courts of Delaware County, a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. The person shall present the petition to the court within 30 days after the date of that decision of the housing board. (Ord. No. 15-02, 6-3-02)

#### **Secs. 155.22—155.24. Reserved.**

### **DIVISION 5. ENVIRONMENTAL REQUIREMENTS**

#### **Sec. 155.25. Exterior property area.**

(A) The provisions of this section shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure occupied by human beings, and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply thereto.

(B) No person shall occupy as owner-occupant or let to another for occupancy for the purpose of living therein, any premises or dwelling unit which do not comply with the following requirements.

- (1) *Sanitation.* All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage.
- (2) *Grading and drainage.* All premises shall be graded and maintained so as to pre-

vent the accumulation of stagnant water thereon or within any building or structure located thereon.

- (3) *Noxious weeds.* All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.
- (4) *Accessory structures.* All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

(Ord. No. 15-02, 6-3-02)

#### **Sec. 155.26. Exterior structure.**

No person shall occupy as owner occupant, or let to another for occupancy, for the purpose of living therein, any dwelling, dwelling unit, rooming house, rooming unit, or portion thereof; which does not comply with the following requirements:

- (A) *Foundations, walls, and roof.* Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to prevent the presence of rodents.
- (B) *Foundations.* The foundation elements shall adequately support the building at all times.
- (C) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.
- (D) *Roofs.* The roof shall be structurally sound, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.
- (E) *Stairs, porches, and railings.* Stairs and other exit facilities shall be adequate for safety as provided in any other codes or ordinances of the municipality regulating

construction, alteration, or repair and maintenance of buildings and structures, and shall comply with the following:

- (1) *Structural safety.* Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code of the city, and shall be kept in sound condition and good repair.
- (2) *Handrails.* Where the building commissioner deems it necessary for safety, every flight of stairs which is more than two risers high shall have handrails which shall be located as required by the building code; and every porch which is more than two risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

(F) *Windows.*

- (1) *Windows, doors, and hatchways.* Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
- (2) *Windows to be glazed.* Every window sash shall be fully supplied with glass window panes or approved substitutes which are without open cracks or holes.
- (3) *Windows to be tight.* Every window sash shall be in good condition and fit reasonably tight within its frame.
- (4) *Windows to be openable.* Every window, other than a fixed window, shall be capable of being easily opened, and shall be held position by window hardware.

(G) *Doors.*

- (1) *Door hardware.* Every exterior door, door hinge, and door latch shall be maintained in good condition.
- (2) *Doors to fit in frame.* Every exterior door, when closed, shall fit reasonably well within its frame.
- (3) *Window and door frames to fit in wall.* Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to exclude rain as completely as possible, and to substantially exclude wind from entering dwellings.
- (4) *Basement hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling.
- (5) *Exit doors.* Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

(H) *Screening.* Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

- (1) *Guards for basement windows.* Every basement or cellar window which is openable shall be supplied with corrosion-resistive rodent-proof shields.
- (2) *Insect screens.* From June 1 to October 15 of each year, every door, other than steel or fiberglass doors, opening directly from any dwelling to the outdoors, and every window or outside opening used for ventilation purposes, shall be supplied with a screen.

(Ord. No. 15-02, 6-3-02)

**Sec. 155.27. Interior structure.**

No persons shall occupy as owner occupant, or let to another for occupancy, for the purposes of living therein, any dwelling, dwelling unit, room-

ing house, rooming unit, or portion thereof which does not comply with the following requirements:

- (A) *Structural members.* The supporting structural members of every dwelling used for human habitation shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provision of the building code.
- (B) *Interior stairs and railings.* Stairs shall be provided in every dwelling, rooming, and boarding house as required by the building code of the municipality.
- (C) *Maintained in good repair.* All interior stairs of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped, or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code of the municipality.
- (D) *Handrails.* Every stairwell and every flight of stairs which is more than two risers high shall have handrails and railings located in accordance with the provisions of the building code of the municipality. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs balconies, landings and stairwells.
- (E) *Bathroom floors.* Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (F) *Sanitation.* The interior of every dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or

garbage. Rubbish, garbage, and other refuse shall be properly kept in inside temporary storage facilities as required under § 155.30.

- (G) *Insect and rodent harborage.* Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precaution shall be taken to prevent reinfestation.
- (H) *Extermination from buildings.* Every owner and occupant of a dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests wherever infestation exists in a dwelling unit, or in the shared or public parts of the structure.
- (I) *Responsibility of owner.* Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling in rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

(Ord. No. 15-02, 6-3-02)

#### **Secs. 155.28, 155.29. Reserved.**

### **DIVISION 6. SPACE AND OCCUPANCY REQUIREMENTS**

#### **Sec. 155.30. Basic facilities.**

No person shall occupy as owner occupant, or let to another for occupancy, for the purpose of living, sleeping, cooking, or eating therein, any dwelling unit which does not comply with the following requirements:

- (A) *Sanitary facilities.* The following minimum sanitary facilities shall be supplied and maintained in a sanitary, safe, working condition:
  - (1) *Water closet.* Every dwelling unit shall contain within its walls a room, sep-

arate from the habitable rooms, which affords privacy and which is equipped with a water closet.

- (2) *Lavatory.* Every dwelling unit shall contain a lavatory which, shall be in the same room with the water closet, or in close proximity thereto;
  - (3) *Bathtub or shower.* Every dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower;
  - (4) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory required in (A)(2) above.
- (B) *Water.*
- (1) *Water and sewer system.* Every kitchen sink, lavatory, basin, bathtub or shower, and water closet required under the provisions of this section shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs, and showers shall be supplied with hot and cold running water;
  - (2) *Water-heating facilities.* Every dwelling unit shall be supplied with water-heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot-water lines to the fixtures required to be supplied with hot water in (B)(1) above. Water-heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of heated water to be drawn at every required kitchen sink, lavatory, basin, bathtub, shower and laundry facility or other similar unit.
- (C) *Heating facilities and incinerators.*
- (1) *Heating facilities.* Every dwelling shall have heating facilities, and the owner of the heating facilities shall

be required to see that they are properly installed, safely maintained, in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein to a temperature of at least an average of 70F., with an outside temperature of-10F.

- (2) *Operation of heating and incinerator facilities.* Every heating or water-heating facility and incinerator shall be installed and shall operate in accordance with the requirements of the building code or the air pollution control ordinances of the municipality.
- (D) *Rubbish storage facilities; responsibility for removal of rubbish.*
- (1) *Rubbish storage facilities.* Every dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish.
  - (2) (a) responsibility for removal of rubbish. Every occupant in a dwelling or dwelling unit therein shall be responsible for the removal of rubbish from such dwelling or dwelling unit and shall be responsible for placing such rubbish in the approved containers for storage of such material.
  - (b) Every occupant shall be required to maintain the entire demised premises free of rubbish.
- (E) *Parking.* There shall be at least one designated, improved, off-street parking space per adult occupant. If a dwelling unit existed prior to the passage of the ordinance from which this chapter is derived [Ord. No. 15-02] with off-street parking space which complied with prior requirements, and it is physically impossible to comply with the requirements thereof for off-street parking, the owner may upon proof of the same to the building commissioner receive a special permit for the



pre-existing non-conforming off-street parking. Parking areas shall meet the following standards:

- (1) Parallel parking spaces shall be 8' 23' minimum;
  - (2) All other parking spaces shall be 9' 18' minimum.
  - (3) Each parking space shall require direct access to an alley or driveway;
  - (4) Parking spaces created to accommodate parking requirements set forth above for expanded dwelling units must be gravel or paved with a minimum of one percent slope for bituminous/asphalt paving surface, or one-half ( ) for concrete paving surface.
- (F) There shall be an open space ratio (open space area/living area) of no less than 1.2 to 1. The open space requirement shall be met in the side yard, back yard and that portion of the front yard in excess of any set back. The parking area or portion of the front yard contained within any set-back shall not be used to meet the requirement.
- (G) *Location of parking areas.* Parking areas will be limited to rear and/or side yards, except as stated below. No parking will be allowed in front yards except for permitted parking in easement areas presently in place. A front yard is defined as the space bounded by a line extending across the front wall of the house or structure (excluding porches) to the lot line on each side, and by the street right-of-way line.
- (H) *Outside elements.* Building facades, lawns, and other landscape elements must be maintained on a regular basis.
- (I) *Fire escape routes.* Each sleeping area must have at least one primary and one secondary escape route to a fire-rated area.
- (J) *Window surface area.* Each residential unit must have a minimum of eight square feet of window surface per resident.
- (Ord. No. 15-02, 6-3-02)

### **Sec. 155.31. Installation and maintenance.**

No person shall occupy as owner occupant, or let to another for occupancy, for the purpose of living, sleeping, cooking, or eating therein, any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following requirements:

- (A) *Facilities and equipment.* All required equipment and all building space and parts in dwellings shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code of the municipality.
- (B) *Maintained clean and sanitary.* All housing facilities shall be maintained in a clean and sanitary condition by the occupants, so as not to breed insects and rodents or produce dangerous or offensive gases or odors.
- (C) *Plumbing fixtures.* In buildings and structures used for human habitation, water lines, plumbing fixtures, vents, and drains shall be properly installed, connected, and maintained in working order, and shall be kept free from obstructions, leaks, and defects, and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code or any other applicable codes and ordinances of the municipality.
- (D) *Plumbing systems.* In buildings and structures used for human habitation, every plumbing stack, waste, and sewer line shall be so installed and maintained as to function properly, and shall be kept free from obstruction, leaks, and defects, to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.
- (E) *Heating equipment.* Every space-heating, cooking, and water-heating device located in a dwelling shall be properly installed,

connected, and maintained, and shall be capable of performing the function for which it was designed, in accordance with the provisions of the building code or any other code or ordinance of the municipality applicable thereto.

- (F) *Electrical outlets and fixtures.* Every electrical outlet and fixture as required in section 155.33 shall be installed, maintained, and connected to the source of electrical power in accordance with the provisions of the building code or electrical code or any other code or ordinance of the municipality applicable thereto.

- (G) *Correction of defective system.* Where it is found, in the opinion of the building official, that the plumbing or heating system or the electrical system in a building constitutes a hazard to the occupants or to the building, (in the case of the electrical system, by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for other similar reasons,) the building commissioner shall require the defects to be corrected, to eliminate the hazard.

(Ord. No. 15-02, 6-3-02)

### **Sec. 155.32. Occupancy requirements.**

No person shall occupy or let to another for occupancy, for the purpose of living therein, any dwelling until which does not comply with the following requirements:

- (A) *Minimum ceiling heights.* Habitable rooms in existing buildings shall have a clear ceiling height of not less than seven and one-third (7) feet, except that in attics or top half stories the ceiling height shall be not less than seven feet over not less than one-third ( ) of the area when used for sleeping, study, or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of feet (5) feet or more may be included.
- (B) *Living area.* All existing and subsequently erected residential structures shall have not less than the following living area per adult occupant:
- 250 square feet for one
  - 400 square feet for two
  - 650 square feet for three
  - 900 square feet for four
  - 1400 square feet for five
  - 1900 square feet for six
- except that efficiency apartments which have exclusive self-contained cooking and bathroom facilities shall have at least 250 square feet of living area for the first adult occupant and at least 100 square feet of living area for the second adult occupant. The living area shall be calculated on the basis of the total area of all habitable rooms.
- More than six adult occupants requires a variance under section 155.21 herein which may be granted upon good cause shown.
- (C) *Required space in sleeping rooms.* In every dwelling unit, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least 90 square feet. Every room, occupied for sleeping purposes by more than one occupant shall contain at least 60 square feet of floor area for each occupant thereof.
- (D) The number of adult occupants shall not exceed twice the number of bedrooms. Common living areas may not be counted as bedrooms. The number of adult occupants shall not exceed four times the number of full bathrooms. A full bathroom shall be defined as: a sink, toilet, and a bathtub or shower.
- (E) *Access limitation of dwelling unit to commercial uses.* No habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty

shop, doctors' or dentists' examination treatment room, or similar room used for commercial or public purposes.

- (F) *Location of bath in second sleeping room.* No residence building or dwelling unit containing two, or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
- (G) *Occupancy of dwelling units below grade.* No dwelling unit partially below grade shall be used for living purposes unless:
  - (1) Floors and walls are watertight;
  - (2) Total window area, total openable area, and ceiling height are in accordance with this chapter; and
  - (3) Required minimum window area of every habitable room is entirely above the grade of the ground adjoining the window area.
- (H) *Requirements cumulative.* All requirements of this section are cumulative and compliance with one subsection does not relieve compliance with other subsections.

(Ord. No. 15-02, 6-3-02)

### **Sec. 155.33. Light and ventilation.**

No person shall occupy as owner occupant, or let to another for occupancy, for the purposes of living therein, any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following requirements:

- (A) *Natural light in habitable room.* Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be four percent of the floor area of such room, except in kitchens where artificial light be provided in accordance with the provisions of the building code or any other code or ordinance of the municipality applicable thereto. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors or to a court and shall not be included as contributing to the required minimum total window area for the room.
- (B) *Light in non-habitable work space.* Every laundry, furnace room, and all similar non-habitable work spaces located in a dwelling shall have one supplied electrical light fixture available at all times.
- (C) *Light in public halls and stairways.* Every public hall and inside stairway in every dwelling shall be adequately lighted at all times with an illumination of at least five lumens per square foot in the darkest portion of the normally traveled stairs and passageways.
- (D) *Electric outlets required.* Every habitable room of the dwelling shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture. In the kitchen, three electric separate such convenience outlets and one ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room, or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.
- (E) *Adequate ventilation.* Every habitable room shall have at least one window which can be easily opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45 percent of the minimum window area size

required in (A) above, except where mechanical ventilation is provided in accordance with the provisions of the building code or any other code or ordinance of the municipality applicable thereto.

- (F) *Ventilation and light in bathroom and water closet.* Every bathroom and water closet compartment shall comply with the light and ventilation requirement for habitable rooms as required by (A) and (D) above, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

(Ord. No. 15-02, 6-3-02)

**Sec. 155.34. Minimum requirements for safety from fire.**

No person shall occupy as owner occupant, or shall let to another for occupancy, any dwelling, dwelling unit, rooming house, rental unit, lodging house, or lodging unit which does not comply with the applicable provisions of the fire prevention sections of the building code or any other code or ordinance of the municipality providing requirements for safety from fire, and the following additional requirements for safety from fire: All such dwellings shall be equipped with functioning smoke alarms as required by the Muncie City Code.

- (A) *Storage of flammable liquids prohibited.* No dwelling, dwelling unit, or rental unit shall be located within a building containing any area handling, dispensing, or storing flammable liquids with a flash point of 110F. or lower.
- (B) *Cooking and heating equipment.* All cooking and heating equipment, components, and accessories in every heating, cooking, and water-heating device shall be maintained free from all leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provi-

sions of the building code, plumbing code, or any other codes or ordinances of the municipality applicable thereto.

(Ord. No. 15-02, 6-3-02)

**Secs. 155.35—155.39. Reserved.**

**DIVISION 7. RESPONSIBILITIES OF PERSONS**

**Sec. 155.40. Scope.**

Owners and occupants of dwellings or dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this section:

- (A) *Cleanliness.* Each occupant of a dwelling unit shall keep that part of the unit, and premises thereof, being occupied, controlled, or used, in a clean and sanitary condition.
- (B) *Disposal of rubbish.* Each occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner, by placing it in the rubbish containers required in subsection 155.30(D).
- (C) *Disposal of garbage.* Each occupant of a dwelling unit shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities or, if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in a tight metal storage container as required by subsection 155.30(D); or by such other disposal method as may be required by applicable laws or ordinances of the municipality. Every occupant shall be required to maintain the entire demised premises free of garbage and rubbish.
- (D) *Use and operation of supplied plumbing fixtures.* Each occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary, and shall be responsible for the exercise and reasonable care of their proper use and operation.

(Ord. No. 15-02, 6-3-02)



**Sec. 155.41. Prosecution of violation.**

In case any citation or other lawful order is not promptly complied with, the building commissioner may request the legal representative of the municipality to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation:

- (A) To restrain, correct, or remove the violation, or refrain from any further execution of work;
  - (B) To restrain or correct the erection, installation, or alteration of a building;
  - (C) To require the removal of work in violation;
  - (D) To enjoin the occupation and use of the building, structure, or part thereof maintained in violation of any provision of this Code; or
  - (E) To enforce the penalty provisions of this Code.
  - (F) To secure any other proper remedy.
- (Ord. No. 15-02, 6-3-02)

**Sec. 155.42. Penalty.**

Every person, or legal entity who shall violate any provision of this code shall, upon conviction, be punished by fine. Each day that each violation continues after due notice has been served, shall be deemed a separate offense; provided, that for one offense, no penalty or fine shall exceed \$1,000.00, nor shall be less than \$250.00. A person or entity who commits a second or subsequent offense involving the same building or premise shall be fined not less than \$500.00 for each offense.

(Ord. No. 15-02, 6-3-02)

# Rights and Responsibilities of Tenants and Owners

## Affidavit of Occupancy

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### SECTION I - Property Information

**Property Address:** \_\_\_\_\_

**Owner and Property Manager info:**

(NOTE: 1) physical street address required - P.O. Box is *unacceptable*; 2) if owned by a partnership (corporation), indicate the General Partner (President) using his/her personal home address]

Owner(s) \_\_\_\_\_

Property Manager (if other than owner) \_\_\_\_\_

Name(s) \_\_\_\_\_

Name \_\_\_\_\_

d/b/a \_\_\_\_\_

d/b/a \_\_\_\_\_

Street Address \_\_\_\_\_

Street Address \_\_\_\_\_

City/State ZIP \_\_\_\_\_

City/State ZIP \_\_\_\_\_

Telephone number \_\_\_\_\_

Telephone number \_\_\_\_\_

Principal contact (circle): Owner      Property Manager

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### SECTION 2 - Overview of Code (Tenants' Rights)

Below is a *partial* listing of property requirements/limitations set forth in the Muncie City Code. A complete copy of the code is available from the Building Commissioner's Office on the third floor of Muncie City Hall, 300 N. Walnut, Muncie, IN 47305. **Any violations should be reported to the landlord and a mutually agreeable time set by which the problem should be remedied. If after a reasonable amount of time after being brought to the attention of the landlord the defect is not corrected, it should be reported to the Building Commissioner's office (747-4862).**

#### Occupancy

According to the formula set forth in § 155.32 of Muncie's Housing Code, the number of occupants permitted for this unit is limited to a

**maximum** of \_\_\_\_ adult persons.

Square footage and number of bathrooms determine the maximum number of occupants. For two (2) adult occupants there must be 400 square feet of heated living space meeting code requirements; 650 sq. ft. for three (3) persons; 900 sq. ft. for four (4) persons; and 500 additional square feet for each occupant over four (4) up to a maximum of six (6). For each occupant over six (6), a variance is required as well as 500 square feet each. In addition to the square footage requirement, there must be a bathroom for each four (4) adult occupants.

#### Parking

One "off street" parking space is **required for each adult occupant**. Without a variance, parking areas must conform to the Muncie City Code (may be obtained from the Building Commissioner's office at City Hall 747-4862). Parking on grass is prohibited by law.

**Light, Ventilation, and Space**

Each unit shall meet minimum light and ventilation requirements. In general, all spaces or rooms shall be provided sufficient light and vent so as not to endanger health and safety.

Each unit shall have minimum square footage requirements for each sleeping room. The minimum bedroom requirement is 90 sq.ft. for 1 occupant or 60 sq.ft. for each additional occupant thereof. Also, the number of adult occupants shall not exceed twice the number of bedrooms.

**Plumbing and Fixtures**

Each unit must include its own plumbing facilities which operate properly, can be used in privacy, are adequate for personal cleanliness and disposal of human waste. It provided, all kitchen fixtures shall function as indicated.

**Heating, Mechanical and Electrical**

All equipment shall function as designed.

All units shall be capable of maintaining a room temperature of 70 degrees.

Every habitable room shall contain no less than 2 separate outlets, one of which may be switched and/or a ceiling fixture.

**Fire Safety**

Every sleeping room must have approved, direct means of egress/exit to the exterior.

All units must have a smoke detector/alarm installed and functioning as per the Muncie City Code. It is the responsibility of the occupant to maintain the detector in good working condition.

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## SECTION 3 - General Responsibilities

**Responsibilities of Tenants**

Cleanliness: Tenants must maintain in a sanitary condition the part of the structure and supplied fixtures he or she occupy or control.

Noise: Tenants shall not create noise that disturbs the comfort of others.

Trash: Every occupant shall be responsible for the removal of garbage from the unit.

Each Tenant is required to maintain his or her own copy of this Tenancy Agreement and Affidavit of Occupancy on the premises listed at the top of this form.

**Responsibilities of Owners** (in addition to property requirements of Section 2 above)

Maintain public areas: While the landlord may require through a lease that the tenant mow the lawn, be responsible for general clean-up, etc., it is the Landlord's responsibility to enforce such a clause. Ultimately, the City of Muncie may cite a landlord for violating a weed ordinance, maintaining a nuisance, etc. **if a situation results in repeated complaints to the Building Commissioner's office, regardless of the lease's wording.** The City of Muncie is not responsible for enforcing the provisions of any landlord's lease.

Each Property Owner is responsible for ensuring this document is executed and is required to keep a copy on file. If managed by a third party, that Property Manager is required to have a copy on file.

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**SECTION 4 - Affidavit of Occupancy****Term of Lease** \_\_\_\_\_

Under penalties of perjury, the undersigned hereby affirm and attest that:

- 1) The only occupants of the above named property (Section 1) are listed below and that no other person does or shall occupy these premises.
- 2) Each has read in its entirety Sections 2 & 3 regarding Overview of Code and Responsibilities of Tenants and Owners.

Tenant #1      Name \_\_\_\_\_  
                    Permanent Address \_\_\_\_\_  
                    City/State/ZIP \_\_\_\_\_  
  
                    Signature \_\_\_\_\_ Date \_\_\_\_\_

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Tenant #2      Name \_\_\_\_\_  
                    Permanent Address \_\_\_\_\_  
                    City/State/ZIP \_\_\_\_\_  
  
                    Signature \_\_\_\_\_ Date \_\_\_\_\_

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Tenant #3      Name \_\_\_\_\_  
                    Permanent Address \_\_\_\_\_  
                    City/State/ZIP \_\_\_\_\_  
  
                    Signature \_\_\_\_\_ Date \_\_\_\_\_

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Tenant #4      Name \_\_\_\_\_  
                    Permanent Address \_\_\_\_\_  
                    City/State/ZIP \_\_\_\_\_  
  
                    Signature \_\_\_\_\_ Date \_\_\_\_\_

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Tenant #5      Name \_\_\_\_\_  
                    Permanent Address \_\_\_\_\_  
                    City/State/ZIP \_\_\_\_\_  
  
                    Signature \_\_\_\_\_ Date \_\_\_\_\_

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Tenant #6      Name \_\_\_\_\_  
                    Permanent Address \_\_\_\_\_  
                    City/State/ZIP \_\_\_\_\_  
  
                    Signature \_\_\_\_\_ Date \_\_\_\_\_



# Noise Ordinance

Taken from Code of Ordinances for the City of Muncie, IN.  
Find them at [www.cityofmuncie.com](http://www.cityofmuncie.com)

## CHAPTER 100. NOISE\*

- Sec. 100.01. Conduct prohibited; examples.
- Sec. 100.02. Procedure of proper city authority.
- Sec. 100.03. Failure to obey citation.
- Sec. 100.04. When warrant to be issued.
- Sec. 100.05. Disposition of fines.
- Sec. 100.06. Exemptions.
- Sec. 100.99. Penalty.
- Sec. 100.100. Regulations governing the generation of sound.

### Sec. 100.01. Conduct prohibited; examples.

(A) *Conduct prohibited.* It shall be a violation of this chapter for a person to make any loud, raucous, improper, unreasonable, offensive, or unusual noise which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the city, and continues to do so after being asked to stop by a law enforcement officer of the city.

(B) *Examples.* The following acts, among others are declared to be loud, raucous or disturbing noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive:

- (1) Using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener. The operation of any such set, instrument, phonograph, machine, or device in such a manner on property, and in an apartment, office, structure, sidewalk, or vehicle, shall be prima facie evidence of a violation of this chapter.
- (2) Using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast

upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

- (3) Yelling, shouting, hooting, whistling, or singing on the public streets or other public right-of-way at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence or of any person in the vicinity.
- (4) Using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound through external speakers on any public transportation vehicle.
- (5) The creation of any loud and raucous noise on any street adjacent to any school, institution of higher learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which unduly disturbs the patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (6) The creation or emission from any person, or from any other noise source, any noise which annoys or disturbs the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence or of any person in the vicinity.
- (7) The participation in, or permitting of, any parties or gatherings which create loud or raucous noise.

(Ord. No. 85-88, 1-2-89)

### Sec. 100.02. Procedure of proper city authority.

Except when authorized or directed under state law to immediately take a person before a city judge for a nuisance violation, the proper city authority who halts a person for such violations other than for the purpose of giving him a warn-

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\*Cross reference—Barking, howling, and yelping dogs, see § 90.12

ing or warning notice and does not take such person into custody, shall take the name, address and social security number of such person and such other pertinent information as may be necessary, and shall issue to him, in writing on a form provided by the city, a citation containing a notice to answer to the charge against him in the city court. The proper city authority, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody.

(Ord. No. 85-88, 1-2-89)

### **Sec. 100.03. Failure to obey citation.**

It shall be unlawful for any person to violate his written promise to appear that has been given to the proper city authority upon the issuance of a citation regarding an alleged nuisance violation, regardless of the disposition of the charge for which such citation originally issued.

(Ord. No. 85-88, 1-2-89)

### **Sec. 100.04. When warrant to be issued.**

In the event any person fails to comply with a citation or fails to make an appearance pursuant to a notice directing any appearance in the city court, or if any person fails or refuses to deposit the amount of the fine as required and within the time permitted by this section, the city court clerk shall secure and issue a warrant for his arrest.

(Ord. No. 85-88, 1-2-89)

### **Sec. 100.05. Disposition of fines.**

All fines collected upon conviction of any person charged with a violation of any of the provisions of this chapter shall be paid into the city treasury, as required by law.

(Ord. No. 85-88, 1-2-89)

### **Sec. 100.06. Exemptions.**

Any event licensed, permitted, or sponsored by the city shall be exempt from the terms of this chapter.

(Ord. No. 85-88, 1-2-89)

### **Sec. 100.99. Penalty.**

Anyone violating this chapter may be given a warning for each violation. The minimum fine for any violation shall be \$53.00. The maximum fine for any violation shall be \$300.00. Any person charged with such nuisance violation shall be cited to appear in the city court.

(Ord. No. 85-88, 1-2-89)

**Editor's note**—The penalty provisions of section 100.99 refers to sections 100.01 through 100.06

### **Sec. 100.100. Regulations governing the generation of sound.**

(A) No person shall play, use or operate any machine or device for the producing or reproducing of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs, cassette players or any other machine designed or intended to produce or reproduce sound, if such machine, device or vehicle is located in or on any of the following:

- (1) Any public property, including any public right-of-way, highway, building, sidewalk, public space, park or thoroughfare and the sound generated therefrom is (i) clearly audible 40 feet or more from its source, or (ii) is at a level of 90 decibels (90 dB) or more when measured from a distance of not less than six feet from its source; or
- (2) Any private property and the sound generated therefrom is (i) clearly audible 40 feet or more outside of said private property line, or (ii) is at a level of 90 decibels (90 dB) or more when measured from a distance of not less than six feet from said private property line.

(B) The following are exempted from the provisions of this Ordinance:

- (1) Sounds emitted from authorized emergency vehicles.
- (2) Lawn mowers, garden tractors, construction equipment, and power tools, when properly muffled, between the hours of 7:00 a.m. and 10:00 p.m. only.
- (3) Burglar alarms and other warning devices when properly installed, providing

the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

- (4) Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances or other events authorized by the board of public works and safety or another appropriate governmental entity.
- (5) Attendant noise connected with the actual performance of athletic or sporting events and practices related thereto.
- (6) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.
- (7) Sounds associated with the use of legal fireworks.
- (8) Sounds associated with the normal conduct of legally established non-transient businesses when such sounds are customary, incidental and within the normal range appropriate for such use.

(C) Any person who violates the provisions of this section shall be guilty of an infraction, punishable by a fine of not more than:

First offense..... Up to \$250.00

Second offense within  
two years ..... Up to \$500.00

Third offense within  
two years ..... Up to \$1,000.00

Fourth and subse-  
quent offenses within  
two years ..... Up to \$2,500.00

(D) The Muncie city court shall be the court of proper venue and jurisdiction for the enforcement of this section.

(E) Citations for violations of this section may be issued by any sworn police officer, constable or sheriff of the State of Indiana upon property operated by the Muncie schools by a sworn special police officers appointed under Indiana Code Section 36-8-3-7 to serve the Muncie schools.

(F) Nothing in this section shall be construed to limit any other rights or actions that may exist in law or in equity.

(Ord. No. 27-00, §§ 1—6, 8-7-00; Ord. No. 56-00, §§ 1, 2, 11-13-00)

# Litter Ordinance

Taken from Code of Ordinances for the City of Muncie, IN.  
Find them at [www.cityofmuncie.com](http://www.cityofmuncie.com)

## **Sec. 52.10. Duties of owner or occupant.**

(A) Every owner, occupant, or lessee of a house or building used for residence, business, or commercial purposes shall maintain litter collection and storage areas in clean condition and ensure that all litter is placed and stored in litter containers. On days designated as collection days by the sanitary district the following shall apply.

(1) All containers for deposit of garbage and rubbish shall be located upon the alley line or a place to be readily accessible for removing and emptying the same. On those premises where the collection and removal of refuse is not accomplished by use of an alley, the containers and items shall be placed adjacent to the street in a neat, orderly, and sanitary manner on the day designated for their collection.

(2) The containers and items to be collected shall be placed on the collection site for collection not earlier than the evening preceding the day of collection, shall be removed from the site within 12 hours after the containers have been emptied, and shall be stored on the premises so as not to be visible from any street.

(B) All litter that is subject to movement by the elements shall be secured by the owner or occupant of the premises, in such a manner that it is not carried from the premises by the elements.

(C) It shall be the duty of any person owning or controlling any premises to maintain the premises in a clean and orderly manner. It shall be a violation of this section to permit the accumulation of litter on any premises. Every owner or person in control of premises shall so maintain his property as to prevent litter from being visible thereon from any public or private premises. Persons owning, occupying, or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter.

## **Sec. 52.11. Areas around businesses.**

The owner or person in control of any premises shall at all times keep the premises free of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises.

## **Sec. 52.14. Care of waste containers.**

(A) It shall be unlawful for any person who is in control of any premises on which is located or on whose behalf there is maintained any container of refuse, waste, or garbage which has been placed in a container in accordance with a contract for its removal to allow that refuse, waste, or garbage to remain uncollected beyond the date provided by the contract for its collection and removal. In any case, it is unlawful to allow a container to remain unemptied for longer than 14 days, or until a health hazard is created, whichever occurs first.

(B) It shall be unlawful for any person who has contracted to collect and remove refuse, waste, or garbage described in (A) above, to allow that refuse, waste, or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or in any case to allow a container to remain unemptied for longer than 14 days, or until a health hazard is created, which whichever occurs first. In addition to any other remedy provided in this chapter, the city may remove and impound such a refuse container, in which case the city may sell the container and recover the costs of removal and storage, or the city may recover the costs from the bond provided in § 52.37.

## **DIVISION 4. LITTER**

### **Sec. 52.25. Littering prohibited.**

(A) It shall be unlawful for any person, in person or by his agent, employee, or servant, to do any of the following.

(1) Cast, throw, sweep, sift, or deposit in any manner in or on any public way or other public place in the city or any river, canal, public water, drain, sewer, or receiving basin within the jurisdiction of the city, any litter of any kind.

(2) Cast, throw, sweep, sift, or deposit any litter anywhere within the jurisdiction of the city in such a manner that it may be carried or deposited, in whole or in part, by the action of the elements, into any public place, private premises, or parking lot within the city.

(3) Permit the accumulation of litter on any premises owned or controlled by that person.

(B) Persons placing litter in litter receptacles shall do so in such a manner as to prevent litter from being carried from the receptacles by the elements.

(C) The existence of litter within the city, and the existence of any condition which constitutes a violation of this chapter are declared to be a nuisance.

#### **Sec. 52.26. Litter receptacles.**

(A) Every owner, occupant, tenant, or lessee using or occupying any public place shall provide adequate litter receptacles of sizes, numbers, and types as required to contain all litter generated by those persons frequenting that public place.

(1) All parking lots shall be equipped with litter receptacles by the owner of the property.

(2) The owner, occupant, and person in control of private premises shall maintain litter receptacles for collection of litter as necessary to comply with this chapter.

(3) Litter receptacles shall comply with the regulations made pursuant to § 52.02.

(4) All litter shall be removed periodically from litter receptacles in accordance with regulations issued pursuant to § 52.02.

(5) Litter receptacles which conform to the

requirements of this chapter may be placed on city property by any civic group or merchants' association after consent by the board of public works and safety.

(B) It shall be unlawful for any person, in person or by his agent, employee, or servant, to do the following.

(1) Place litter receptacles, or any container containing litter, or allow the container to remain in any alley or at any other pick-up point on any day which is not the designated pick-up day for that location, as designated by the city sanitary district. Allowing litter receptacles owned by a permittee under § 52.36 to remain at pick-up points shall not be a violation hereunder.

(2) Overturn, remove, mutilate, deface, or tamper with litter receptacles or cause the contents thereof to be spilled or strewn in or on any public place or private premises.

### **DIVISION 5. WASTE COLLECTION**

**Sec. 52.35. Use of vehicles.** It shall be unlawful for any person, in person or by his agent, employee, or servant, to do any of the following.

(A) Use any vehicle to haul any kind of litter, objects, things, or material, whether liquid or solid, unless the vehicle is covered to prevent at all times while the vehicle is on any street or alley in the city, any part of its load from spilling. However, this requirement for cover shall not apply if the material is contained in closed boxes or other containers.

(B) Allow litter to fall, sift, spill, scatter, or be blown upon the public way or private premises from any vehicle being operated on a public place.

(C) Fail to remove any litter which has spilled from a vehicle operated by that person on a public place.



# Excerpts of Muncie's Zoning Ordinance

Taken from the City of Muncie's Comprehensive Zoning Ordinance.  
Find it at [www.co.delaware.in.us](http://www.co.delaware.in.us).

## **ARTICLE IX**

### **Section 3 YARDS: LOT COVERAGE**

No single family, two family or multiple family dwelling, together with accessory buildings or structures, shall occupy more than the following percentages of the total area of the lots, exclusive of right-of-ways:

- R-1 and R-2 Residence Zones - 35% lot coverage
- R-3 and R-4 Residence Zones - 40% lot coverage
- R-5 Residence Zone - 50% lot coverage.

## **ARTICLE IX**

### **Section 4 RIGHT-OF-WAY: MEASUREMENT OF SETBACKS**

When an official plan for the major and secondary highways in the City of Muncie, Indiana, shall have been adopted by the Common Council of the City of Muncie, Indiana, then all setbacks for buildings and structures shall be measured from the proposed right-of-way lines as expressed in such plan. For the purpose of this Ordinance, the right-of-way of any street shall be deemed to be fifty (50) feet unless a larger right-of-way is required on the Official Thoroughfare Plan for the City of Muncie, Indiana, in which case the larger right-of-way shall control.

## **ARTICLE IX**

### **Section 11 VISIBILITY AT INTERSECTIONS**

On a corner lot in any residential zone, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the centerline grades of the intersecting streets in an area bounded by the right-of-way lines of such intersecting streets and a line adjoining points along said intersecting right-of-way lines fifty (50) feet from the point of intersection of said right-of-way lines.

## **ARTICLE IX**

### **Section 12 FENCES: WALLS: HEDGES**

A fence, screen or wall not more than eight (8) feet in height, or a hedge of thick growth of shrubs or trees maintained so as not to exceed eight (8) feet in height may be located in any side or rear yard in any zone, provided they shall not extend beyond the front wall of the building or, in the absence of a building, beyond the average setback of the buildings on the adjacent lots. Fences, screens, walls, shrubs and trees extending beyond the front wall of the building shall not exceed forty-two (42) inches in height and, when located in the yard along the street sides of a corner lot, must comply with Article IX, Section 11. Trees, shrubs, flowers and plants are not covered by this provision provided they do not produce a hedge effect.

This provision shall not be interpreted to prohibit the erection of an open mesh type fence enclosing a farm, school or playground site.

The IL Limited Industrial, II Intense Industrial and AD Airport Development Zones are exempt from the above provisions in that the above stated provisions shall not be interpreted to prohibit the erection of a fence, screen, wall, shrub or trees not to exceed eight (8) feet in height. section shall make the buildings or structures on said lot or parcel of land unlawful.

## **ARTICLE IX**

### **Section 14 ACCESSORY USES AND STRUCTURES**

#### **A DEFINITION**

1. GENERAL DEFINITION - Accessory uses/structures shall be permitted in all zones in accordance with the provisions of this section. Accessory uses/structures:
  - a. Shall be incidental and commonly associated with the operation of the principal use of the lot.
  - b. Shall be operated and maintained under the same ownership and on the same lot as the principal use.
  - c. Shall, in residence zones, be clearly subordinate in height, area, and bulk to the principal use served.
  - d. Shall not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this Ordinance.
  - e. Shall not be permitted, in residence zones, prior to the erection and operation of the principal use.

Such appurtenant features as walks, driveways, curbs, drainage installations, mailboxes, lamp posts, bird baths, fences, walls, uncovered patios, outdoor fireplaces, dog houses, tree houses, playground apparatus, waterfalls, or permanent landscaping shall be considered incidental uses/structures and not as accessory uses/structures subject to the provisions herein.

#### **2. TYPES OF ACCESSORY USES/STRUCTURES**

- a. Such buildings or structures as garages, carports, canopies, porte-cochere, bath houses, cabanas, gazebos, storage buildings, greenhouses, guard houses, video-satellite disks, fall-out shelters, and similar accessory buildings or structures.
- b. Signs, as regulated in Article XXX, Section 3 of this Ordinance.
- c. Swimming pools, as regulated in Article XXX, Section 5 of this Ordinance.
- d. Amateur radio sending and receiving antennae, provided the height thereof including masts shall not exceed seventy-five (75) feet measured from the finished lot grade at the base of the tower.
- e. Management office in multi-family dwelling complex and other structures providing services normally associated with tenants' convenience.
- f. Small Wind Energy Systems – small wind energy systems are a permitted accessory use in all zoning districts subject to the following requirements:

- 1) Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus the length of one blade from:
  - a) Any State or local roadway right-of-way, existing or proposed, whichever is greater;
  - b) Any right of ingress or egress on the owner's property;
  - c) Any overhead utility lines;
  - d) All property lines; and
  - e) Any existing guy wire, anchor or other small wind energy tower.

A small wind energy system shall not be located in any front yard area.

- 2) Access. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 10 feet above the ground.
- 3) Electrical Wires. All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- 4) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from adjacent residential uses and residential zones.
- 5) Height. A small wind energy system shall not exceed one hundred fifty feet (150'), however, no wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces as regulated by the State and the FAA guidance on airspace protection.
- 6) Appearance, color, and finish. The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
- 7) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a Small Wind Energy System, visible from any public road shall be prohibited.

- 8) Noise and Signal Interference. Sound produced by small wind energy systems under normal operating conditions, as measured at the property line, shall comply with limitations contained in local noise ordinances. Sound levels may be exceeded during short term events such as utility outages and/or severe wind storms. A small wind energy system shall not interfere with communication system such as, but not limited to, radio, television, telephone, satellite, or emergency services communication systems.
- 9) Utility notification and interconnection. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement. Any property owner seeking to construct a Small Wind Energy System and connect such system to the main power grid with the capability of transporting energy back to their main power company shall meet all applicable requirements of the Indiana Utility Regulatory Commission for approval and provide documentation of such approval prior to construction and being issued a building permit.
- 10) Ground Clearance: The minimum clearance between the lowest extension of a rotor blade tip and the highest point of the ground within thirty feet of the tower base shall be thirty (30) feet.
- 11) Braking: A small wind energy system shall be equipped with a manual and automatic braking device capable of halting operation.
- 12) Compliance & Permits. A Small Wind Energy System shall comply with all applicable building and electrical codes. Applications for building permits shall include standard drawings of the wind generator and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Applications for building permits shall also include line drawings of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- 13) Abandonment: A Small Wind Energy System that is out-of-service for a continuous 6 month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a Small Wind Energy System that is deemed to have been abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of the Notice. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned. If the Small Wind Energy System is determined to be abandoned, the owner shall remove the wind generator and tower at the Owner's sole expense within 3 months of the date of Notice of Abandonment. If the owner fails to remove the wind generator and wind tower, the Administrator may pursue a legal action to have the wind generator and tower removed at the Owner's expense.

Small Wind Energy Systems shall not be attached to any building, including guy wires. Meteorological Towers (Met Tower) shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Energy System. Each lot of record is eligible for one Small Wind Energy System only, provided all requirements can be met, except that lots greater than five (5) acres may be eligible for two small wind energy systems, provided all requirements can be met.

- g. Building Mounted Wind Systems, provided the system has a nameplate capacity (manufacturer's) rating of 10 kilowatts or less and projects no more than fifteen (15) feet above the highest point of the roof, excluding chimneys, antennae and other similar structures.

## **B HEIGHT: SETBACKS**

In any residence zone, an accessory building shall not exceed seventeen (17) feet in height and, when located in the rear yard, shall not be closer than three (3) feet to the side and rear lot lines. In non-residence zones, an accessory building shall not exceed the height provision as established in the appropriate zone and, when located in the rear yard, shall not be closer than three (3) feet to the side and rear lot lines.

## **C ON CORNER LOT**

Accessory buildings located on the street side of a corner lot shall be setback a minimum the same distance as that required for the main building. If the main building setback is less than the required setback, then the accessory building shall be setback a minimum the average of the main building setback and the setback of the main building on the adjacent property (or the required setback of the adjacent property, whichever is the least).

## **D ON SIDE YARD**

For an interior lot, an attached accessory building, or garage located on the side yard of a dwelling, shall be considered a part of the dwelling and not an accessory building and shall comply with the provisions of this Ordinance.

# **ARTICLE IX**

## **Section 15 NONCONFORMING USES AND STRUCTURES**

### **A GENERAL**

Within the zones established in this Ordinance, there exist nonconforming uses and structures which may continue to exist in accordance with the following provisions.

### **B LOTS**

In any zone permitting only single-family dwellings, a single-family dwelling shall be permitted on a lot which does not comply with the width and area requirements of this Ordinance provided such lot was of record at the time of enactment of this Ordinance; and provided further that



adjustments in yards are in accordance with provisions of this Ordinance. If two or more lots or parts of lots are in single ownership and enjoy continuous frontage at the time of the enactment of this Ordinance, and if all or part of such lots do not meet the width and area standards contained in this Ordinance, the lands involved shall be considered to be an undivided parcel. No portion of said parcel shall be used in a manner, which may reduce compliance with the provisions of this Ordinance.

## C USES OF LAND

A nonconforming use of land shall not be enlarged, expanded nor extended to occupy a larger area of land than was occupied at the time of the enactment of this Ordinance. A nonconforming use may be extended throughout any part of an existing structure that was arranged for such use prior to the enactment of this Ordinance. Such use shall not be moved in whole or in part to another location on the lot or parcel of land other than that occupied by the use at the time of the enactment of this Ordinance. If any such use ceases for a period of more than one (1) year, (except when government action or legal proceedings impede access to the premises, as determined by the Board of Zoning Appeals), any subsequent use of such land shall conform with the provisions of this Ordinance unless sixty-six percent (66%) or more of the surrounding uses of land within a six hundred and sixty (660) foot radius are also nonconforming uses of the same restriction as said subsequent use, thereupon, the proponent of said subsequent use shall apply for a Certificate of Nonconformity under the established procedures and additionally provide signed affidavits affirming the existence of surrounding nonconforming uses, as herein defined, of the same restriction.

## D STRUCTURES

A nonconforming structure shall not be moved in whole or in part to another location on the lot or parcel of land unless said relocation would bring the structure into conformance with the provisions of this Ordinance. If a nonconforming structure is made to conform, any future expansion or enlargement of said structure shall be in conformance with the provisions of this Ordinance. A nonconforming structure may be expanded or enlarged provided such expansion or enlargement would not further encroach upon the nonconforming characteristic of the structure.

## E SUBSTITUTIONS

A nonconforming use may be changed to another nonconforming use of the same or greater restriction provided said change does not cause further violation of the Performance Standards of this Ordinance.

# ARTICLE IX

## Section 16 REPAIRS: RESTORATION

Nothing in this Ordinance shall prevent the repair of a nonconforming structure. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it may be reconstructed provided it does not further encroach upon the nonconforming characteristic of the structure. Nothing shall prevent the repair of a structure containing a nonconforming use and, where the structure is destroyed by any means, the resumption of said use shall be subject to the provisions of Article IX, Section 15(C).

## **ARTICLE X GENERAL EXCEPTIONS**

### **ARTICLE X**

#### **Section 1 STRUCTURE OTHER THAN BUILDINGS**

Towers, chimneys, stacks, spires, penthouses, cupolas, water tanks, silos, windmills, monuments, domes, grain elevators and like structures may be built to a greater height than established in this Ordinance except in the approach area of any airport where no structure shall be built which exceeds the maximum height permissible under the rules and regulations of any governmental agency.

### **ARTICLE X**

#### **Section 2 PROJECTIONS**

Cornices, eaves, sills, canopies or similar architectural features, but not including bay windows or vertical projections, may extend or project into a required side yard not more than eighteen (18) inches and maximum of thirty-six (36) inches into a front or rear yard. Any enclosed porch shall be considered as part of the main building.

### **ARTICLE X**

#### **Section 3 SETBACKS**

Where a new building or an addition to an existing building is proposed on a lot which adjoins two (2) or more lots occupied by buildings, the setbacks for such new building or addition to an existing building shall be the mean setback of the buildings on each side of the new building or addition to an existing building.

### **ARTICLE X**

#### **Section 4 RESIDENTIAL SIDE YARD**

For a lot having a width of not less than forty (40) feet and not more than fifty (50) feet at the building line at the time of the enactment of this Ordinance, residence buildings may have a minimum side yard of five (5) feet.

## **ARTICLE XVI R-4 RESIDENCE ZONE**

### **ARTICLE XVI**

#### **Section 1 PERMITTED USES**

No building, structure or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded or enlarged except for the following uses:

1. Single unit dwellings as regulated in Article XVI, Sections 3 through 9.
2. Buildings or structures owned, leased or used by a municipal, township, county, State or

Federal government, provided said buildings or structures meet the provisions of Article IX, Section 9 and the provisions of Article XVI, Sections 3 through 9.

3. Public schools, colleges and universities and private academic schools, all subject to the provisions of Article IX, Section 9 and the provisions of Article XVI, Sections 3 through 9.
4. Buildings or structures used for religious assembly subject to the provisions of Article IX, Section 8 and the provisions of Article XVI, Sections 3 through 9.
5. Signs and outdoor advertising as regulated in Article XXX, Section 3.
6. Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.
7. Accessory uses and structures as regulated in Article IX, Section 14.

## **ARTICLE XVI**

### **Section 2 SPECIAL USES SUBJECT TO APPROVAL BY THE BOARD OF ZONING APPEALS**

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in Article XXXI, Section 2 and subject to the provisions herein specified:

1. Charitable institutions provided buildings or structures placed thereon meet the provisions of Article IX, Section 8 and the provisions of Article XVI, Sections 3 through 9.
2. Hospitals provided that the premises upon which they are built shall be a minimum ten (10) acres in area, and all uses and buildings or structures placed thereon shall be at least one hundred (100) feet from any side and rear property line and shall meet the provisions of Article XVI, Sections 4 and 8.
3. Cemeteries provided the site for a cemetery is a minimum of ten (10) acres in area, and all buildings placed thereon shall be at least one hundred (100) feet from any side and rear property line and shall meet the provisions of Article XVI, Sections 4 and 8.
4. Nursery schools and child care centers subject to the performance standards contained in Article XXXI, Section 12, and provided all uses and buildings or structures placed thereon shall meet the provisions of Article XVI, Sections 3 through 9.
5. Home occupations subject to the performance standards contained in Article XXXI, Section 8, and provided all uses and buildings or structures placed thereon shall meet the provisions of Article XVI, Sections 3 through 9.
6. Accessory dwelling provided the floor area of the accessory dwelling be not less than three hundred (300) square feet and provided the additional off-street parking requirements are met in accordance with Article XXX, Section 2.

7. Planned Unit Development (PUD) subject to the performance standards contained in Article XXXI, Section 6. All uses and buildings or structures placed thereon shall meet the provisions of Article XVI, Sections 4 and 8.

## **ARTICLE XVI**

### **Section 3 LOT WIDTH, FRONTAGE AND AREA**

The width and street frontage of a lot shall be a minimum fifty (50) feet at the building line and there shall be a minimum of six thousand two hundred and fifty (6,250) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area prevail, but shall be not less than six thousand two hundred and fifty (6,250) square feet in area, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3.

## **ARTICLE XVI**

### **Section 4 FRONT YARD SETBACK - ALL LOTS**

There shall be a front yard setback of a minimum twenty-five (25) feet in depth measured from the right-of-way line to the front wall of the building.

## **ARTICLE XVI**

### **Section 5 SIDE YARD SETBACK - INTERIOR LOTS**

There shall be two (2) side yard setbacks of an interior lot, each being a minimum five (5) feet in width and measured at right angles to the side property line.

## **ARTICLE XVI**

### **Section 6 SIDE YARD SETBACK - CORNER LOTS**

There shall be two (2) side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of twenty (20) feet in depth measured from the right-of-way line to the sidewall of the building. The side yard adjoining the adjacent property shall be a minimum of five (5) feet in width measured at right angles to the side property line.

## **ARTICLE XVI**

### **Section 7 REAR YARD SETBACK - ALL LOTS**

There shall be a rear yard setback of a minimum twenty-five (25) feet in depth measured from the rear property line to the rear wall of the building.

## **ARTICLE XVI**

### **Section 8 HEIGHT**

No building or structure shall exceed thirty (30) feet in height.

## **ARTICLE XVI**

### **Section 9 MINIMUM FLOOR AREA AND BUILDING WIDTH**

The minimum floor area of any dwelling shall be not less than seven hundred and twenty (720) square feet, exclusive of garages, carports, open porches, or breezeways. The dimensions of the dwelling shall be not less than twenty-four (24) feet in width nor less than twenty-four (24) feet in depth.

## **ARTICLE XVI-A R-4A RESIDENCE ZONE**

### **ARTICLE XVI-A**

#### **Section 1 PERMITTED USES**

No building, structure or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded or enlarged except for the following uses:

1. Single unit, two unit and three unit dwellings as regulated in Article XVI-A, Sections 3 through 9.
2. Buildings or structures owned, leased or used by a municipal, township, county, State or Federal government, provided said buildings or structures meet the provisions of Article IX, Section 9 and the provisions of Article XVI-A, Sections 3 through 9.
3. Public schools, colleges and universities and private academic schools, all subject to the provisions of Article IX, Section 9 and the provisions of Article XVI-A, Sections 3 through 9.
4. Buildings or structures used for religious assembly subject to the provisions of Article IX, Section 8 and the provisions of Article XVI-A, Sections 3 through 9.
5. Signs and outdoor advertising as regulated in Article XXX, Section 3.
6. Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.
7. Accessory uses and structures as regulated in Article IX, Section 14

### **ARTICLE XVI-A**

#### **Section 2 SPECIAL USES SUBJECT TO APPROVAL BY THE BOARD OF ZONING APPEALS**

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in Article XXXI, Section 2 and subject to the provisions herein specified:

1. Charitable institutions provided buildings or structures placed thereon meet the provisions of Article IX, Section 8 and the provisions of Article XVI-A, Sections 3 through 9.
2. Hospitals provided that the premises upon which they are built shall be a minimum ten



(10) acres in area, and all uses and buildings or structures placed thereon shall be at least one hundred (100) feet from any side and rear property line and shall meet the provisions of Article XVI-A, Sections 4 and 8.

3. Cemeteries provided the site for a cemetery is a minimum of ten (10) acres in area, and all buildings placed thereon shall be at least one hundred (100) feet from any side and rear property line and shall meet the provisions of Article XVI-A, Section 4 and 8.
4. Nursery schools and child care centers subject to the performance standards contained in Article XXXI, Section 12, and provided all uses and buildings or structures placed thereon shall meet the provisions of Article XVI-A, Sections 3 through 9.
5. Home occupations subject to the performance standards contained in Article XXXI, Section 8, and provided all uses and buildings or structures placed thereon shall meet the provisions of Article XVI-A, Sections 3 through 9.
6. Planned Unit Development (PUD) subject to the performance standards contained in Article XXXI, Section 6. All uses and buildings or structures placed thereon shall meet the provisions of Article XVI-A, Sections 4 and 8.

## **ARTICLE XVI-A**

### **Section 3 LOT WIDTH, FRONTAGE AND AREA**

The width and street frontage of a lot shall be a minimum fifty (50) feet at the building line and there shall be a minimum of six thousand two hundred and fifty (6,250) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area prevail, but shall be not less than six thousand two hundred and fifty (6,250) square feet in area, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed which shall be the same as for an R-4 Residence Zone in accordance with Article IX, Section 3.

## **ARTICLE XVI-A**

### **Section 4 FRONT YARD SETBACK - ALL LOTS**

There shall be a front yard setback of a minimum twenty-five (25) feet in depth measured from the right-of-way line to the front wall of the building.

## **ARTICLE XVI-A**

### **Section 5 SIDE YARD SETBACK - INTERIOR LOTS**

There shall be two (2) side yard setbacks of an interior lot, each being a minimum five (5) feet in width and measured at right angles to the side property line.

## **ARTICLE XVI-A**

### **Section 6 SIDE YARD SETBACK - CORNER LOTS**

There shall be two (2) side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of twenty (20) feet in depth measured from the right-of-way line to the sidewall of the building. The side yard adjoining the adjacent property shall be a minimum of five (5) feet in width measured at right angles to the side property line.

## **ARTICLE XVI-A**

### **Section 7 REAR YARD SETBACKS - ALL LOTS**

There shall be a rear yard setback of a minimum twenty-five (25) feet in depth measured from the rear property line to the rear wall of the building.

## **ARTICLE XVI-A**

### **Section 8 HEIGHT**

No building or structure shall exceed thirty (30) feet in height.

## **ARTICLE XVI-A**

### **Section 9 MINIMUM FLOOR AREA AND BUILDING WIDTH**

The minimum floor area of any dwelling shall be not less than seven hundred and twenty (720) square feet, exclusive of garages, carports, open porches, or breezeways. The dimensions of the dwelling shall be not less than twenty-four (24) feet in width nor less than twenty-four (24) feet in depth.

## **ARTICLE XVII R-5 RESIDENCE ZONE**

## **ARTICLE XVII**

### **Section 1 PERMITTED USES**

No building, structure or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded or enlarged except for the following uses:

1. Single unit dwellings as regulated in Article XVII, Sections 3 through 9.
2. Two unit development through, and including, twenty-four unit development as regulated in Article XVII, Sections 3 through 9 and, where applicable, subject to the approval of the State Administrative Building Council.
3. Buildings or structures owned, leased or used by a municipal, township, county, State or Federal government, provided said buildings or structures meet the provisions of Article IX, Section 9 and the provisions of Article XVII, Sections 3 through 9.
4. Public schools, colleges, universities and private academic schools, all subject to the provisions of Article IX, Section 9 and the provisions of Article XVII, Sections 3 through 9.
5. Nursery Schools and child care centers subject to the provisions of Article XXXI, Section 12(C) and provided all buildings or structures placed thereon shall meet the provisions of Article XVII, Sections 3 through 9.
6. Building or structures used for religious assembly subject to the provisions of Article IX, Section 8 and the provisions of Article XVII, Sections 3 through 9.

7. Signs and outdoor advertising as regulated in Article XXX, Section 3.
8. Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.
9. Accessory uses and structures as regulated in Article IX, Sections 14.

## **ARTICLE XVII**

### **Section 2 SPECIAL USES SUBJECT TO APPROVAL BY THE BOARD OF ZONING APPEALS**

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in Article XXXI, Section 2 and subject to the provisions herein specified:

1. Multi-unit developments of twenty-five, or more, units subject to the performance standards contained in Article XXXI, Section 13. All uses and buildings or structures placed thereon shall meet the provisions of Article XVII, Sections 3 through 9.
2. Group housing subject to the performance standards contained in Article XXXI, Section 11. All uses and buildings or structures placed thereon shall meet the provisions of Article XVII, Sections 3 through 9.
3. Charitable institutions provided buildings or structures placed thereon meet the provisions of Article IX, Section 8 and the provisions of Article XVII, Sections 3 through 9.
4. Hospitals provided that the premises upon which they are built shall be a minimum ten (10) acres in area, and all uses and buildings or structures placed thereon shall be at least one hundred (100) feet from any side and rear property line and shall meet the provisions of Article XVII, Sections 4 and 8.
5. Cemeteries provided the site for a cemetery is a minimum of ten (10) acres in area, and all buildings placed thereon shall be at least one hundred (100) feet from any side and rear property line and shall meet the provisions of Article XVII, Sections 4 and 8.
6. Home occupations subject to the performance standards contained in Article XXXI, Section 8, and provided all uses and buildings or structures placed thereon shall meet the provisions of Article XVII, Sections 3 through 9.
7. Planned Unit Development (PUD) subject to the performance standards contained in Article XXXI, Section 6. All uses and buildings or structures placed thereon shall meet the provisions of Article XVII, Sections 4 and 8.
8. Nursing homes. All buildings placed thereon shall be at least one hundred (100) feet from any side and rear property line and shall meet the provisions of Article XVII, Sections 4 and 8.

## **ARTICLE XVII**

### **Section 3 LOT WIDTH, FRONTAGE AND AREA**

#### **A SINGLE AND TWO UNIT RESIDENTIAL LOTS**

The width and street frontage of single and two unit residential lots shall be a minimum of fifty (50) feet at the building line and there shall be a minimum of six thousand five hundred (6,500) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area shall prevail, but shall be not less than six thousand five hundred (6,500) square feet in area, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3.

#### **B MULTIPLE UNIT, OF THREE OR MORE, RESIDENTIAL LOTS**

The width and street frontage of multiple unit residential lots shall be a minimum of one hundred (100) feet at the building line and there shall be a minimum of nine thousand (9,000) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area shall prevail, but shall be not less than nine thousand (9,000) square feet, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3. Of the open space provided by the lot coverage requirement, one hundred (100) square feet per unit shall be set aside for open recreational or landscaped area and not used for off-street parking purposes.

#### **C NON-RESIDENTIAL LOTS**

Non-residential lots shall meet the provisions of Article XVII, Section 3(A) herein.

## **ARTICLE XVII**

### **Section 4 FRONT YARD SETBACK - ALL LOTS**

There shall be a front yard setback of a minimum twenty (20) feet in depth measured from the right-of-way line to the front wall of the building.

## **ARTICLE XVII**

### **Section 5 SIDE YARD SETBACK - INTERIOR LOTS**

#### **A SINGLE UNIT RESIDENTIAL LOTS**

There shall be two (2) side yard setbacks of an interior lot, each being a minimum five (5) feet in width measured at right angles to the side property line.

#### **B TWO UNIT AND MULTIPLE UNIT RESIDENTIAL LOTS**

For residences of more than one unit, there shall be two (2) side yard setbacks of an interior lot, each being a minimum of five (5) feet in depth, plus an additional two (2) feet per side yard for each unit above one (1) unit up to a maximum of twenty-five (25) feet per side yard.

## **C NON-RESIDENTIAL LOTS**

Non-residential lots shall meet the provisions of Article XVII, Section 5(A) herein.

### **ARTICLE XVII**

#### **Section 6 SIDE YARD SETBACK - CORNER LOTS**

##### **A SINGLE UNIT RESIDENTIAL LOTS**

There shall be two (2) side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of twenty (20) feet in depth measured from the right-of-way line to the sidewall of the building. The side yard adjoining the adjacent property shall be a minimum of five (5) feet in width measured at right angles to the side property line.

##### **B TWO UNIT AND MULTIPLE UNIT RESIDENTIAL LOTS**

For residences of more than one unit, there shall be two (2) side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of twenty (20) feet in depth measured from the right-of-way line to the sidewall of the building. The side yard adjoining the adjacent property shall be a minimum of five (5) feet, plus an additional two (2) feet for each unit above one (1) unit, up to a maximum of twenty-five (25) feet.

## **C NON-RESIDENTIAL LOTS**

Non-residential corner lots shall meet the provisions of Article XVII, Section 6(A) herein.

### **ARTICLE XVII**

#### **Section 7 REAR YARD SETBACK - ALL LOTS**

There shall be a rear yard setback of a minimum twenty (20) feet in depth measured from the rear property line to the rear wall of the building.

### **ARTICLE XVII**

#### **Section 8 HEIGHT**

No single unit residential building or structure shall exceed thirty (30) feet in height. For two unit, multiple unit and nonresidential structures, no building or structure shall exceed forty-five (45) feet in height.

### **ARTICLE XVII**

#### **Section 9 MINIMUM FLOOR AREA AND BUILDING WIDTH**

The minimum floor area of any single unit dwelling shall be not less than seven hundred and twenty (720) square feet, exclusive of garages, carports, open porches or breezeways. The minimum floor area of any two unit dwelling shall be not less than six hundred (600) square feet per dwelling unit. The minimum floor area of any multiple unit dwelling shall be not less than four hundred (400) square feet per dwelling unit. For single unit, two unit and multiple unit dwellings, the dimensions of the dwelling shall be not less than twenty-four (24) feet in width nor less than twenty-four (24) feet in depth.



## **ARTICLE XVII-A**

### **Section 8 MINIMUM FLOOR AREA**

The minimum floor area of any dwelling unit shall be not less than seven hundred and twenty (720) square feet in area, exclusive of garages, carports, open porches or breezeways.

## **ARTICLE XVII-A**

### **Section 9 HEIGHT**

No building or structure shall exceed thirty (30) feet in height.

## **ARTICLE XVII-A**

### **Section 10 NUMBER OF UNITS**

The maximum number of units under the same roof shall not exceed four (4).

## **ARTICLE XVII-A**

### **Section 11 LOT AREA AND SIZE**

The depth of any lot shall not be less than eighty-five (85) feet. The width of any lot shall not be less than forty (40) feet except where an abutting wall or common wall is provided at both side lot lines for a zero lot line development. When an abutting wall or common wall is provided at both side lot lines, the width of the lot may be the width of the dwelling unit on said lot but shall not be less than twenty-eight (28) feet. Lot width requirements shall denote lot frontage requirements.

## **ARTICLE XVII-A**

### **Section 12 DENSITY**

The building density of land coverage consisting of the minimum of one and one-half (1 1/2) acres shall be as follows:

- 20% one unit structures
- 20% two unit structures
- 30% three unit structures
- 30% four unit structures

The building density of land coverage consisting of more than six acres shall be a minimum of ten percent (10%) with a maximum of thirty percent (30%) of all four (4) types of structures.

There shall be, at maximum, not more than two (2) structures of like usage adjacent to one another.

## **ARTICLE XVII-A**

### **Section 13 LOT COVERAGE**

The maximum total of building coverage for each lot shall not exceed fifty percent (50%).

## **ARTICLE XVII-A**

### **Section 14     PARKING**

There shall be provisions for two (2) parking spaces for each dwelling unit to be placed in the rear yard setback area of the dwelling.

## **ARTICLE XVII-A**

### **Section 15     ON-STREET PARKING**

There shall be provisions set out for three (3) inset parking spaces every one hundred and fifty (150) feet for limited parking facilities to be placed in the street right-of-way requirement. Each inset shall be a minimum width of ten (10) feet and a maximum length of seventy (70) feet.

## **ARTICLE XVII-A**

### **Section 16     GARAGES**

There shall be a maximum size for any garage being constructed in the development of twenty-four by twenty-four (24 x 24) feet to be placed in the rear yard setback area.

## **ARTICLE XVII-A**

### **Section 17     STREET WIDTH**

The width of any street inside the development shall be a minimum of twenty-two (22) feet.

## **ARTICLE XVII-A**

### **Section 18     ALLEY WAYS**

The width of any alley shall be a minimum of ten (10) feet with a six (6) feet easement requirement on each side for the purpose of utilities.

## **ARTICLE XVII-A**

### **Section 19     SANITARY FACILITIES**

No mixed land use development shall be allowed to occur where approved sanitary facilities are not available.

## **ARTICLE XVII-A**

### **Section 20     COVENANTS**

There may be covenants, grants and easements placed on the proposed area involved.

## **ARTICLE XVII-A**

### **Section 21     RIGHT-OF-WAYS**

Areas proposed for the street right-of-way dedication must be in accordance to the provisions set out by the Official Thoroughfare Plan for the City of Muncie, Indiana.

## A PURPOSE

In order to reduce congestion in public streets and highways and to provide increased safety for the general public, every use of land shall be suited with on-site parking, loading and unloading facilities as required in this Section.

## B DEFINITION

For the purpose of this Ordinance, a parking space for one vehicle shall consist of not less than one hundred and sixty-two (162) square feet of area, exclusive of drives, aisles and other necessary means of access, with free access from a public way. Each required space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle or by passing over any other parking space, except where the parking area is limited to employees.

## C STANDARDS

No new building or structure shall be constructed or used in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used unless off-street parking is provided in accordance with the following conditions:

1. Off-street parking facilities shall be opaquely screened from any Residence Zone, or any one or two family dwelling, with a suitable buffer or fence not less than four (4) feet in height.
2. All land used for off-street parking, and all driveways thereto, shall be paved or surfaced, for the duration of its use, in accordance with the most recent specifications of the city or county engineer to avoid nuisances of dust and erosion and shall be drained in a manner that shall meet the minimum required in such specifications.
3. Any light used to illuminate land used for off-street parking or driveways thereto shall be installed and maintained so as to reflect the light away from any Residence Zone and any one or two family dwelling.
4. Whenever the intensity of use of any building, structure or land shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other unit of measurement, parking and loading facilities as required in this Section shall be provided, but only to the extent of such increase.
5. All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a public street or alleys in a manner that will least interfere with traffic movement. No off-street parking space shall be designed to require backing of a vehicle into a public street.
6. All parking lots must have parking spaces designated for individuals with disabilities. The International Symbol of Accessibility must be clearly visible from the entrance of the lot and should designate each spot. The sign is to be located above the grade and placed so that it is visible when a vehicle is parked in the space.

- a. At least 2% of all parking spaces in each lot must be accessible, in accordance with the standards of this paragraph. (See Table C-6) These spaces are to be on the shortest possible accessible route to an accessible building entrance. The parking spaces must be located on level terrain with surface slopes that do not exceed 2% in all directions.
- b. Access aisles must be provided that have a minimum width of five (5) feet and length of twenty (20) feet, adjacent and parallel to the vehicle pull-up space. The design and layout of these spaces will follow guidelines indicated by Americans with Disabilities Act parking requirements diagram in the design manual.
- c. For every eight accessible spaces, one space is to be marked for vans. Van parking spaces must have adequate vertical as well as horizontal clearance. This affects parking garage ceilings and potential obstacles such as tree limbs. A minimum height of ninety-eight (98) inches and width of sixteen (16) feet is required to accommodate both parking space (a minimum width of eleven feet) and an access aisle (a minimum width of five feet).

Table C-6

| ADA Standards for Minimum Number of Accessible Parking Spaces |   |   |
|---|---|---|
| Total # of Parking Spaces Provided                            | Minimum # of Required Accessible Parking Spaces         | Minimum # of Accessible Van Parking Spaces                  |
| 1 to 25   | 1   | 1   |
| 26 to 50  | 2   | 1   |
| 51 to 75  | 3   | 1   |
| 76 to 100   | 4   | 1   |
| 101 to 150  | 5   | 1   |
| 151 to 200  | 6   | 1   |
| 201 to 300  | 7   | 2   |
| 301 to 400  | 8   | 2   |
| 401 to 500  | 9   | 2   |
| 501 to 1000   | 2% of total   | 1 for each 6 accessible parking spaces, or fraction thereof |
| 1001 and over   | 20, plus 1 for each 100, or fraction thereof, over 1000 |   |

*The following types of facilities have different requirements for the number of accessible parking spaces.*

**\* Outpatient Hospital Facilities -**  
10% of patient and visitor parking spaces must be accessible.

**\* Rehabilitation & Outpatient Physical Therapy Facilities -**  
20% of patient and visitor parking spaces must be accessible.

**\* Residential Facilities -**  
> At least 1 accessible parking space for each accessible residential dwelling.  
> 2%, but no fewer than 1 space not covered by the term above shall be accessible.  
> In areas where parking spaces are provided for persons other than residents, parking shall be provided in accordance with the table above.

7. Parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table. The parking angle shall be measured between the centerline of the parking space and the centerline of the aisle.

**MINIMUM PARKING SPACE AND AISLE DIMENSIONS FOR PARKING AREAS**

| Angle of Parking | Width of Parking Space | Length of Parking Space | Maneuvering Aisle 1-way | Maneuvering Aisle 2-way |
|------------------|------------------------|-------------------------|-------------------------|-------------------------|
| 76-90°           | 9'                     | 18'                     | 24'                     | 24'                     |
| 61-75°           | 9'                     | 18'                     | 18'                     | 24'                     |
| 46-60°           | 9'                     | 18'                     | 17'                     | 24'                     |
| 0-45°            | 8'                     | 22'                     | 12'                     | 24'                     |

8. For parking areas containing twenty (20) or more spaces, up to fifteen percent (15%) of the required parking spaces may be land banked as green space at the discretion of the owner/developer.
9. Off-street parking areas may be located in any front, side or rear yard area provided the following green belts are maintained: 10' along any public roadway measured from the property line; and 5' along any side and/or rear property line adjacent to or abutting a Residence Zone.

No off-street parking area shall extend into any proposed right-of-way as set forth in the Official Thoroughfare Plan. Whenever any green belt and/or landscaped area, provided to meet the requirements of this Ordinance, is removed by a public road widening project, the property from which the green belt or landscaped area has been removed shall still be considered in compliance with this Ordinance.

10. Bicycle parking spaces shall be provided in accordance with the requirements set forth as follows:
  - a. Location and Placement Standards:
    1. Bicycle parking shall be located as close as or closer than the nearest car parking space to the building entrance, other than those spaces for persons with disabilities.
    2. Bicycle parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the American with Disabilities Act of 1990.
    3. Bicycle racks shall not block the building entrance or inhibit pedestrian flow.
    4. Bicycle racks shall be located to protect bicycles from damage from automobiles.
    5. Bicycle parking shall be visible, well lit, and as convenient to cyclists as auto parking is to drivers.

6. All bicycle racks shall be designed to minimize visual clutter and be maintained in good condition.
  7. All bicycle racks shall be securely anchored to the ground or building surface.
  8. In cases where bicycle parking spaces are not visible from the primary street, signage shall be used to direct cyclists safely to bicycle parking areas.
- b. Design Standards:
1. Each bicycle rack shall be designed to accommodate a minimum of two bicycle parking spaces.
  2. Bicycle racks shall be designed to accommodate U-shaped locking devices and support the bicycle in two places.
  3. Bicycle racks shall be designed to resist cutting, rusting, bending and deformation.
  4. The surfacing of such facilities shall be designed and maintained to be mud and snow free.
  5. Required bicycle parking spaces shall be at least 4 feet wide by 6 feet long.
  6. An access aisle of at least 4 feet shall be provided in each bicycle parking facility.
  7. Such space shall have a vertical clearance of at least 6 feet.
  8. Bicycle racks shall be placed on 48-inch centers.
- c. When the intensity of use of any building, structure or premises shall be increased through additional number of dwelling units, gross floor area, seating capacity or other units of measurement specified herein that requires additional automobile parking spaces, bicycle parking as required herein shall be provided for such increase in intensity of use.
- d. A reduction in the minimum required automobile parking is allowed equal to the percentage of bicycle parking spaces provided, with a 5% maximum reduction.
- e. Bicycle parking spaces shall be based on the required automobile parking spaces and shall be provided in accordance with the following:



**Non-Residential/Commercial Uses:**

**Auto Spaces Required**

0-20 spaces  
21-50 spaces  
51-75 spaces  
76-100 spaces  
101 + spaces

**Bicycle Racks Required**

1 rack  
2 racks  
3 racks  
4 racks  
5 racks + 1 for each  
additional 100 spaces,  
20 maximum

**Multi-Family Residential Uses:**

**Auto Spaces Required**

8+ spaces

**Bicycle Racks Required**

1 rack for every  
8 auto spaces required

**D OFF-STREET LOADING AND UNLOADING**

There shall be provided and maintained space for vehicles standing, loading and unloading on the same premises with every building, structure or part thereof hereafter erected, established or enlarged and occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, laundry, dry cleaning, and uses involving the receipt and distribution by vehicles of material or merchandise as follows:

A twelve (12) foot by thirty-five (35) foot loading space with fourteen (14) foot height clearance for every twenty thousand (20,000) square feet or fraction thereof of floor area in excess of six thousand (6,000) square feet of floor area used for the above mentioned purposes, or for every twenty thousand (20,000) square feet or fraction thereof of land used. This requirement shall be separate and apart from any and all other off-street parking requirements.

**E OFF-STREET PARKING**

The following off-street parking requirements shall be provided and maintained in conformity with the provisions of this Ordinance:

1. Airport: One (1) parking space for every two (2) employees plus one (1) parking space for every four (4) seats
2. Apparel Shop: One (1) parking space for each three hundred three square feet of gross floor area (3.3/1000 GFA)
3. Apartments: See Dwelling, Multi-Family

# Miscellaneous Muncie Ordinances

Taken from Code of Ordinances for the City of Muncie, IN.

Find them at [www.cityofmuncie.com](http://www.cityofmuncie.com)

## DIVISION 1. IN GENERAL

### **Sec. 96.01. Playing ball in streets prohibited.**

No person shall play baseball or any game of ball in any of the streets or alleys of the city.  
(1968 Code, § 96.01)

### **Sec. 96.02. Transportation of certain loose materials in vehicles.**

Whoever shall transport on any public way, crushed stone, sand, gravel, sawdust, ashes, cinders, lime, tanbark, shavings, trash, wastepaper, ice, fuel, leaves, trimmings from growths, mortar, earth, rubbish, refuse, or any other loose materials or articles likely to sift, fall, spill, or be thrown upon the public way, shall not overload the vehicle used to transport the substance and shall cover or secure such contents and convey the same in tight wagon boxes, or in containers. If such contents are blown or spilled, or become scattered on any public way, the person transporting such substances shall remove all of the debris from the street.  
(1968 Code, § 96.02)

### **Sec. 96.03. Unauthorized removal of barricades, signal lights, or lanterns from streets.**

No unauthorized person shall remove any barricade, signal light, or lantern from any street under construction or repair.  
(1968 Code, § 96.03)

### **Sec. 96.031. Parking vehicles on sidewalks.**

No unauthorized person shall be allowed to operate or park any motor vehicle on or pass over the curb, sidewalk, or median between curb and sidewalk of any street, thoroughfare, or other public way of the city.  
(Ord. No. 688-81, 6-1-81)

### **Sec. 96.04. Removal of earth, gravel, or pavement from streets prohibited.**

No person shall take or cause to be taken any earth, gravel, or pavement from any street or alley in the city without a permit from the board of public works and safety.  
(1968 Code, § 96.04)

### **Sec. 96.05. Cleanliness of public ways and places.**

The streets, alleys, public ways, and public places shall at all times be kept neat, clean, and reasonably free from dirt, litter, and rank growth, so that the city may at all times present an orderly and attractive appearance.  
(1968 Code, § 96.05)

**Cross reference**—Waste and litter, Ch. 52.

### **Sec. 96.06. Goodwill Industries receptacles.**

When signs are promptly posted giving notice thereof, it shall be unlawful for any person to place, abandon, deposit, or leave any article, package, or bundle at or near any Goodwill Industries or similar charitable organization collection boxes in the city without placing the article, package, or bundle inside the collection box.  
(Ord. No. 456-B, 11-6-73)

### **Secs. 96.07—96.09. Reserved.**

## DIVISION 2. OBSTRUCTIONS

### **Sec. 96.10. Hanging advertising across street.**

No person shall hang or suspend any banner, sign, emblem, or advertising medium from one building to another over any street or alley within the city without first obtaining the permission of the building director.  
(1968 Code, § 96.10)

### **Sec. 96.11. Posting handbills; defacing posts.**

No person shall post, in any manner, any handbills, advertisements, or pictures upon telegraph, telephone, electric light, or other public utility poles, or on highway posts or trees, or on

any public way or place, or appurtenances thereon, or mar, deface, or damage the same by cutting or whittling.

(1968 Code, § 96.11)

#### **Sec. 96.12. Signposts in front of buildings.**

No person shall build or erect any signpost upon the sidewalk or street in front of any business or dwelling house within the city.

(1968 Code, § 96.12)

#### **Sec. 96.13. Signs and merchandise obstructing intersections or sidewalks.**

(A) Signs and merchandise may not be placed at or on street corners in such a way as to obstruct the vision of a motorist legally entering an intersection.

(B) Merchandise may be piled no closer than four feet from the curb or right-of-way.

(C) No more than one signpost of no greater than one foot in diameter may be closer than four feet to the curb or right-of-way at an intersection. The sign supported by such signpost must be higher than eight feet from the ground.

(D) No sign lower than eight feet from the ground may be placed closer than four feet from the curb or right-of-way.

(E) However, nothing herein shall be construed as prohibiting the placement of facilities for the seating of pedestrians or the display of merchandise in observance of "sidewalk days."

(1968 Code, § 96.13)

#### **Sec. 96.14. Obstruction of street lights.**

No person shall erect or maintain any sign, post, awning, or shade tree, which shall obstruct street lights.

(1968 Code, § 96.14)

#### **Sec. 96.15. Shade trees obstructing intersections.**

Shade trees shall not be planted nearer than ten feet to street crossings or alley openings, nor

shall such trees be encased with any fence or guard bars so as to interfere with street lights or the convenient maintenance of street lights.

(Code 1968, § 96.15)

**Cross reference**—Penalty, § 96.99.

#### **Sec. 96.16. Trees extending over streets and sidewalks.**

The owner of shade trees which obstruct passage or light from street lights shall keep such trees trimmed so that the limbs or branches which extend over, along, or across sidewalks shall not be less than ten feet above the sidewalk, and the limbs and branches which extend over, along, and across the adjacent street shall be of sufficient height above the grade of the street to admit the passage of ordinary buses, trucks, and other vehicles.

(Code 1968, § 96.16)

**Cross reference**—Penalty, § 96.99.

#### **Sec. 96.17. Shrubs obstructing intersections; removal.**

(A) No person shall plant or grow any shrubs or other plants in a way which interferes with adequate visibility at street intersections. All plants and shrubs adjacent to intersections shall not be allowed to grow higher than 40 inches and shall be planted at least four feet from the street right-of-way at all points.

(B) All trees growing or planted within four feet of the street right-of-way must have foliage trimmed by the owner in a manner which does not interfere with adequate vision by drivers and pedestrians.

(C) Upon request of the police department, the owner of any plants, shrubs, or trees growing in violation of section 96.17(A) and (B) shall be granted 30 days to trim or otherwise eliminate the violating growth. In the event corrective action is not taken within 30 days, the city shall make the necessary corrections and the cost shall be charged to the owner, and shall be a lien upon the lot, tract, or parcel of land, the same as taxes are a lien. The amount shall be due and payable on or before the first Monday of the following November. In the event it is not paid, a penalty of ten percent shall be added and the real estate sold

**Sec. 96.30. Driving vehicles or animals on sidewalks.**

No person shall ride, drive, or propel any motor bicycle, cart, wagon, or other vehicle on or across any sidewalk in the city, or ride, drive, or lead any horse, mule, ox, cow, sheep, or hog on any sidewalk in the city. If there is no alley adjacent to a lot and no convenient access other than crossing over a sidewalk, it shall be lawful for the owner or occupant of the lot or any person in his employ to drive across the sidewalk for the purpose of unloading, discharging, or delivering any bulky article, if the place at which the sidewalk is crossed has been well-planked so that driving or crossing does not injure the sidewalk or interfere with the free use and passage of foot passengers. The planks shall be removed from the sidewalk when not in use.

(Code 1968, § 96.30)

**Cross reference**—Penalty, § 10.99.

**Sec. 96.31. Dirt and rubbish on sidewalks.**

No person shall obstruct any sidewalk in the city with dirt or rubbish and it shall be unlawful to permit dirt and rubbish to accumulate and remain on the sidewalk. If the nuisance has not been abated within five days or immediately after notice of the nuisance has been given to the owner by the chief of police, the city may maintain an action against the owner.

(Code 1968, § 96.31)

**Cross reference**—Penalty, § 10.99.

**Sec. 96.32. Removal of ice and snow from sidewalks; obstructions, encumbrances.**

During the winter, the owner or occupant of any building; the owner, proprietor, lessee, or person entitled to possession of a vacant lot; and anyone having charge of a church, public hall, or other building in the city shall, by 10:00 a.m. each morning, clean the sidewalk in front of each house, building, or lot, and keep it free from snow and ice during the day. Such persons shall also keep the sidewalks clean and free of all dirt and filth or other obstructions, encumbrances, or merchandise for display or sale. Merchandise may be unloaded or loaded from the sidewalk but must be removed within one hour.

(Code 1968, § 96.32)

**Cross reference**—Penalty, § 10.99.

**Sec. 96.33. Width of sidewalks.**

The width of all city sidewalks shall be determined by the board of public works and safety. (Code 1968, § 96.33)

**Sec. 97.10. Tree cutting.**

No person may cut or top any street tree, park tree, shade tree or other tree on public property without the consent of the urban forester. Topping of trees may only be done in accordance with standards maintained in the office of the urban forester, which standards are available for public view at all reasonable times and which are in accordance with the National Arborist Association.

(Ord. No. 23-96, § 10, 6-10-96)

**Sec. 97.16. Damage to public trees.**

Any person who mutilates, disfigures, damages or destroys a tree on public property in the city will be fully prosecuted according to law, and shall compensate the city for such act.

(Ord. No. 23-96, § 16, 6-10-96)

# When Permits are Required

## Obtain permits from the Building Commissioner's office before:

### **Building Permits**

- The construction of new structures, mobile homes, modular homes, and accessory structures of more than 200 square feet.
- Installation and replacement of roofing (sheeting/wood), additions to any existing structure, repair/replacement of existing material (interior or exterior), alterations requiring structural change, and moving buildings.

### **Certificate of Occupancy**

The use of a building for business/commercial purposes prior to opening for business.

### **Demolition Permits**

Demolition and partial demolition of any structure.

### **Electrical Permits**

Any installation, replacement, alteration, addition, and repair of the system.

### **Fire Suppression/Alarm System**

Any installation, alteration, replacement, and extension of a fire suppression and alarm system.

### **Grease Trap/Interceptor/Converter**

Grease traps required for any project pertaining to grease, oil, etc.

### **Heating and Air Conditioning Permits**

Any installation, retrofitting, alteration, extension, repair, and replacement of any existing HVAC system.

### **Occupancy Permits**

Upon the completion of construction, alteration, repair, and addition of any multi-unit, commercial, institutional, school, church, and industrial structures.

### **Plumbing Permits**

Any installation, replacement, alteration, and addition to residential and commercial plumbing.

### **Water Heater**

Installation of new water heater.

### **Sewer Tap**

Installation of new sewer taps and replacement of existing taps.

### **Signs**

- Any installation, repair, reface, alteration, and replacement of signs and advertisements requires a sign permit.
- Any banner, arrow sign, etc. requires permits also.

**Swimming Pools**

The installation of above ground and inground pools.

**Temporary Structures**

The usage of construction trailers, tents, and other structures used for temporary projects.

**Miscellaneous Requirements**

Fences – for height restrictions and information regarding location by right-of-way, contact the office.

Contact the Building Commissioner's Office with any questions you may have.

**Website:**

<http://www.cityofmuncie.com/building-commissioner-muncie.htm>

**Contact:**

Muncie City Hall  
Third Floor  
300 N High Street  
Muncie, IN 47305  
765-747-4862  
8am - 4pm (M-F)



# Requesting a Zoning Variance

## VARIANCE DEFINITION.

A variance is a permit which the Board may grant in certain situations, enabling a property owner the use of his property in a way which is in conflict with the literal provisions of the Ordinance. There are two types of variances - a variance of use and a variance of standards. A variance of use refers to a request to vary the permitted uses of a particular zone to allow operation of a use not normally permitted under the usage provisions of that zone - i.e. a business use in a residence zone (which goes beyond the scope of a home occupation. A variance of standards refers to a request to vary some development requirement such as a setback, number of parking spaces, height, lot area, etc.

## HARDSHIP EXAMPLE:

1. A small lot or so peculiarly shaped that the owner would have great difficulty in meeting setback requirements and still erect a suitable building.
2. Severe lot contours or the location of natural features which cause hardship in complying with setback requirements.
3. A physical disability which requires the conduct of a house retail business for selling home made products

## FINDINGS.

Before the Board issues a variance it shall make the following findings:

1. The Board of Zoning Appeals may approve or deny variances of use from the terms of the Zoning Ordinance. The Board may impose reasonable conditions as part of its approval. A variance of use may be approved only upon a determination that:
2. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
3. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
4. The need for a variance arises from some condition peculiar to the property involved;
5. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
6. The approval does not interfere substantially with the comprehensive plan.

A variance of standards refers to a request to vary some development requirement such as a setback, number of parking spaces, height, lot area, etc. The Board of Zoning Appeals may approve or deny variances from the development standards. A variance may be approved only upon a determination that

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

## **WHAT HARDSHIP IS NOT**

For the purpose of granting a variance, the following instances or similar ones shall not be considered hardships:

1. That the owner could sell his property for more if the Board would permit its development for commercial purposes.
2. Erection of an apartment with more units than allowed by the ordinance and occupying greater area.
3. A venture which is financially advantageous to the applicant or a financial loss if a variance was denied.
4. The absence of a grocery in a neighborhood and the implication that housewives suffer inconvenience by it.
5. An applicant who knowingly or not violated the Zoning Ordinance and then cites his expenditures as a loss, which he will suffer, if not permitted to continue the violation.
6. Purchase of property with the knowledge of the zoning restrictions and complaint that said restrictions have disturbed construction plans.