



**MAIN STREET
AMERICA™**

Coordinating Program

INDIANA MAIN STREET



CODE ENFORCEMENT 101

INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS TOOLKIT

What is Indiana Main Street?

- Since 1985, the Indiana Main Street Program has been helping communities revitalize the economy, appearance, and image of their downtown commercial districts using the National Main Street Center's successful Main Street Approach.
- The Indiana Main Street Program is managed by the Indiana Office of Community and Rural Affairs.
- For more information on the Indiana Main Street program, visit our website [here](#).
- Follow us on social media for more!



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Issue Overview: Code Enforcement

- **Code enforcement** is the combination of strategies and procedures that local governments deploy to comply with state and local housing, building, zoning, and land use codes

This toolkit will have two parts:

- 1) The first is an overview of **Code Enforcement** and the various strategies to use codes to improve a downtown district.
- 2) The second part will focus on **advocacy**, to give Main Street organizations tools to implement impactful policy changes in your community using existing codes or developing new codes.

Legal Considerations

- The information provided in this toolkit does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available are for general informational purposes only.
- Readers of this toolkit should contact local counsel to obtain advice with respect to any particular legal matter. No reader should act or refrain from acting on the basis of information in this toolkit without first seeking legal advice from counsel.



Winchester, IN

Issue Overview: Why Action Matters

- Good planning is the foundation upon which great communities are built! When well done, codes and zoning make it easier for communities to implement their visions.
- However, when codes and zoning are out of date or do not align with a communities' vision, codes can hinder a communities' ability to foster the development they want.



Kokomo, IN

Part One: Code Enforcement

3 Methods

Building & Maintenance
Codes

Zoning

Historic Districts



Building & Maintenance Codes

- A **Building Code** is a set of regulations that specifies standards for building construction and safety. Building codes are adopted by a government authority that is involved with the physical structure and healthy conditions of buildings and building sites.
- A **Maintenance Code** sets standards for the property conditions of existing properties. Local communities can adopt these codes as municipal or county ordinances.
- Building & Maintenance Codes make proper building maintenance not an option but a legal requirement, for which the property owner is responsible.

Holding Property Owners Accountable to Building and Maintenance Codes

- **Code Enforcement Portals** allow residents of communities to partner with local government to hold property owners accountable.
- Complaints for violations of municipal or county-level code may be collected via online portals that can receive complaints of downtown code violations. Collaborate with local or county government to identify an enforcer of building, maintenance, or zoning codes.
- **Upon receiving a complaint:**
 - A Code Enforcement Officer or group will inspect the site to confirm the alleged violations.
 - The Officer will contact the property owner to explain the violation and suggest solution.
 - Those who do not respond or make an effort to remedy the issue will receive additional notices followed by citations.

Sample Code Enforcement Portal

Other Examples:
Sound Bend, IN
Code Enforcement

Speedway, IN
Code Enforcement

Code Investigation Request Form

Date/time

mm/dd/yyyy hh:mm am/pm

Address to be Investigated*

List the address where the suspected violation is located. Include the business name if applicable.

City*

Zip Code*

This form is for issues within Santa Rosa city limits.

Nature of Complaint (please be specific)*

Your Name*

We cannot accept anonymous complaints, but we do keep complainant information confidential.

Your Email Address*

Your Address*

Sign in to Save Progress

Zoning Overview

- **Zoning and land use laws** regulate the use and development of property and real estate. Zoning regulations are used by cities and towns to control and direct the development of property within their borders.
- The basic purpose of traditional zoning regulations is to split a municipality into three districts: residential, commercial, and industrial. (Though there are many different types of sub-districts within these three classifications.)
- Zoning can be used to stimulate or slow down growth in specific areas.
- In the United States, a local authority such as a municipality or county controls zoning.

How do I find out how a parcel is zoned?

- To learn the intended use of a piece of property, the first thing to do is obtain a copy of your local zoning map and the ordinances applicable to the property. These are most likely housed on the town's planning, zoning, or development website. Once you have a map, then:
 1. Check the property's zoning designation on the map.
 2. Refer to the zoning ordinances to see exactly what uses are permitted under the designation.
- For an example of a zoning map and ordinance document, see Shelbyville, Indiana's zoning website [here](#).

Zoning Law Changes

- Changing a property's zoning can be very difficult. Any rezoning must be consistent with the local master use or strategic plan
- In order to rezone a piece of property one must often file an appeal and go before a town or county plan commission.
- Zoning amendments are often obtained by individual property owners, though coordinated efforts to amend zoning codes may be used to influence downtown development.
- Case Study: [How Cambridge, Maryland Main Street developed a zoning strategy for economic vitality](#)



Hope, Indiana

Using Zoning to Hold Property Owners Accountable

- 1. Know your town's zoning ordinances!** A firm understanding how your downtown is zoned is an important way to evaluate which properties are and are not up to zoning code.
- 2. Be careful** - a close look at other downtown properties will also draw the scrutiny of other downtown properties. It is unlikely that any downtown property would be completely free of all zoning infractions.
- 3. The code is your most powerful tool!** Use your zoning code to regulate blight and vacancy! Consider a relationship with local code officials who may welcome input and help hold property owners accountable.
- 4. The most intuitive way to collect and enforce abatement zoning-related complaints is to emphasize community Code Enforcement.**

Using Zoning to Hold Property Owners Accountable

- Common Zoning Violations
 - Operating a business in a residential zone
 - Landscaping
 - Miscellaneous Junk, Trash, and Debris
- Common Structure Violations
 - Peeling paint
 - Cracked Foundations
 - Collapsing Roof
 - Broken Windows/Doors
 - Damaged Siding

Encouraging Zoning: What if my community doesn't have zoning?

- Some communities operate and grow without the use of zoning, whether this be due to circumstances or due to choice. If this is the case, your town might be zoned at the county level, or not at all.
- If zoning is not of interest or not within reach, consider working with your community to at the minimum to create a *community development plan* to create a path for your town to change and grow.
- A development plan will create a blueprint for zoning in the future.
- See Allen County & Fort Wayne's Community Development Plan [here!](#)
- More Indiana Community Development Plans
 - [Huntington, IN](#)
 - [Jasper, IN](#)

Historic Districts

- A historic district is a single property or collection of sites with a high degree of integrity in the areas of location, design, materials, workmanship, and association.
- The main tool provided by a historic district is the preservation ordinance, which can designate historic resources, establish a design review board, and create a design review processes and guidelines.
- The creation of historic districts protects the investments of downtown property owners and encourages higher quality design.
- Click [here](#) to see a ten step guide to establish a local historic district.

Part II: Advocacy - Where Code Enforcement Already Exists

- If local code enforcement exists, does it produce cooperation from property owners? Is the code being optimized to its fullest potential?
- Building, maintenance, and zoning codes operate at their best when they are fleshed out.
- If your local code lacks *teeth*, consider beefing up the code by collaborating with local planning commissions to add strong language that clearly defines the roles of property owners, building commissions, and Main Street organizations.

Advocacy - Where Code Enforcement Doesn't Exist

- If code enforcement doesn't exist at local level, it may exist at the county level.
 - *If it does*, consider directing advocacy toward county governance or weigh the pros and cons of developing local-level code enforcement
 - *If it does not*, consider advocating to the county to add building, maintenance, or zoning ordinances to their code using sample language from high performing downtown districts.

Advocacy - Where Code Enforcement Doesn't Exist

- Developing a Comprehensive Plan is a good starting place for eventually passing ordinances on building, property maintenance, and zoning.
- Comprehensive Planning allow communities establish and implement a public policy around the long term vision for a city.
- Check [here](#) for more on Comprehensive Plans.

Advocacy - Where Code Enforcement Doesn't Exist cont.

- Comprehensive planning, as well as beefing up existing codes, will require community buy-in, especially from local business owners who will be impacted by the changing or the addition of regulations.
- Building consensus among downtown property owners will be part of a larger grassroots movement that will be required for advocacy to be successful. Pulling as many people as possible into the conversation will enable local legislation to help Main Street organizations meet their goals.

You Don't Need to Reinvent the Wheel!

- Don't hesitate to use well-written codes from other cities and towns to your advantage!
- Check out these Indiana codes for strong examples of building, maintenance, and zoning codes as well as language on historic districts:
 - [Greenwood, IN Property Maintenance Code](#)
 - [Allen County Maintenance Code](#)
 - [Lowell, IN Property Maintenance Code](#)
 - [Greenfield, IN Historic Preservation Code](#)
 - [Pendleton, IN Unsightly Premises Ordinance](#)



Angola, IN



Questions?

Visit www.in.gov.ocra/mainstreet or contact your [OCRA Community Liaison](#).

Sources Cited and Additional Resources

- [Indiana Citizen Planner Guide](#)
- [Building Codes 101 Video](#)
- [Basic Zoning Lesson & Zoning Terms Glossary](#)
- [Zoning and Land Use Changes](#)
- [Benefits of Establishing Historic Districts](#)

