

Ordinance No. 2022-7

**AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS,
IN THE CODE OF ORDINANCES OF THE CITY OF DELPHI, INDIANA**

WHEREAS, there presently exists in the Code of Ordinances of the City of Delphi, Indiana, Title IX: General Regulations; and

WHEREAS, after considering the needs of the City of Delphi, the Common Council of the City of Delphi, Indiana, has determined that a new chapter should be added to Title IX which governs the maintenance of retaining walls within the City of Delphi.

WHEREFORE, IT IS HEREBY ORDAINED THAT the Title IX of the Code of Ordinances of the City of Delphi, Indiana, shall be amended to include a new chapter entitled "Chapter 102 Retaining Walls," which shall read as follows:

§ 102.1 DEFINITIONS.

The definitions in this chapter apply throughout this article.

- (a) "Retaining wall" means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock, or similar materials.

§ 102.02 RETAINING WALLS RESPONSIBILITY OF PROPERTY OWNER.

It shall be the responsibility of the property owner to maintain retaining walls fronting the property owner's property on the street or sidewalk in proper and safe condition.

§ 102.03 COMPLIANCE WITH CITY REGULATIONS.

Retaining walls must be constructed and maintained according to specifications as may be promulgated by the city, from time to time, but should at all times be maintained so as to be structurally sound and not at risk of imminent collapse, and should be kept free of weeds, noxious vegetation, and debris.

§ 102.04 FAILURE TO MAINTAIN.

The city shall give proper notice to any property owner whose retaining walls are in faulty repair and unsafe condition. In the event that the property owner does not comply with a lawful order to repair or abate, the city shall repair such retaining walls and the property owner shall bear the cost of the expense.

Cross Reference: Joint payment of repair or replacement costs by owner and city, see § 95.71

§ 102.05 PENALTY.

Any person who shall violate or fail to comply with the provisions of this chapter, or who shall counsel, aid, or abet any such violation or failure to comply shall be deemed guilty of an offense and shall be punished by a fine as set in the Ordinance Violations Bureau Schedule of Ordinance Violations. Any violation of this chapter not listed in the Schedule of Ordinance Violations shall be punished by a fine not to exceed the statutory limits for

ordinance violations. Each occurrence of a violation shall constitute a separate offence. Any person who shall violate the provisions of said sections relative to the costs incurred by this city or other sums of money may also be adjudged liable for such costs or sums of money

Statutory reference: Penalty, see IC 36-1-3-8-(a)(1).

Passed and adopted by the Common Council of the City of Delphi, Indiana, this 18th day of April, 2022.

Passage by a Majority of the Common Council:



Attest: Leanne Aldrich, Clerk-Treasurer


Anita Werling, Presiding Officer

Approved / Vetoed by me, the Mayor, this 19th day of April, 2022.



Attest: Leanne Aldrich, Clerk-Treasurer


Anita Werling, Mayor