

COPY

BOOK 57

827

ORDINANCE NO.

1994-5

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Building ordinance

AN ORDINANCE regulating the construction, alteration, repair, location and use of buildings and structures in the County of Decatur, Indiana; incorporating by reference building rules, codes and standards required by state law; providing for the issuance of permits; providing penalties for violations; and repealing all ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Board of Commissioners of Decatur County, Indiana as follows:

SECTION 1. TITLE. This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the County of Decatur, Indiana," may be cited as such and will be referred to herein as "this code."

SECTION 2. PURPOSE. The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

SECTION 3. AUTHORITY. The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in this code it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the county, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinances or to enforce this code in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under IC 22-13-2-7 (B).

SECTION 4. SCOPE. Except as provided in this section, the provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all one and two-family dwellings, mobile homes, and in-ground swimming pools and shall not include mobile structures certified under IC 22-15-4 in the County of Decatur. The provisions of this code shall not apply to a building or structure that is intended to be or is used only for an agricultural purpose, as defined by IC 22-12-1-2, on the land where it is located and which is not used for retail trade.

SECTION 5. ADOPTION OF BUILDING RULES, CODES AND STANDARDS BY REFERENCE.

A. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective date as fixed therein:

- (1) Article 13 - Building Codes
 - (a) Fire and Building Safety Standards (675 IAC 13-1)
 - (b) Indiana Building Code (675 IAC 13-2)
 - (c) Indiana Building Code Standards (675 IAC 13-3)
 - (d) Indiana Handicapped Accessibility Code (675 IAC 13-4)
- (2) Article 14 - One and Two Family Dwelling Codes
 - (a) Council of American Building Officials One and Two Family Dwelling Code (675 IAC 14-1)
 - (b) CABO One and Two Family Dwelling Code; Amendments (675 IAC 14-2.1)
 - (c) Standard for Permanent Installation of Manufactured Homes (675 IAC 14-3)
- (3) Article 16 - Plumbing Codes
 - (a) Indiana Plumbing Code (675 IAC 16-1)
- (4) Article 17 - Electrical Codes
 - (a) Indiana Electrical Code (675 IAC 17-1.1)
 - (b) Safety Code for Health Care Facilities (675 IAC 17-2)
- (5) Article 18 - Mechanical Codes
 - (a) Indiana Mechanical Code (675 IAC 18-1)
- (6) Article 19 - Energy Conservation Codes
 - (a) Indiana Energy Conservation Code (675 IAC 19-1)
 - (b) Modifications to the Model Energy Code (675 IAC 19-2)
- (7) Article 20 - Swimming Pool Codes
 - (a) Indiana Swimming Pool Code (675 IAC 20-1)

B. Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner, Decatur County, Indiana.

SECTION 6. APPLICATION FOR PERMITS. No building permit shall be issued for the foregoing purposes unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries and by plans and specifications showing the work to be done. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release.

SECTION 7. PERMIT REQUIRED. A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which exceed Five Hundred Dollars (\$500.00), using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the Building Commissioner of Decatur County.

SECTION 8. OTHER ORDINANCES. All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances.

SECTION 9. FEES AND REQUIRED INSPECTIONS. Permits required by Section 7 shall be issued upon prior payment of inspection fees according to the following schedule:

<u>Type of Construction</u>	<u>Required Inspections</u>	<u>Single Inspection Fee</u>	<u>Permit Fee</u>
1 or 2-Family Dwelling, detached	4		
Mobile Homes, Temporary Structures	1		
Accessory Buildings (residential use)	1		
Additions/Alterations (all occupancies)	2		
Swimming Pools - in ground	2		

The minimum permit fee for any permit shall be \$20.00. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the number of required inspections by fifty percent (50%). The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspections are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall have the power to assess a reinspection fee of \$20.00 for each such additional

inspection. Reinspection fees shall be paid to the Treasurer of Decatur County prior to the issuance of a certificate of occupancy. The Building Commissioner shall submit an annual report to the Board of County Commissioners of Decatur County, which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

SECTION 10. REVIEW OF APPLICATION. Prior to the issuance of any building permit, the Building Commissioner shall:

(a) Review all building permit applications to determine full compliance with the provisions of this code.

(b) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(c) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair (1) uses construction materials and utility equipment that are resistant to flood damage, and (2) uses construction methods and practices that will minimize flood damage.

(d) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) (1) is protected against flood damage, (2) is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and (3) uses construction methods and practices that will minimize flood damage.

SECTION 11. INSPECTIONS. After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

SECTION 12. INSPECTION ASSISTANCE. The Chief of the Fire Department, or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection, and alarm systems and shall provide reports of such inspection to the Building Commissioner.

SECTION 13. ENTRY. Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the County of Decatur to perform any duty imposed upon him by this code.

SECTION 14. STOP ORDER. Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any; such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

SECTION 15. CERTIFICATE OF OCCUPANCY. No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this ordinance. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.

SECTION 16. WORKMANSHIP. All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

SECTION 17. VIOLATIONS. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the County of Decatur or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 18. RIGHT OF APPEAL. All persons shall have the right to appeal the Building Commissioner's decision first through the Board of Commissioners and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 4-21.5-3-7 and IC 22-13-2-7.

SECTION 19. REMEDIES. The Building Commissioner shall, in the name of the County of Decatur bring actions in the Circuit Court of Decatur County, Indiana, for mandatory and injunctive relief in the enforcement of, and to secure compliance with any order or orders, and by the Building Commissioner, any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

SECTION 20. PENALTIES. If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance for such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 21. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

Adopted this 1st day of August, 1988.

Gilman C. Stewart
Gilman C. Stewart

Paul Manefee
Paul Manefee

Kenneth Owens
Kenneth Owens

ATTEST:

Norma Bainbridge
Norma Bainbridge, Auditor

Approved this 7th day of June, 1988, by the Fire Prevention and Building Safety Commission of the State of Indiana.

Allen C. Stull
Chairman

James H. [Signature]
Secretary

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RECEIVED FOR RECORD
BEVERLY A STIERS
RECORDER, DECATUR COUNTY
RECORD 57 PAGE 827-832

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ORDINANCE NO. 1998-11 Commissioners

AN ORDINANCE ESTABLISHING A DEPOSIT
FOR BUILDING PERMIT APPLICATIONS

WHEREAS, an ordinance is in effect in Decatur County, Indiana to require a permit for the construction, alteration or repair of any building or structure which exceeds \$500.00 in cost;

WHEREAS, the county building ordinance requires inspections at several stages of construction and the issuance of a final certificate of occupancy;

WHEREAS, in order to carry out the provisions of the building ordinance and to make timely inspections, the office of building commissioner must rely on the owner or contractor to give timely notice regarding the progress of construction;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Decatur County, Indiana:

Section 1. In addition to the permit and inspection fees established by the building ordinance for Decatur County, an applicant for a building permit shall pay a deposit of One Hundred Dollars (\$100.00).

Section 2. The deposit paid with an application for a building permit shall be collected by the office of the building commissioner and shall be paid by that office to the Decatur County Auditor. The Auditor shall deposit the funds so collected in a separate fund designated as the building permit deposit fund.

Section 3. Upon timely completion of all inspections as required by the ordinance, including a final inspection, the building commissioner, when a final certificate of occupancy is

issued, shall request that the Auditor refund the permit deposit. The building commissioner may deduct from the deposit any re-inspection fees which have been imposed under the terms of the building ordinance and shall notify the Auditor if any re-inspection fees are to be deducted. The Auditor shall issue a refund of the deposit, less any re-inspection fees, without appropriation, to the holder of the building permit.

Section 4. The deposit paid with a building permit application may be refunded upon application by the original applicant for the building permit, if no construction has been commenced and the applicant withdraws the application. If a final inspection has not been requested within one (1) year after issuance or renewal of the building permit, the deposit shall be forfeited and shall be transferred by the Auditor to the county general fund.

Adopted this 8 day of Sept., 1998.

BOARD OF COMMISSIONERS

John R. Moore

Thomas M. Mordiah

Mark H. Hartung

Samet S. Chadwell
Auditor