

**CHAPTER 110.
Buildings.¹**

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¹ For state law authorizing city to regulate construction, maintenance, etc., of buildings, see Indiana Code chapter 22-13-2. As to electrical code, see ch. 111 of this code. As to inspection of buildings for fire hazards, see § 63.01. As to health and sanitation generally, see ch. 64. As to sewers and sewage disposal, see ch. 30. As to swimming pools generally, see ch. 65. As to mobile homes, see ch. 100.

Article I. Building Code--General Provisions.

Sec. 110.01. Title.
This chapter, chapter 111, and all ordinances supplemental or amendatory

thereto, shall be known as the "building code of the city," may be cited as such, and will be referred to herein as "this code." (Ord. No. 4-88. § 1.)

Sec. 110.02. Purpose.

The purpose of this chapter and chapter 111 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. (Ord. No. 4-88, § 2.)

Sec. 110.03. Authority.

The building commissioner, designated by the board of public works and safety, of the city, is hereby authorized and directed to administer and enforce all of the provisions of this chapter and chapter 111. Whenever in this chapter and chapter 111 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 city, this shall be construed to give such officer only the discretion of determining whether this chapter and chapter 111 have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this chapter or chapter 111 shall be, or power to require conditions not prescribed by ordinances or to enforce this chapter and chapter 111 in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under Indiana Code § 22-13-2-7(b). (Ord. No. 4-88, § 3.)

Sec. 110.04. Scope.

The provisions of this chapter and chapter 111 apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrial building systems or mobile structures certified under Indiana Code chapter 22-15-4. in the city. (Ord. No. 4-88, § 4.)

Article II. Building Code-Building Permits.

Sec. 110.20. Permit required.

A permit shall be obtained before beginning demolition, construction, alteration or repair of any building or structure, involves any structural change or involves the change in use of any land or building, using forms furnished by the building commissioner, and all fees required by this chapter and chapter 111

shall be paid to the clerk-treasurer. (Ord. No. 4-88, § 7.)

Sec. 110.21. 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 Indiana Code § 22-15-3-1, shall be provided to the building commissioner before issuance of a permit for construction covered by such design release. (Ord. No. 4-88, § 6.)

Sec. 110.22. 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 chapter and chapter 111.

(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 floodplain 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 floodplain 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.

(e) Review building permit applications to determine if there is a fire hydrant within 500 feet capable of delivering one thousand five hundred gallons per minute or more of water at not less than 20

pounds per square inch residual pressure. (Ord. No. 4-88, § I 0.)

Sec. 110.23. Fee.

(a) The building permit shall be issued by the building commissioner upon proper application and submission of plot and building plans and payment of a fee computed as follows: base fee of twenty-five dollars, plus:

	Fee per \$ 1,000.00
<u>Estimated Project Cost</u>	<u>of</u>
<u>Estimated Project Cost</u>	
\$1,000,000.00 or less	\$2.00
Over 1,000,000.00	\$.50

(b) The minimum fee shall be twenty-seven dollars, with no fee for improvements of one hundred dollars or less. The building commissioner may also require an affidavit showing the estimated cost. If such affidavit is not satisfactory, the building commissioner may withhold issuing the building permit pending its approval by the board of public works and safety.

(c) Whenever any work for which a permit is required has been started without obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is issued. The investigation fee shall be equal to the amount of the permit fee required by this code. Payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

(d) There shall be a charge of twenty-five dollars for any reinspection of any item of work after the first reinspection. (Code 1960, § 15-10; Ord. No. 11-80; Ord. No. 4-88, § 9; Ord. No. 3-92, § 1.)

Sec. 110.24. Limitations on starting and completing work.

Construction shall begin and be diligently prosecuted within ninety days of the date of the issuance of a building permit, and the structure shall be clean, safe, and habitable and all grading, seeding, sodding, landscape planting, walks and driveways, retaining walls and other accessory structures shall be completed and the permanent exterior wall and roof covering shall be applied and finished, as shown in the plans, within

one year of the issuance of the building permit, unless a longer time is authorized by the board of public works and safety. Failure to comply with this article shall result in revocation of the building permit. (Ord. No. 4-88, § 17.)

Sec. 110.25. 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 chapter and chapter 111 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 chapter and chapter 111. (Ord. No. 4-88, § 11.)

Sec. 110.26. Inspection assistance.

The chief of the fire department, or designee, 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. (Ord. No. 4-88, § 12.)

Sec. 110.27. Entry.

Upon presentation of proper credentials, the building commissioner or authorized representatives may enter at reasonable times any building, structure or premises in the city to perform any duty imposed by this chapter and chapter 111. (Ord. No. 4-88, § 13.)

Sec. 110.28. Stop order.

Whenever any work is being done contrary to the provisions of this chapter and chapter 111, 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. (Ord. No. 4-88, § 14.)

Sec. 110.29. Certificate of occupancy.

No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this code. 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. (Ord. No. 4-88, § 15.)

Sec. 110.30. 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 standard and practices in the trade. (Ord. No. 4-88, § 16.)

Sec. 110.31. 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. (Ord. No. 4-88, § 8.)

Sec. 110.32. Right of appeal.

All persons shall have the right to appeal any order of the building commissioner first through the city and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of Indiana Code § 22-13-2-7 and Indiana Code § 4-21.5-3-7. (Ord. No. 4-88, § 19.)

Sec. 110.33. Remedies.

The building commissioner shall in the name of the city bring actions in the courts of Tippecanoe County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the building commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter and chapter 111. (Ord. No. 4-88, § 20.)

Sec. 110.34. Violations.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, 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 city or cause or permit the same to be done, contrary to or in violation of the provisions of this chapter and chapter 111. (Ord. No. 4-88, § 18.)

Sec. 110.35. Penalties.

If any person, firm or corporation shall violate any of the provisions of this chapter and chapter 111, 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 chapter and chapter 111 for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. (Ord. No. 4-88, § 21.)

Article III. Bonding Requirements.

Sec. 110.40. Bonding required.

All persons, whether individual or corporate, not already under bond to the city, who are desiring to do construction work within the city as contractor or subcontractor, hereinafter referred to as "contractor," shall first give bond to the city with one or more sureties in the amounts and in classifications as follows:

- (a) Concrete \$5,000
- (b) Electrical \$5,000
- (c) Heating and air conditioning \$5,000
- (d) Masonry work, stone masonry, bricklaying \$5,000
- (e) Carpentry or structural \$5,000
- (f) Plumbing \$5,000
- (g) General contractor \$25,000

conditioned that they will, in good faith, perform all things required of them under the provisions of this chapter and the various ordinances and codes in effect, and conditioned further that they will pay all damages and save the city harmless on account of failure to comply with this chapter, various building codes and ordinances then in effect in the city. A general contractor, as set forth in (g) above, may undertake or perform any of the activities enumerated in (a) through (e) above, and (f), if licensed by the State of Indiana as required in § 110.61. Such bond with a surety company authorized to do business in the State of Indiana shall be filed with the city engineer and shall be either renewable annually or a continuous bond. Upon posting such bond, the city engineer shall, within one work day of posting, issue a contractor's permit to the contractor. A contractor can perform no work, nor shall an improvement location permit be issued for work to be performed by a contractor, until such time as a permit under this article is issued.

(Ord. No. 21-88, § 1; Ord. No. 37-88, § 1.)

Sec. 110.41. Plumbing permit required.

A valid plumbing license number issued by the State of Indiana shall be required before a permit for such work can be issued. (Ord. No. 21-88, § 5.)

Sec. 110.42. Permit to be exhibited.

The contractor shall, upon request, exhibit the contractor's city permit to any person for whom the contractor is working, or is offering to perform any work, or to any inspector of the city. (Ord. No. 21-88, § 4.)

Sec. 110.43. Notice to correct deficient work.

If, during the course of the inspection of the work performed, the building inspector determines that work was not completed in a manner in compliance with the appropriate building codes or ordinances of the city, such work is to be corrected within a time specified by the building inspector or the building commissioner. If not timely corrected, the building commissioner shall inform the contractor in writing of the work which was not done in compliance with the building codes or ordinances by posting a notice to correct deficient work at the job site, and by mailing a copy of the notice to correct deficient work to the contractor at the address provided by the contractor at the time of application for the permit. A copy of such notice to correct deficient work shall also be forwarded by mail by the building commissioner to the bonding company of the contractor. In the event a reinspection is necessary on account of the failure to have the work timely completed in accordance with the written notice to correct deficient work and the various building codes and ordinances, a reinspection fee of one hundred dollars shall be charged. A certificate of occupancy shall not be issued until any reinspection fees have been paid. (Ord. No. 21-88, § 2.)

Sec. 110.44. Appeals.

The contractor may, after the determination has been made by the building commissioner that any work was not performed in compliance with the building codes or ordinances, and after having received written notice to correct deficient work, appeal the decision of the building commissioner. Such an appeal must be made in writing to the board of public works and safety within

fifteen days after mailing of the notice.

The board of public works and safety shall hold a hearing regarding the performance of the work within fifteen days of receipt of notice of appeal. In the event the board of public works and safety determines that such work was not performed in accordance with the building codes and ordinances, the contractor shall complete such work within five days (or such longer time allowed by the board of public works and safety) and pay all reinspection fees. A copy of such determination by the board of public works and safety shall be mailed to the bonding company. If the contractor fails to complete such work as ordered, or fails to pay all reinspection fees, the bonding company shall make payments to the city in the amount necessary to correct the defects in the work and pay the inspection fees. Upon completion of the corrective work, the city shall have the discretion of making payment to a contractor performing the corrective work or directly to the owner of the property, who shall then be legally responsible to pay a contractor performing the corrective work. If the work is not completed within the specified time, the contractor performing the original work may, without further cause, upon notice and hearing by the board of public works and safety, have the permit revoked, and another permit shall not be issued for a period of one year, or until payment of the previous work is made, whichever is later. (Ord. No. 21-88, § 3.)

Sec. 110.45. Violation--penalty.

Violation of any section of this chapter may subject the violator to a civil penalty of not less than one hundred dollars, nor more than five hundred dollars. For each day and for each job that a violation of this article occurs or continues, a separate and distinct violation is committed. The city may also seek enforcement by court injunction that such violation cease. (Ord. No. 21-88, § 6.)

Article IV. In General

Sec. 110.50. Display of unauthorized house numbers.

(a)After receipt of notice as hereinafter provided, it shall be unlawful for any owner or occupant of any property in the city to display any unauthorized house number, building number or street number upon any house or building in the city, or to refuse to display the proper authorized number thereon.

(b)The board of public works and safety is hereby authorized and directed to notify any such owner or occupant to cease and desist from displaying such an unauthorized number, or properly to display an authorized number.

(c)Such notice shall be served personally on such owner or occupant or by registered mail with return receipt requested, delivery to addressee only.

(d)Such owner or occupant shall have ten days after receipt of such notice to comply therewith, after such owner or occupant may be punished as provided by this code. (Code 1960, §§ 26-1 to 26-4.)