

ORDINANCE NO. FCO- 82-1

AN ORDINANCE regulating the construction, alteration, repair, location and use of buildings and structures in the County of Floyd, Indiana; providing for the issuance of permits therefor; providing penalties for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Board of Commissioners, Floyd 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 Floyd, 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, limb, health, environment, public safety and 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 the building regulations, 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 Floyd County Plan Commission, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance has been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.

SECTION 4. SCOPE. The provisions of this Code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than fences, in the County of Floyd.

SECTION 5. ADOPTION OF REGULATIONS BY REFERENCE.

A. The following rules, regulations and codes are hereby adopted by reference as the rules and regulations governing the construction and alteration of buildings and structures in the County of Floyd, Indiana.

- (1) Construction Rules and Regulations, Volume I, 1980 Edition of the State of Indiana (660 IAC 1-1.1) originally published as (3 IR 2148) which identifies, amends and incorporates therein the Uniform Building Code, 1979 Edition, and the Uniform Building Code Standards, 1979 Edition.
- (2) Indiana Electrical Rules, 1981 Edition (660 IAC 7) originally published as (4 IR 798) which identifies, amends and incorporates therein the National Electrical Code, 1981 Edition.
- (3) Indiana Plumbing Rules, 1981 Edition, (660 IAC 9) originally published as (4 IR 2398) which identifies, amends and incorporates therein the Uniform Plumbing Code, 1979 Edition.
- (4) Indiana Mechanical Rules, 1981 Edition, (660 IAC 8) originally published as (4 IR 1828) which identifies, amends and incorporates therein the Uniform Mechanical Code, 1979 Edition.

(5) One and Two Family Dwelling Code of Indiana, (660 IAC 3-1) originally published as (4 IR 916) which identifies, amends and incorporates therein the One and Two Family Dwelling Code, 1979 Edition.

(6) Indiana Energy Conservation Rules and Regulations for New Building Construction, Volume V, 1979 Edition. (660 IAC 4) (1980 Supp.) published under that title.

(7) Swimming Pool Code (660 IAC 5) (1979 Supp.) published as the Indiana Swimming Pool Code, 1978 Edition.

(8) Copies of this Code and rules, regulations, and codes adopted herein by reference are on file as required by law in the office of the Floyd County Plan Commission.

SECTION 6. APPLICATION FOR PERMITS. No permits shall be issued for the foregoing purposes, unless the application for such permits 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. All plans for building construction under the authority of the Administrative Building Council of the State of Indiana must also be filed with said Council. No local permits shall be issued hereunder until a copy of a Release for Construction from the State Building Commissioner is received by the Building Commissioner.

SECTION 7. PERMIT REQUIRED. A permit shall be obtained before beginning construction, alteration or repair of any building or structure, using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner, and all fees provided for herein shall be paid to the Floyd County Plan Commission.

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

SECTION 9. ADOPTION OF FEE SCHEDULE BY REFERENCE. Applications and petitions filed pursuant to the provisions of Section 3.03, Ordinance No. A-67-4, being the Floyd County, Indiana, Zoning Ordinance dated the 7th day of August, 1967, as amended by Floyd County Ordinance No. 1981-9, dated the 5th day of August, 1981, shall be accompanied by the filing fee established by Section 3.03 of said Ordinance, as said fee schedule may, from time to time, be modified and amended, with the applicable fees thereunder, as of the date of adoption of this Ordinance, being as hereinafter specified:

1. For each application for an improvement location permit, the following fee shall be assessed:

(a) \$2.00/100 sq. ft. of floor area for single family and two family dwellings with a minimum fee of \$10.00.

(b) \$2.00/100 sq. ft. of floor area for private garages or a \$10.00 minimum fee.

(c) \$2.00/100 sq. ft. of surface area for private swimming pools or a \$10.00 minimum fee.

(d) \$2.00/100 sq. ft. of floor area for commercial, public and industrial buildings or a \$10.00 minimum fee.

(f) \$2.00/100 sq. ft. of surface area for public swimming pools or a \$10.00 minimum fee.

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

- (a) Review all building permit applications to determine full compliance with the provisions of this ordinance.
- (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 (4) uses construction methods and practices that will minimize flood damage.

SECTION 11. INSPECTIONS. After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit. Reinspection 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. 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 Floyd to perform any duty imposed upon him by this Code.

SECTION 13. STOP WORK 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 person 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 14. 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.

SECTION 15. STANDARDS. 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 16. 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 Floyd or cause or permit the same to be done, contrary to or in violation of the provisions of this Code.

SECTION 17. RIGHT OF APPEAL. All persons shall have the right to appeal the Building Commissioners decision first through the Floyd County Plan Commission, and then to the Administrative Building Council of Indiana, in accordance with the provisions of IC 22-11-1-16 or IC 22-11-1-21.5 as applicable.

SECTION 18. REMEDIES. The Building Commissioner shall in the name of the Floyd County Plan Commission bring actions in the Circuit Court of Floyd County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioners, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

SECTION 19. 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 each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than \$100.00 Dollars, nor more than \$1000.00 Dollars. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 20. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption, approval by the Administrative Building Council of Indiana, and publication as required by law.

ADOPTED This 10th day of Jan., 19 82.

BOARD OF COMMISSIONERS OF
THE COUNTY OF FLOYD

Walter H. Spivey
Henry J. [unclear]
Douglas A. [unclear]

ATTEST:

Betty J. Hammond

ENDORSEMENT:

Approved this 15th day of December, 19 81, by the Administrative Building Council of the State of Indiana.

Boyd W. [unclear]
Chairman
John T. [unclear]
Secretary