

ORDINANCE NO. FCO- 87-8

AN ORDINANCE regulating the construction, alteration, repair, location and use of buildings and structures in the unincorporated area in the County of Floyd, 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, 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, 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 Floyd County Plan Commission, 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.

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 RULES 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 Administration Code are hereby incorporated by reference in this ordinance and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

- (1) Article 13 - Building Codes
    - (a) Fire and Building Safety Standards
    - (b) Indiana Building Code
    - (c) Indiana Building Code Standards
    - (d) Indiana Handicapped Accessibility Code
  - (2) Article 14 - One and Two Family Dwelling Codes
    - (a) Council of American Building Officials One and Two Family Dwelling Code
    - (b) CABO One and Two Family Dwelling Code: Amendments
    - (c) Standard for Permanent Installation of Manufactured Homes
  - (3) Article 16 - Plumbing Codes
    - (a) Indiana Plumbing Code
  - (4) Article 17 - Electrical Codes
    - (a) Indiana Electrical Code
    - (b) Safety Code for Health Care Facilities
  - (5) Article 18 - Mechanical Codes
    - (a) Indiana Mechanical Code
  - (6) Article 19 - Energy Conservation Codes
    - (a) Indiana Energy Conservation Codes
    - (b) Modifications to the Model Energy Code
  - (7) Article 20 - Swimming Pool Codes
    - (a) Indiana Swimming Pool Code
- b. Copies of adopted building rules, codes and standards are on file in the office of the Floyd County Plan Commission.

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, 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 shall be 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.

Permits required by Section 7 shall be issued upon prior payment of inspection fees according to the following schedule:

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 \$15.00.
- (b) \$2.00/100 sq. ft. of floor area for private garages or a \$15.00 minimum fee.
- (c) \$2.00/100 sq. ft. of surface area for private swimming pools or a \$15.00 minimum fee.
- (d) \$2.00/100 sq. ft. of floor area for commercial, public and industrial buildings or a \$15.00 minimum fee.
- (e) \$2.00/100 sq. ft. of surface area for public swimming pools or a \$15.00 fee.
- (f) \$2.00/100 sq. ft. of floor area for accessory buildings, (porches, decks, storage buildings, pole barns over 120 sq. ft. and carports) or a \$15.00 minimum fee.

2. For each application for an improvement location permit, the following inspections may be made according to the following schedule:

3.

<u>TYPE OF CONSTRUCTION</u>	<u>REQUIRED INSPECTIONS</u>
1 or 2 Family Dwelling, detached	7
Apartment, Hotels, Motels, ea. unit	7
Business, Commercial, Public	7
Educational, Institutional, Church	7
Industrial, Warehouse, Bulk Storage	7
Mobile Homes, Temporary Structures	5
Accessory Buildings (residential use)	3
Additions/Alteration (all occupancies)	3

The minimum permit fee for any construction permit shall be \$15.00. The minimum permit fee for any electrical permit shall be \$15.00. 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 state 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 inspection 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 \$15.00 for each such additional inspection. Reinspection fees shall be paid to the Floyd County Plan Commission.

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. ENTRY. Upon presentation of proper credentials, the Building Commissioner or his duly authorized representative 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 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. 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 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 have the right to appeal the Building Commissioner's decision first through the Floyd County Plan Commission and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.

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 Commissioner, 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, with 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 \$10.00 Dollars, nor more than \$300.00 Dollars. Each day of such lawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. If any person, firm or corporation fails to obtain a permit before start of construction a fine of \$100.00 shall be collected at the time an application for a permit is made in addition to the required cost of the permit.

SECTION 20. 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.

SECTION 21. REPEALER. Ordinance No. FC-86-3 adopted the 7th day of July, 1986 and all ordinance or parts thereof that are in conflict with the terms and conditions of this ordinance are hereby repealed.

ADOPTED this 7th day of Dec., 1987.

BOARD OF COMMISSIONERS OF  
THE COUNTY OF FLOYD

Douglas A. Bierman Sr.  
Douglas A. Bierman, Sr., Pres.

Edmund R. Knable  
Edmund R. Knable, Member

Carl Percy, Jr.  
Carl Percy, Jr, Member

ATTEST:

Beth Skarp

ENDORSEMENT:

Approved this 4th day of November, 1987, by the Fire  
Prevention and Building Safety Commission of the State of  
Indiana.

Alan Stahl  
Chairman

Chas W. [Signature]  
Secretary