

TITLE 9
BUILDINGS AND CONSTRUCTION

TITLE 9

BUILDINGS AND CONSTRUCTION

Chapters:

9.06 Building standards

9.12 Unsafe Building Law

9.33 Specific area where outer walls of buildings must be erected of iron, stone, or brick and mortar

Chapter 9.06

BUILDING STANDARDS

Sections:

9.06.010	Title
9.06.020	Purpose
9.06.030	Authority
9.06.040	Scope
9.06.050	Adoption of rules by reference
9.06.060	Application for permits
9.06.070	Permit required
9.06.080	Other Ordinances
9.06.090	Fees and required inspections
9.06.100	Review of application
9.06.110	Inspections
9.06.120	Inspection assistance
9.06.130	Entry
9.06.140	Stop order
9.06.150	Certificate of Occupancy
9.06.160	Workmanship
9.06.170	Violations
9.06.180	Right of appeal
9.06.190	Remedies
9.06.200	Penalties
9.06.210	Repeal and effective date

9.06.010 Title. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the Town of Grandview, Indiana", may be cited as such, and will be referred to herein as "this Code". (Ord. 1990-4-2-90, S1, Apr. 2, 1990)

9.06.020 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. (Ord. 1990-4-2-90, S2, Apr. 2, 1990)

9.06.030 Authority. The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this Code and in that capacity is acting on behalf of the governmental entity of the Town of Grandview, as set forth in I.C. 34-4-16.5-2(b). 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 Town of Grandview, 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. (Ord. 1990-4-2-90, S3, Apr. 2, 1990)

9.06.040 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 and agricultural structures, within the incorporated areas of the Town of Grandview. (Ord. 1990-4-2-90, S4, Apr. 2, 1990)

9.06.050 Adoption of rules by reference.

- (1) 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 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:
 - A. Article 13 - Building Codes
 1. Fire and Building Safety Standards
 2. Indiana Building Code
 3. Indiana Building Code Standards
 4. Indiana Handicapped Accessibility Code
 - B. Article 14 - One and Two Family Dwelling Codes
 1. Council of American Building Officials One and Two Family Dwelling Code
 2. CABO One and Two Family Dwelling Code; Amendments
 3. Standard for Permanent Installation of Manufactured Homes
 - C. Article 16 - Plumbing Codes
 1. Indiana Plumbing Code
 - D. Article 17 - Electrical Codes
 1. Indiana Electrical Code
 2. Safety Code for Health Care Facilities

- E. Article 18 - Mechanical Code
 - 1. Indiana Mechanical Code
- F. Article 19 - Energy Conservation Codes
 - 1. Indiana Energy Conservation Code
 - 2. Modifications to the Model Energy Code
- G. Article 20 - Swimming Pool Codes
 - 1. Indiana Swimming Pool Code

- (2) Copies of adopted building rules, codes and standards are on file in the Grandview Town Hall. (Ord. 1990-4-2-90, S5, Apr. 2, 1990)

9.06.060 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 property 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 Marshall pursuant to I.C. 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release. (Ord. 1990-4-2-90, S6, Apr. 2, 1990)

9.06.070 Permit required. A permit shall be obtained before:

- (1) Beginning any new construction of a building or structure the cost of which exceeds \$2,000.00; or
- (2) Beginning any alteration or repair of any building or structure the cost of which exceeds \$5,000.00; or
- (3) Beginning any electrical, plumbing or mechanical construction the cost of which exceeds \$750.00; or,
- (4) Beginning installation of any heating system in a building or structure using forms furnished by the Building Commissioner. However, agriculture structures, such as barns, animal housing buildings, grain storage bins and similar type buildings, are exempt from this Code.

All fees required by this Code shall be paid to The Grandview Planning Advisory Commission. (Ord. 1990-4-2-90, S7, Apr. 2, 1990)

9.06.080 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. 1990-4-2-90, S8, Apr. 2, 1990)

9.06.090 Fees and required inspections. Permits required by Section 9.06.070 shall be issued upon prior payment of permit fees according to the following schedule:

Type of Construction	Required Inspections	Single Inspection Fee	Permit Fee
1 or 2 Family Dwelling, detached	3	\$25.00	\$ 75.00
Apartments, Hotels, Motels, ea. unit	3	\$25.00	\$ 75.00
Manufactured Homes	2	\$25.00	\$ 50.00
Business, Commercial, Public	6	\$25.00	\$150.00
Educational, Institutional, Church	6	\$25.00	\$150.00
Industrial, Warehouse, Bulk Storage	4	\$25.00	\$100.00
Mobile Homes, Temporary Structures	1	\$25.00	\$ 25.00
Accessory Buildings (residential use)	1	\$25.00	\$ 25.00
Additions/Alterations (all occupancies)	2	\$25.00	\$ 50.00
Swimming Pools	2	\$25.00	\$ 50.00

The minimum permit fee for any permit shall be \$25.00. 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. The proposed foundation will be inspected prior to the pouring in concrete. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. However, for unusually large or complex buildings or structures, the Building Commissioners shall have the right to make the inspections in the manner and at the times appropriate for such large or complex buildings or structures. The architect or engineer for any building requiring an architect or engineer under state law or regulation shall make available his inspection reports to the Building Commissioner. Where additional inspections are required due to failure to permit holder to have work ready for inspection at a designate stage of construction, the Building Commissioner shall have the power to assess a reinspection fee of \$25.00 for each such additional inspection. Reinspection fees shall be paid to the Grandview Planning Advisory Commission prior to the issuance of a certificate of occupancy. (Ord. 1990-4-2-90, S9, Apr. 2, 1990)

9.06.100 Review of application. Prior to the issuance of any building permit, the Building Commissioner shall:

- (1) Review all building permit applications to determine full compliance with the provisions of this Code.

- (2) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
- (3) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair:
 - A. uses construction materials and utility equipment that are resistant to flood damage, and
 - B. uses construction methods and practices that will minimize flood damage.
- (4) Review of 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)
 - A. is protected against flood damage,
 - B. is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and
 - C. uses construction methods and practices that minimize flood damage. (Ord. 1990-4-2-90, S10, Apr. 2, 1990)

9.06.110 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 code 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 by this code.

Any builder herein shall schedule an appointment for said inspections with at least 24 hours prior notice to the Building Commissioner. In the event that the Building Commissioner shall not be in attendance with 2 hours of the appointed time, then the builder or permit holder shall be authorized to proceed with construction absent said Building Commissioner if the appointment has been made in compliance with this code. The failure of the Building Commissioner to inspect as provided by this code does not excuse compliance with Section 9.06.050 of this code. The Building Commissioner will within 24 hours, with the exception of Sundays and holidays, notify the builder in writing of the findings of his inspection, including the date and time of the inspection. (Ord. 1990-4-2-90, S11, Apr. 2, 1990)

9.06.120 Inspection assistance. The Chief of the Fire Department serving Grandview, Indiana, or his designated representatives, may assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems

and may provide reports of such inspection to the Building Commissioner. (Ord. 1990-4-2-90, S12, Apr. 2, 1990)

9.06.130 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 town of Grandview and to perform any duty imposed upon him by this code. (Ord. 1990-4-2-90, S13, Apr. 2, 1990)

9.06.140 Stop order. Whenever 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. (Ord. 1990-4-2-90, S14, Apr. 2, 1990)

9.06.150 Certificate of Occupancy. No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this code shall be issued unless such building or structure was erected, altered or repaired 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. The Building Commissioner will make final inspection within 24 hours of notification that the structure is completed, with the exception of Sundays and holidays, and within 24 hours thereafter, with the exception of Sundays and holidays, will issue to the applicant either a certificate of occupancy or written reason(s) for rejection. (Ord. 1990-4-2-90, S15, Apr. 2, 1990)

9.06.160 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. (Ord. 1990-4-2-90, S16, Apr. 2, 1990)

9.06.170 Violations. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, or improve any building or structure, other than fences and agricultural structures, in the town of Grandview or cause or permit the same to be done, contrary to or in violation of the provisions of this code. (Ord. 1990-4-2-90, S17, Apr. 2, 1990)

9.06.180 Right of appeal. All persons shall have the right to appeal the Building Commissioner's decision, first through the Board of Trustees of the Town of Grandview, and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21.5-3-7. Such appeals shall be filed in writing with the Clerk-Treasurer within twenty (20) days of the Building Commissioner's decision. The Grandview Board of Trustees shall conduct a hearing on any appeal within 10 days after it is filed and shall render its decision within 7 days after the conclusion of the hearing. (Ord. 1990-4-2-90, S18, Apr. 2, 1990)

9.06.190 Remedies. The Building Commissioner shall in the name of the Town of Grandview bring actions to the Circuit Court of Spencer 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 made be joined with an action to recover the penalties provided for in this code. (Ord. 1990-4-2-90, S19, Apr. 2, 1990)

9.06.200 Penalties. If any person, firm or corporation shall violate any of the provisions of this code, 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 code, for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than Ten Dollars (\$10.00), 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. (Ord. 1990-4-2-90, S20, Apr. 2, 1990)

9.06.210 Repeal and effective date. All ordinances and parts of ordinances in conflict with this code are hereby repealed, and this code 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. This Ordinance examined, duly read and approved, and adopted by the Board of Trustees of Grandview, of Spencer County, State of Indiana, on the 2nd day of April, 1990. (Ord. 1990-4-2-90, S21, Apr. 2, 1990)

Chapter 9.12

UNSAFE BUILDING LAW

Sections:

- 9.12.010 Establishment**
- 9.12.020 Indiana Code 36-7-9 incorporated herein and shall control**
- 9.12.030 Unsafe buildings declared to be a public nuisance**
- 9.12.040 Administrative Officer**
- 9.12.050 Approval by the Building Commissioner**
- 9.12.060 Unsafe Building described**
- 9.12.070 Substantial Property Interest described**
- 9.12.080 Performance of work**
- 9.12.090 Unsafe Building Fund**
- 9.12.100 Violations**
- 9.12.110 Invalidity of part of Ordinance**

9.12.010 Establishment. Under the provisions of Indiana Code 36-7-9, there is hereby established the Grandview Unsafe Building Law. (Ord. 4-5-93, S1, Apr. 5, 1993)

9.12.020 Indiana Code 36-7-9 incorporated herein and shall control. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the Grandview Unsafe Building Ordinance. All proceedings within the Town of Grandview for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control. (Ord. 4-5-93, S2, Apr. 5, 1993)

9.12.030 Unsafe buildings declared to be a public nuisance. All buildings or portions thereof within the Town of Grandview which are determined after inspection by the Building Commissioner to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal. (Ord. 4-5-93, S3, Apr. 5, 1993)

9.12.040 Administrative Officer. The Town of Grandview Building Commissioner, as chief building administrative officer of the Town of Grandview, shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. (Ord. 4-5-93, S4, Apr. 5, 1993)

9.12.050 Approval by the Building Commissioner. Wherever in the building laws and the regulations of the Town of Grandview, State of Indiana, or the Town of Grandview Unsafe Building Ordinance, it is provided that anything must be done to the approval of or subject to the direction of the Building

Commissioner, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner. (Ord. 4-5-93, S5, Apr. 5, 1993)

9.12.060 Unsafe Building described. The description of an unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Town of Grandview, Indiana, by adding the following definition:

- (1) Unsafe building means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:
 - A. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
 - B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
 - C. Whenever the stress in any materials, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.
 - D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.
 - E. Whenever any portion of a building thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
 - F. Whenever any portion of a building, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of

similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

- G. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- H. Whenever the building or structure, or any portion thereof, because of
 - 1. dilapidation, deterioration, or decay;
 - 2. faulty construction;
 - 3. the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
 - 4. the deterioration, decay, or inadequacy of its foundation; or
 - 5. any other cause, is likely to partially or completely collapse.
- I. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- K. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- L. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become
 - 1. an attractive nuisance to children, or
 - 2. freely accessible to persons for the purpose of committing unlawful acts.

- M. Whenever any building or structure has been construed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the Town of Grandview, or of any law or ordinance of this state or the Town of Grandview relating to the condition, location, or structure of buildings.

- N. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than sixty-six percent of the
 - 1. strength,
 - 2. fire-resisting qualities or characteristics, or
 - 3. weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

- O. Whenever a building or structure, use or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Spencer County Sanitarian to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

- P. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the Chief of the Grandview Fire Department to be a fire hazard.

- Q. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 4-5-93, S6, Apr. 5, 1993)

9.12.070 Substantial Property Interest described. The definition of "substantial property interest" set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full. (Ord. 4-5-93, S7, Apr. 5, 1993)

9.12.080 Performance of Work. All work for the reconstruction, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in IC 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Commission of the Town of Grandview, Indiana. (Ord. 4-5-93, S8, Apr. 5, 1993)

9.12.090 Unsafe Building Fund. An Unsafe Building Fund is hereby established in the operating budget of the Town of Grandview in accordance with the provisions of IC 36-7-9-14. (Ord. 4-5-93, S9, Apr. 5, 1993)

9.12.100 Violations. No person, firm, or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this ordinance or any order issued by the Building Commission. Any person violating the provisions of this ordinance or IC 36-7-9-28 shall commit a Class C infraction for each day such violation continues. (Ord. 4-5-93, S10, Apr. 5, 1993)

9.12.110 Invalidity of part of Ordinance. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall not be affected thereby. (Ord. 4-5-93, S11, Apr. 5, 1993)

Chapter 9.33

SPECIFIC AREA WHERE OUTER WALLS OF BUILDINGS OR ADDITIONS MUST BE ERECTED OF IRON, STONE, OR BRICK AND MORTAR

Sections:

9.33.010 Materials acceptable for outer walls

9.33.020 Specific area defined

9.33.010 Materials acceptable for outer walls. Be it ordained by the Board of Trustees of the Town of Grandview, Spencer County, State of Indiana, that the erection of any building or addition to any building unless the outer walls thereof are made of iron, stone, brick and mortar, or some of said materials is hereby prohibited upon the real estate bounded as follows. (Ord. unnumbered, Sept. 6, 1897) (Ord. unnumbered, pt. S1, Feb. 6, 1890) (Ord. No. 12, No date)

9.33.020 Specific area defined. Beginning at the southwest corner of Lot No. 33, in Hammond's original plat of said Town of Grandview, running thence east one hundred feet, thence north to Fourth Street, thence west one hundred feet to Main Street, thence south to the place of beginning; also beginning at the southeast corner of Lot No. 38, in Lamar's original plat of said Grandview, running thence north to Fourth Street, thence west along Fourth Street to Locust Street, thence south to Third Street, thence east to the place of beginning. (Ord. unnumbered, Sept. 6, 1897) (Ord. unnumbered, pt. S1, Feb. 6, 1890) (Ord. No. 12, No date)