

**TITLE 14**

**BUILDINGS AND CONSTRUCTION**

## **Title 14**

### **BUILDINGS AND CONSTRUCTION**

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**Chapter 14.04**

**BUILDING CODE**

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**14.04.010 Title.** This Ordinance, and all Ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Petersburg, Indiana", may be cited as such, and will be referred to herein as "this code". (Ord. 1990-1, S1, Apr. 2, 1990)

**14.04.020 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. 1990-1, S2, Apr. 2, 1990)

**14.04.030 Authority.** It is hereby agreed by and between the County of Pike and the City of Petersburg, whose agents are signators hereto that:

- (1) The Building Commission of Pike County is the single agency designated to administer building rules and inspection within the boundaries of the units of government which are parties hereto.

- (2) The Building Commissioner of Pike County is authorized and empowered to issue building permits, make inspection, order corrections of violations, and to perform such other ministerial duties as are commonly performed in the execution of his office, on behalf of the parties hereto.
- (3) Any appeal of a decision by the Building Commissioner of Pike County shall lie first with the county executive pursuant to IC 36-7-8-9, and to the Fire Prevention and Building Safety Commission as provided for in IC 13-2-7.
- (4) Any judicial remedy sought by the Building Commissioner of Pike County to enforce his lawful orders to obtain compliance with the building rules of the parties hereto shall be brought to the County or City Attorney, of the unit of government within which boundaries a violation occurs, for disposition.
- (5) Such permit fees that are collected by the Building Commissioner of Pike County shall be accounted for and deposited in the General Fund of Pike County and shall be considered full payment for any inspection services provided by his office on behalf of the parties hereto.

The term "Building Commissioner", as provided in subsequent Sections of this Ordinance, means whoever is empowered to administer and enforce this code, pursuant to this Section 14.04.030. (Joint Resolution, S1-5, June 4 & 7, 1990) (Ord. 1990-1, S3, Apr. 2, 1990)

**14.40.040 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, in the City of Petersburg. (Ord. 1990-1, S4, Apr. 2, 1990)

**14.40.050 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, chapter, 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 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 Codes
  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, code and standards are on file in the office of the City of Petersburg. (Ord. 1990-1, S5, Apr. 2, 1990)

**14.04.060 Application for Permits.** No building permit shall be issued for the foregoing purpose, 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. (Ord. 1990-1, S6, Apr. 2, 1990)

**14.04.070 Permit Required.** A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which exceeds \$1,000.00, using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the Pike County Treasurer, if the Building Commissioner is the Building Commissioner of Pike County; if the Building Commissioner is some other person, then all fees required by this code shall be paid as provided in a subsequent Petersburg City Ordinance. Permits will expire one year from date of issue. Permit must be renewed at that time if the building project is not completed and is still active. There will be no charge for renewal. (Ord. 1992-3, Mar. 2, 1992) (Ord. 1990-1, S7, Apr. 2, 1990)

**14.04.080 Other Ordinances.** All work done under any permit issued by the Building Commissioner shall be in full compliance with all other City Ordinances pertaining thereto. (Ord. 1990-1, S8, Apr. 2, 1990)

**14.04.090 Fees and Required Inspections.** Permits required by Section 14.04.070 shall be issued upon prior payment of inspection fees according to the schedule adopted by the Board of Commissioners of Pike County, Indiana, in Pike County Ordinance 1988-1, as amended, which Schedule of Fees is incorporated in this Ordinance, by reference. (Ord. 1992-3, S1, Mar. 2, 1992) (Ord. 1990-1, S9, Apr. 2, 1990)

**14.04.100 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 (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.
- (4) 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, and (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. (Ord. 1990-1, S10, Apr. 2, 1990)

**14.04.110 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. (Ord. 1990-1, S11, Apr. 2, 1990)

**14.04.120 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. (Ord. 1990-1, S12, Apr. 2, 1990)

**14.04.130 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 City of Petersburg to perform any duty imposed upon him by this code. (Ord. 1990-1, S13, Apr. 2, 1990)

**14.04.140 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. (Ord. 1990-1, S14, Apr. 2, 1990)

**14.04.160 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. 1990-1, S16, Apr. 2, 1990)

**14.04.170 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 City of Petersburg or cause or permit the same to be done, contrary to or in violation of the provisions of this code. (Ord. 1990-1, S17, Apr. 2, 1990)

**14.04.180 Right of Appeal.** All persons shall have the right to appeal the Building Commissioner's decision. If the Building Commissioner is the Building Commissioner of Pike County, then the first appeal shall be to the Board of County Commissioners of Pike County, and then to the Fire Prevention and Building Safety Commission, in accordance with the provisions of IC 22-13-2-7. If the Building Commissioner is not the Building Commissioner of Pike County, then the first appeal shall be as provided in a subsequent City Ordinance. (Ord. 1990-1, S18, Apr. 2, 1990)

**14.04.190 Remedies.** The Building Commissioner shall in the name of the City of Petersburg, bring actions in the Circuit Court of Pike 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. (Ord. 1990-1, S19, Apr. 2, 1990)

**14.04.200 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 \$50.00, nor more than \$500.00. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. (Ord. 1990-1, S20, Apr. 2, 1990)

**14.04.210 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. (Ord. 1990-1, S21, Apr. 2, 1990)

## Chapter 14.24

### UNSAFE BUILDING LAW

#### Sections:

<b>14.24.010</b>	<b>Established</b>
<b>14.24.020</b>	<b>Incorporation of Indiana Code by Reference</b>
<b>14.24.030</b>	<b>Declaration of Public Nuisance</b>
<b>14.24.040</b>	<b>Building Commission and Hearing Authority</b>
<b>14.24.050</b>	<b>Administration</b>
<b>14.24.060</b>	<b>Building Commissioner Powers and Responsibilities</b>
<b>14.24.070</b>	<b>Unsafe Building Described</b>
<b>14.24.080</b>	<b>Substantial Property Defined</b>
<b>14.24.090</b>	<b>Unsafe Building Fund Established</b>
<b>14.24.100</b>	<b>Violation of Provisions</b>
<b>14.24.110</b>	<b>Separability</b>
<b>14.24.120</b>	<b>Prevailing Ordinance</b>
<b>14.24.130</b>	<b>Effective</b>

**14.24.010 Established.** Under the provisions of Indiana Code 36-7-9, there is hereby established the PETERSBURG UNSAFE BUILDING LAW. (Ord. 1990-11, S1, July 23, 1990)

**14.24.020 Incorporation of Indiana Code by Reference.** Indiana Code 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the Petersburg Unsafe Building law. All proceedings within the City of Petersburg 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. 1990-11, S2, July 23, 1990)

**14.24.030 Declaration of Public Nuisance.** All buildings or portions thereof within the City of Petersburg or 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. 1990-11, S3, July 23, 1990)

**14.24.040 Building Commission and Hearing Authority.** In this Ordinance and the Indiana Unsafe Building Law, "Building Commissioner" means the PIKE COUNTY BUILDING COMMISSIONER appointed pursuant to Petersburg Resolution 1990-1. The "hearing authority" as required by Indiana Code 36-7-9, under Petersburg City Ordinance No. 1990-11, is hereby designated to be that person or persons appointed by the Mayor of the City of Petersburg. (Ord. 2005-9, S1, July 5, 2005) (Ord. 1992-15, Sept. 8, 1992) (Ord. 1990-11, S4, July 23, 1990)

**14.24.050 Administration.** The Petersburg Building Commissioner 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. 1990-11, S5, July 23, 1990)

**14.24.060 Building Commissioner Powers and Responsibilities.** Whenever in the building regulations of the City of Petersburg or the Indiana Unsafe Building Law, 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 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.

**14.24.070 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 City of Petersburg, Indiana, by adding the following definition:

UNSAFE BUILDNG 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:

- (1) 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.
- (2) 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.
- (3) Whenever the stress in any materials, member, 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.
- (4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by 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 minimum requirements for new buildings of similar structure, purpose, or location.

- (5) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (6) Whenever any portion of a building, or any member, 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.
- (7) Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes that is required in the case of similar new construction.
- (8) 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 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.
- (9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (10) 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.
- (11) 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.
- (12) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children; or (2) freely accessible to persons for the purpose of committing unlawful acts.
- (13) Whenever the building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this City or of any law or Ordinance of this state or of any law or Ordinance of this state or City relating to the condition, location, or structure of buildings.

- (14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and Ordinance has in any non-supporting part, member, or portion less than fifty percent, or in any 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.
- (15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise is determined by the health official to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- (16) Whenever the building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits or lack of sufficient fire-restrictive construction is determined by the Petersburg Fire Chief to be a fire hazard.
- (17) 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. 1990-11, S7, July 23, 1990)

**14.24.080 Substantial Property Defined.** 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. 1990-11, S8, July 23, 1990)

**14.24.090 Unsafe Building Fund Established.** An UNSAFE BUILDING FUND is hereby established in the operating budget for the City in accordance with the provisions of IC 36-7-9-14. (Ord. 1990-11, S9, July 23, 1990)

**14.24.100 Violation of Provisions.** 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 other issued by the Building Commissioner. 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. 1990-11, S10, July 23, 1990)

**14.24.110 Separability.** 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. 1990-11, S11, July 23, 1990)

**14.24.120 Prevailing Ordinance.** Petersburg City Ordinance #1990-1 in some respects covers the same subject matter as this Ordinance. Wherever there may be a conflict between Ordinance 1990-1 and this Ordinance, the provisions of this Ordinance shall prevail.

**14.24.130 Effective.** This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

## Chapter 14.30

### MANUFACTURED HOMES

#### Sections:

<b>14.30.010</b>	<b>Definitions</b>
<b>14.30.020</b>	<b>Approved Manufactured Home, Required</b>
<b>14.30.030</b>	<b>Minimum Size</b>
<b>14.30.040</b>	<b>One Year Grace Period for Damaged Residences Starting June 5, 1990</b>
<b>14.30.050</b>	<b>Enforcement</b>
<b>14.30.060</b>	<b>Each Day in Violation Constitutes a Separate Offense</b>
<b>14.30.070</b>	<b>Separability</b>
<b>14.30.080</b>	<b>Conflicting Ordinances</b>
<b>14.30.090</b>	<b>Effective Date</b>

**14.30.010 Definitions.** "Manufactured Home" means a dwelling unit, designed and built in a factory; "approved Manufactured Home" has that meaning provided in IC 36-7-4-1106 (a) (1), and as hereafter amended, and which is at least 23 feet in width, contains at least 950 square feet of "occupied space", as defined in IC 36-7-4-1106 (a) (3), is affixed to a permanent foundation and complies with all provisions of Petersburg Ordinance 1990-1. Both "Manufactured Home" and "approved Manufactured Home" includes, but is not limited to, mobile homes. (Ord. 1990-6, S1, June 5, 1990)

**14.30.020 Approved Manufactured Home, Required.** From and after the effective date of this Ordinance, it shall be unlawful to locate, place and/or park any Manufactured Home, having an electrical, water or sewer connection with any electrical, water and/or sewage disposal system, which is independent of said Manufactured Home, within the corporate limits of the City of Petersburg, Indiana, unless it is an approved Manufactured Home. PROVIDED HOWEVER, this Ordinance shall not apply to any Manufactured Home lawfully located, placed and/or parked within the corporate limits of the City of Petersburg, Indiana, on or before June 2, 1990. PROVIDED FURTHER HOWEVER, nothing in this Ordinance shall be construed to waive the right of the City of Petersburg to enforce Petersburg City Ordinance No. 263, dated May 3, 1965. (Ord. 1990-6, S2, June 5, 1990)

**14.30.030 Minimum Size.** The restrictions as to minimum size of approved Manufactured Homes applies to all dwelling units constructed within the Corporate limits of the City of Petersburg, Indiana, from and after the date of the adoption of this Ordinance. PROVIDED HOWEVER, replacements of dwelling units which were in place on June 2, 1990, regardless of whether they were Manufactured Homes or conventionally built homes, shall not be in violation of the size restrictions of this Ordinance is such replacement contains at least the square feet of occupied space of the dwelling unit it replaces. (Ord. 1990-13, Aug. 6, 1990) (Ord. 1990-6, S3, June 5, 1990)

**14.30.040 One Year Grace Period for Damaged Residences Starting June 5, 1990.**

This Ordinance shall not prohibit the location, placement, or parking of a temporary dwelling unit on a City lot, for a period of one year from and after the date of the adoption of this Ordinance, while a damaged residence located on the lot is being refurbished for occupancy or replaced by another structure; nor does this Ordinance apply to mobile homes in a licensed mobile home park. (Ord. 1990-6, S4, June 5, 1990)

**14.30.050 Enforcement.** Violations of this Ordinance may be enjoined pursuant to IC 36-1-6-4; and may also be enforced by other means as provided by law. (Ord. 1990-6, S5, June 5, 1990)

**14.30.060 Each Day in Violation Constitutes a Separate Offense.** Each calendar day that a dwelling unit, whether or not it is a Manufactured Home is located, placed and/or parked within the corporate limits of the City of Petersburg, Indiana, contrary to the provisions of this Ordinance, shall constitute a separate offense. (Ord. 1990-6, S6, June 5, 1990)

**14.30.070 Separability.** If any section of this Ordinance or any provision or part of any section of this Ordinance shall be adjudged to be invalid or unconstitutional by a Court of competent jurisdiction, such adjudication shall not affect the validity of this Ordinance as a whole and shall not affect any section or any provision or part of any section of this Ordinance, not so adjudged invalid or unconstitutional. (Ord. 1990-6, S7, June 5, 1990)

**14.30.080 Conflicting Ordinances.** All Ordinances or parts of Ordinances in conflict herewith, are hereby expressly repealed. (Ord. 1990-6, S8, June 5, 1990)

**14.30.090 Effective Date.** This Ordinance shall be in full force and effect from and after its publication as required by law. (Ord. 1990-6, S9, June 5, 1990)