

TITLE 9
BUILDINGS AND CONSTRUCTION

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Chapters:

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9.04 Unsafe Buildings

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BUILDING CODE

Chapters:

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9.03.010 Title. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the TOWN OF SPURGEON, Indiana”, may be cited as such, and will be referred to herein as “this code”. (Ord. 1990-1, S1, Apr. 3, 1990)

9.03.020 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. 3, 1990)

9.03.030 Authority. The TOWN OF SPURGEON, and the County of Pike, entered into a joint resolution providing for the Building Commissioner of Pike County, Indiana, to administer and enforce this code.

- Pike County Resolution 1990-2, dated July 16, 1990
- Town of Spurgeon Resolution 1990-4, dated July 3, 1990

- (1) The Building Commissioner 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 Town 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.

FURTHERMORE, BE IT RESOLVED, that this agreement shall become effective upon approval by the BOARD OF COUNTY COMMISSIONERS OF PIKE COUNTY and the TOWN COUNCIL OF THE TOWN OF SPURGEON, and upon signing this document by their chief executive officers, and

FURTHER, this agreement shall be in effect continuously year to year without the necessity of a formal renewal by any party thereto, unless terminated by the resolution of the BOARD OF COUNTY COMMISSIONERS OF PIKE COUNTY, or the TOWN COUNCIL OF THE TOWN OF SPURGEON.

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 9.03.030. (Res. 1990-4, July 3, 1990) (Ord. 1990-1, S3, Apr. 3, 1990)

9.03.040 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 TOWN OF SPURGEON. (Ord. 1990-1, S4, Apr. 3, 1990)

9.03.050 Adoption of rules by reference. 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:

- (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 Code
 - B. Modifications to the Model Energy Code
- (7) Article 20 - Swimming Pool Codes
 - A. Indiana Swimming Pool Code

Copies of adopted building rules, codes and standards are on file in the office of the Town of Spurgeon. (Ord. 1990-1, S5, Apr. 3, 1990)

9.03.060 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 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. 3, 1990)

9.03.070 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 TOWN OF SPURGEON ordinance. (Ord. 1990-1, S7, Apr. 3, 1990)

9.03.080 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. 3, 1990)

9.03.090 Fees. Permits required by Section 9.03.070. 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, which Schedule of Fees is incorporated in this Ordinance, by reference. (Ord. 1990-1, S9, Apr. 3, 1990)

Permits required by Section 9.03.070 shall be issued upon prior payment or inspection fees according to the following schedule:

- (1) Remodeling:
One Room, \$7.50 and multiple rooms \$15.00
- (2) New Construction:

<u>Type of Construction</u>	<u>Required Inspections</u>	<u>Single Inspection Fee</u>	<u>Permit Fee</u>
1 or 2 Family Dwelling, detached	4	\$ 20.00	\$ 80.00
Apartments, Hotels, Motels, each unit	3	20.00	60.00
Business, Commercial, Public	6	20.00	120.00
Educational, Institutional,	6	20.00	120.00
Industrial, Warehouse, Bulk Storage	4	20.00	80.00
Mobile Homes, Temporary Structure	1	20.00	20.00
Accessory Buildings (residential use)	1	20.00	20.00
Additions/Alterations (all occupancies)	2	20.00	40.00
Church	6	N/A	20.00

The minimum permit fee for any permit shall be \$20.00. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the number or 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. 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 inspections 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 \$20.00 for each such additional inspection. Reinspection fees shall be paid to the Pike County Commissioners or their designatee prior to the issuance of a certificate of occupancy. The Building Commissioner shall submit an annual report to the Pike County Commissioners which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary. (Ord. 1988-1, Pike County Commissioners as referenced in Section 9, within Ord. 1990-1, S9, Apr. 3, 1990)

9.03.100 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 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, and

- B. is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and
- C. uses construction methods and practices that will minimize flood damage. (Ord. 1990-1, S10, Apr. 3, 1990)

9.03.110 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. 3, 1990)

9.03.120 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. 3, 1990)

9.03.130 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 SPURGEON to perform any duty imposed upon him by this code. (Ord. 1990-1, S13, Apr. 3, 1990)

9.03.140 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. 3, 1990)

9.03.150 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. 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. 1990-1, S15, Apr. 3, 1990)

9.03.160 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. 3, 1990)

9.03.170 Violations. It shall be unlawful for any person, 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 TOWN OF SPURGEON 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. 3, 1990)

9.03.180 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 Town ordinance. (Ord. 1990-1, S18, Apr. 3, 1990)

9.03.190 Remedies. The Building Commissioner shall in the name of the TOWN OF SPURGEON, 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. 3, 1990)

9.03.200 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. 3, 1990)

9.03.210 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. 3, 1990)

TITLE 9.04

UNSAFE BUILDINGS

Chapters:

- 9.04.010** **Establishing Spurgeon Unsafe Building Law**
- 9.04.020** **Incorporation of Indiana Code by reference**
- 9.04.030** **Unsafe buildings are declared to be public nuisances**
- 9.04.040** **Building Commissioner**
- 9.04.050** **Authorization to order repair or removal**
- 9.04.060** **Powers and duties of Building Commissioner**
- 9.04.070** **Unsafe building defined**
- 9.04.080** **Substantial property interest defined**
- 9.04.090** **Unsafe Building Fund**
- 9.04.100** **Penalty for violation**
- 9.04.110** **Separability**
- 9.04.120** **Prevailing Ordinance**

9.04.010 Establishing Spurgeon Unsafe Building Law. Under the provisions of Indiana Code 36-7-9, there is hereby established the SPURGEON UNSAFE BUILDING LAW. (Ord. 1990-2, S1, Dec. 4, 1990)

9.04.020 Incorporation of Indiana Code by reference. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the SPURGEON UNSAFE BUILDING LAW. All proceedings within the Town of Spurgeon 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. 1990-2, S2, Dec. 4, 1990)

9.04.030 Unsafe buildings are declared to be public nuisances. All buildings or portions thereof within the Town of Spurgeon of 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. 1990-2, S3, Dec. 4, 1990) (Ord. 665, No date)

9.04.040 Building Commissioner. In this ordinance and the Indiana Unsafe Building Law, "Building Commissioner" means the PIKE COUNTY BUILDING COMMISSIONER appointed pursuant to Spurgeon Resolution 1990-4, dated July 3, 1990. (Ord. 1990-2, S4, Dec. 4, 1990)

9.04.050 Authorization to order repair or removal. The 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. 1990-2, S5, Dec. 4, 1990) (Ord. 665, No date)

9.04.060 Powers and duties of Building Commissioner. Wherever in the building regulations of the Town of Spurgeon 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 Town, 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. 1990-2, S6, Dec. 4, 1990)

9.04.070 Unsafe building defined. 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 Spurgeon, Indiana, by adding the following definition:

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:

- (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 than is required in the case of similar new construction.
- (8) Whenever the building or structure, or any portion thereof, because of
 - A. dilapidation, deterioration or decay;
 - B. faulty construction;
 - C. the removal, movement or instability of any portion of ground necessary for the purpose of supporting such building;
 - D. the deterioration, decay, or inadequacy of its foundation; or
 - E. 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 per cent 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
 - A. an attractive nuisance to children; or
 - B. 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 town or of any law or ordinance of this state or of any law or ordinance of this state or town 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
 - A. strength,
 - B. fire-resisting qualities or characteristics, or
 - C. 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, in adequate 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 exists or lack of sufficient fire-restrictive construction is determined by the Spurgeon 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. 1990-2, S7, Dec. 4, 1990)

9.04.080 Substantial property interest 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. 1990-2, S8, Dec. 4, 1990)

9.04.090 Unsafe Building Fund. An UNSAFE BUILDING FUND is hereby established in the operating budget of the town in accordance with the provisions of IC 36-7-9-14. (Ord. 1990-2, S9, Dec. 4, 1990)

9.04.100 Penalty for violation. 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. 1990-2, S10, Dec. 4, 1990) (Ord. 665, No date)

9.04.110 Separability. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby. (Ord. 1990-2, S11, Dec. 4, 1990)

9.04.120 Prevailing Ordinance. Spurgeon Town Ordinance #1990-1 (Chapter 10.03) 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. (Ord. 1990-2, S12, Dec. 4, 1990)