

**TITLE 9**  
**BUILDINGS AND CONSTRUCTION**

## TITLE 9

### BUILDINGS AND CONSTRUCTION

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## Chapter 9.08

### WINSLOW BUILDING CODE

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**9.08.010 Title.** This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of Winslow, Indiana”, may be cited as such, and will be referred to herein as “this code”. (Ord. 1990-1, S1, Oct. 2, 1990)

**9.08.020 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, Oct. 2, 1990)

**9.08.030 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 Town, 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. Any variance from adopted

Building Rules are subject to approval under I.C. 22-13-2-7(B). (Ord. 1990-1, S3, Oct. 2, 1990)

**9.08.040 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, industrialized building-systems or mobile structures certified under I.C. 22-15-4 in the Town of Winslow, Indiana. (Ord. 1990-1, S4, Oct. 2, 1990)

**9.08.050 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 Codes are hereby adopted 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 (675 IAC 13-1)
2. Indiana Building Code (675 IAC 13-2)
3. Indiana Building Code Standards (675 IAC 13-3)
4. Indiana Handicapped Accessibility Code (675 IAC 13-4)

B. Article 14 -One and Two Family Dwelling Code

1. Council of American Building Officials One and Two Family Dwelling Code (675 IAC 14-1)
2. CABO One and Two Family Dwelling Code; Amendments (675 IAC 14-2.1)
3. Standards for Permanent Installation of Manufactured Homes (675 IAC 14-3)

C. Article 16 - Plumbing Codes

1. Indiana Plumbing Code (675 IAC 16-1)

D. Article 17 - Electrical Codes

1. Indiana Electrical Code (675 IAC 17-1.1)
2. Safety Code for Health Care Facilities (675 IAC 17-2)

- E. Article 18 - Mechanical Codes
    - 1. Indiana Mechanical Code (675 IAC 18-1)
  - F. Article 19 - Energy Conservation Codes
    - 1. Indiana Energy Conservation Code (675 IAC 19-1)
    - 2. Modifications to Model Energy Code (675 IAC 19-2)
  - G. Article 20 - Swimming Pool Codes
    - 1. Indiana Swimming Pool Codes (675 IAC 20-1)
- (2) Copies of adopted building rules, codes and standards are on file in the office of the Pike County Commissioners. (Ord. 1990-1, S5, Oct. 2, 1990)

**9.08.060 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 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. 1990-1, S6, Oct. 2, 1990)

**9.08.070 Permit required.** A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which exceeds Three Thousand Dollars (\$3,000.00) in material using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the Pike County Commissioners. (Ord. 1990-1, S7, Oct. 2, 1990)

**9.08.080 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. 1990-1, S8, Oct. 2, 1990)

**9.08.090 Fees and required inspections.** Permits required by Section 9.08.070 shall be issued upon prior payment of 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 (\$0.05 per square foot for buildings over 5,000 sq. ft., based upon ground floor square footage)	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 and other church buildings	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. 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. 1990-1, S9, Oct. 2, 1990)

**9.08.100 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,
  - B. Is designated (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and
  - C. Uses construction methods and practices that will minimize flood damage. (Ord. 1990-1, S10, Oct. 2, 1990)

**9.08.110 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 ordinance and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment or reinspection fees as prescribed in this code. (Ord. 1990-1, S11, Oct. 2, 1990)

**9.08.120 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, Oct. 2, 1990)

**9.08.130 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 Winslow, Indiana, to perform any duty imposed upon him by this code. (Ord. 1990-1, S13, Oct. 2, 1990)

**9.08.140 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, Oct. 2, 1990)

**9.08.150 Certificate of Occupancy. (Deleted)** (Ord. 1990-1, S15, Oct. 2, 1990)

**9.08.160 Workmanship.** All work on the construction, alteration and repair of buildings or other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade. (Ord. 1990-1, S16, Oct. 2, 1990)

**9.08.170 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 Winslow, Indiana, or cause the same to be done, contrary to or in violation of the provisions of this code. (Ord. 1990-1, S17, Oct. 2, 1990)

**9.08.180 Right of appeal.** All persons shall have the right to appeal the Building Commissioner's decision first through Pike County, Indiana, 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. (Ord. 1990-1, S18, Oct. 2, 1990)

**9.08.190 Remedies.** The Building Commissioner shall in the name of Winslow, Indiana, bring actions in the Courts of Pike County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any orders 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, Oct. 2, 1990)

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

**9.08.210 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, whichever shall be later. (Ord. 1990-1, S21, Oct. 2, 1990)



## Chapter 9.12

### UNSAFE BUILDING LAW

#### Sections:

- 9.12.010 Established
- 9.12.020 Incorporation of Indiana Code
- 9.12.030 Unsafe buildings declared public nuisances
- 9.12.040 Building Commissioner
- 9.12.050 Administration by Building Commissioner
- 9.12.060 Powers and duties of Building Commissioner
- 9.12.070 Unsafe building defined
- 9.12.080 Substantial property defined
- 9.12.090 Unsafe Building Fund
- 9.12.100 Penalty for violation
- 9.12.110 Separability of provisions
- 9.12.120 Unsafe Building Law shall prevail over Winslow Building Code if a conflict arises
- 9.12.130 Effective when

**9.12.010 Established.** Under the provisions of Indiana Code 36-7-9, there is hereby established the WINSLOW UNSAFE BUILDING LAW. (Ord. 1990-2, S1, Sept. 24, 1990)

**9.12.020 Incorporation of Indiana Code.** Indiana Code 36-7-9-1 through 36-7-9-1 is hereby incorporated by reference in the Winslow Unsafe Building Law. All proceedings within the Town of Winslow 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, Sept. 24, 1990)

**9.12.030 Unsafe buildings declared public nuisances.** All buildings or portions thereof within the Town of Winslow which are determined after inspection by the Building Commissioner to be unsafe as defined in the ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal. (Ord. 1990-2, S3, Sept. 24, 1990)

**9.12.040 Building Commissioner.** In this ordinance and the Indiana Unsafe Building Law, "Building Commissioner" means the Winslow Building Commissioner or his duly appointed designee by Town Council Resolution. (Ord. 1990-2, S4, Sept. 24, 1990)

**9.12.050 Administration by Building Commissioner.** The Winslow 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, Sept. 24, 1990)

**9.12.060 Powers and duties of Building Commissioner.** Whenever in the building regulations of the Town of Winslow 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 such officer discretionary power as to what such regulations or standards shall be, power to require conditions not prescribe by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner. (Ord. 1990-2, S6, Sept. 24, 1990)

**9.12.070 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 conditions or maintenance in the Town of Winslow, by adding the following definitions:

- (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 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, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress allowed for new buildings of similar structure, purpose, or location.
  - D. 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.
  - E. 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.
  - F. 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.

- G. 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.
- H. Whenever the building or structure, or any portion thereof, because:
  - 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.
- 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 structure 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 per cent 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 as to become:
  - 1. an attractive nuisance to children; or
  - 2. freely accessible to persons for the purpose of committing unlawful acts.
- M. 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.

- N. Whenever any building or structure which, whether or not erected in accordance with all applicable law or 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.
  
- O. 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.
  
- P. 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 Winslow Fire Chief 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. 1990-2, S7 a-q, Sept. 24, 1990)

**9.12.080 Substantial property defined.** The definition of "substantial property interest" set forth in I.C. 36-7-9-2 is hereby incorporated by reference herein as if copied in full. (Ord. 1990-2, S8, Sept. 24, 1990)

**9.12.090 Unsafe Building Fund.** An UNSAFE BUILDING FUND is hereby established in the operating budget of the Town in accordance with the provisions of I.C. 36-7-9-14. (Ord. 1990-2, S9, Sept. 24, 1990)

**9.12.100 Penalty for violation.** No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant shall erect, construct, 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 I.C. 36-7-9-28 shall commit a Class C infraction for each day such violation continues. (Ord. 1990-2, S10, Sept. 24, 1990)

**9.12.110 Separability of provisions.** 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, Sept. 24, 1990)

**9.12.120 Unsafe Building Law shall prevail over Winslow Building Code if a conflict arises.** The Winslow Building Code in some respects covers the same subject matter as this ordinance. Wherever there may be a conflict between the Winslow Building Code and this ordinance, the provisions of this ordinance prevail. (Ord. 1990-2, S12, Sept. 24, 1990)

**9.12.130 Effective when.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law. Duly passed and adopted by the Winslow Town Council, Town of Winslow, Indiana, on the 24<sup>th</sup> day of September, 1990. (Ord. 1990-2, S13, Sept. 24, 1990)

## Chapter 9.22

### FIRE ZONE

#### Sections:

- 9.22.010 Description of fire zone area**
- 9.22.020 Outside walls constructed of brick, stone, concrete or iron**
- 9.22.030 Covering of buildings**
- 9.22.040 Area where wood shingle roofs are prohibited**
- 9.22.050 Permit from Fire Chief prior to construction**
- 9.22.080 Penalty for violation**

**9.22.010 Description of fire zone area.** All lots facing Main Street between Lafayette Street and Jefferson Street, which said zone affects Lots 53, 64, 74, 85, 95, 106, 107, 94, 86, 73, 65, and 52, and Lots 75 and 63 on Center Street, which said lots are so named on the original plat of said Town of Winslow. (Ord. unnumbered, S1, Oct. 12, 1926)

**9.22.020 Outside walls constructed of brick, stone, concrete or iron.** That no person or persons shall erect or cause to be erected or moved, any building or structure or any addition to any building already erected, within the district named in Section 9.22.010 of this Chapter unless the outside walls thereof are constructed of brick, stone, concrete or iron. (Ord. unnumbered, S2, Oct. 12, 1926)

**9.22.030 Covering of buildings.** That no person or persons shall cover or cause to be covered, any building within the district named in Section 9.02.040 of this Chapter with wooden shingles, but shall cover same with some fire resisting material which must be approved by the Chief of the Fire Department. (Ord. unnumbered, S3(a), Oct. 12, 1926)

**9.22.040 Area where wood single roofs are prohibited.** The district in which wooden shingle roofs shall be prohibited shall be bounded by the following streets: On the north by Lafayette Street, on the east by Walnut Street, on the south by Jefferson Street and on the west by Mill Street; and any roof in the said Fire Zone which may at any time be damaged by fire as much as 20% shall be replaced by fire resisting material and any roof which may for any cause need repairing to the extent of 10% in any one year, must be replaced by fire resisting material. (Ord. unnumbered, S3(b), Oct. 12, 1926)

**9.22.050 Permit from Fire Chief prior to construction.** No person or persons shall build any structure or cause any structure to be erected or make or cause to be made any repairs on any building within the limits of the Fire Zone herein described, without first obtaining from the Fire Chief a permit for the construction or repair of such building which said permit shall set out of what materials said building or repairs are to be used; and all shingle roofs within the limits of said Fire Zone shall be replaced within twelve years from the passage of this Ordinance. (Ord. unnumbered, S3(c), Oct. 12, 1926)

**9.22.080 Penalty for violation.** Any person or persons found guilty of violation of this Ordinance, or any Section thereof, shall each and severally be fined not less than \$5.00, nor more than \$25.00 and shall remove the offending building, addition or roof within ten days. Upon failure to remove the same within the time here specified, the person or persons, failing so to do, shall pay to the Town Clerk-Treasurer \$1.00 per day for each and every day of time that said building, addition or roof shall remain. (Ord. unnumbered, S4, Oct. 12, 1926)