

BUILDING CODE ORDINANCE  
SWITZERLAND COUNTY, INDIANA

ORDINANCE NO. 6-5-95B

AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN SWITZERLAND COUNTY, INDIANA; INCORPORATING BY REFERENCE BUILDING RULES, CODES AND STANDARDS REQUIRED TO BE ENFORCED UNDER I.C. 36-7-2-9; PROVIDING FOR THE ISSUANCE OF PERMITS THEREFORE; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SWITZERLAND COUNTY, INDIANA, IN ACCORDANCE WITH THE AUTHORITY CONFERRED BY I.C. 22-12-1 et seqq., AS FOLLOWS:

SECTION 1. TITLE.

This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of Switzerland County, Indiana," or "Building Code," and may be cited as such, and will be referred to herein as "this code."

SECTION 2. PURPOSE.

The purpose of this Code is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.

SECTION 3. APPOINTMENT OF BUILDING COMMISSIONER.

There is hereby created and established the office of Building Commissioner of Switzerland County. The Building Commissioner shall be appointed by the Board of County Commissioners. He shall not be actively engaged in the construction field or related activities, (including real estate sales, development or rentals), within Switzerland County during his employment as Building Commissioner. The Executive Director of the Switzerland County Area Plan Commission may be appointed and serve as Building Commissioner, also.

SECTION 4. AUTHORITY.

The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in the building regulations, 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 State or County, 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 provision shall be construed

as giving such officer discretionary powers as to what such regulations, codes or standard shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under the provisions of I.C. 22-13-2-7(b).

The Building Commissioner is authorized to employ sufficient qualified inspectors, assistants, or other employees, subject to the approval of the Board of County Commissioners and the Switzerland County Council.

SECTION 5. SCOPE.

The provisions of this code apply to the construction, alteration, repair, use, occupancy, maintenance and additions to all buildings and structures, other than industrialized building systems or mobile structures certified under I.C. 22-15-4, and fences and farm accessory buildings, in Switzerland County. Repair of existing buildings or structures are covered by the provisions of this code only if they affect the exterior perimeter and/or structural strength of such building or structure.

SECTION 6. ADOPTION OF REGULATIONS BY REFERENCE.

(A) The following Building rules, regulations, and codes 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 as the rules and regulations governing the construction and alteration of buildings and structures in Switzerland County, 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
- (3) Article 16 - Plumbing Code
  - (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 Codes
- (6) Article 19 - Energy Conservation Codes
  - (a) Indiana Energy Conservation Code
  - (b) Modifications to the Model Energy Code
- (7) Article 20 - Swimming Pool Code
  - (a) Indiana Swimming Pool Code

(B) All National Flood Insurance Program regulations governing the construction and alteration of buildings and structures in Switzerland County (contained in CFR 44, Chapter 60 3(d)) as specified on Attachment A (Section 10 Review Sheet for NFIP Regulations) pertaining to state and federal permits, subdivision review, building permit review, flood proofing non-residential structures, manufactured home standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance, are hereby incorporated by reference in this ordinance and shall include later amendments to these regulations.

(C) Copies of these codes, rules, and regulations, adopted herein by reference, are on file as required by law in the office of the Building Commissioner.

#### SECTION 7. PERMIT REQUIRED.

(A) A permit, using forms furnished by the Building Commissioner as approved by the County Commissioners, shall be obtained before beginning new construction, or altering or repairing existing buildings or structures if the alterations or repairs affect the exterior perimeter, and/or structural strength of such buildings or structures; and the cost of which construction, alteration or repair exceeds One Thousand (\$1,000.00) Dollars; and the size of which exceeds One Hundred Ninety One (191) square feet; or which construction involves the installation of a permanent new electric service for any reason; or the changing or alternation of an existing service entrance; or the installation of temporary service for new construction. Exception: residential Satellite TV installations. All permits shall be issued by the Building Commissioner.

(B) No building permit shall be issued unless the application for the same shall be accompanied by the fees due therefore. These fees shall be paid to the Building Commissioner who shall forthwith pay over such fees to the Switzerland County Auditor to the credit of the General Fund of Switzerland County, daily, and no part of the fees shall be returnable to the applicant, unless specifically authorized by the Building Commissioner.

(C) It shall be unlawful for any person to do any work for which a permit is required unless the person doing the work shall maintain a building permit for the work in a full and conspicuous place on the site of the work until the work shall be finished and finally inspected. No permit issued pursuant to this code shall be removed from the site of the work authorized thereby until permission for its removal is granted by the Building Commissioner. (See Section 11 (B))

(D) Where the Building Commissioner has issued a building permit pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is under way within six (6) months or if the work thereon is not completed within three (3) years of the date of issuance of such permit.

## SECTION 8. PERMIT APPLICATION.

### (A) Drawings Required

No permit shall be issued for the purposes specified in Section 7 unless the application for the permit is accompanied by two copies of drawings, plans, and specifications showing in complete detail the following:

(1) Plat or map of the parcel of land involved, showing the location of the proposed or existing building or structure, and set-back from streets or property lines of the proposed building or structure on the lot or premises.

(2) A complete survey, showing all property lines and the size of the lot or premises where any building is to be erected or constructed, certified by a professional engineer or land surveyor registered in Indiana, unless, in the opinion of the Building Commissioner, the survey is not necessary.

(3) All construction and details.

(4) Electrical work, wiring or installations showing the exact location of all apparatus, and the size and capacity thereof; the size of all main and branch conduits; the location of all openings and cabinets, and the capacity of all conductors; provided, however, that the requirements of this division shall not be applicable to meter and service installations, or maintenance, repairs, or alterations to equipment used by public utilities.

(5) Except for Single-family Dwellings, plumbing work showing the exact location of all fixtures and apparatus, and the capacity thereof; the size of all pipes; the location of all openings and traps, and the capacity of all conductors; provided, however, that the Building Commissioner may dispense with the requirement that drawings be furnished in cases of repairs the cost value of which does not exceed \$200.

### (B) "APPROVED" Stamp

Both copies of the drawings, plans, and specifications referred to in paragraph (A) herein, shall be stamped "approved," (if approved by him) by the Building Commissioner, and one such copy shall be returned to the applicant to be kept on the job site at all times.

### (C) Release for Construction Required

All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the State of Indiana must also be filed with the State Building Commissioner. No local permits shall be issued until a copy of a Release for Construction from the State Building Commissioner is received by the Building Commissioner.

SECTION 9. OTHER ORDINANCES.

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances.

SECTION 10. FEES AND REQUIRED INSPECTIONS.

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

<u>Type of Construction</u>	<u>Permit Fee</u>
Single-family dwelling	\$100
Two-family dwelling	\$130
Multi-family dwelling, hotels, motels	100 first unit, \$30 each unit 2-10, \$20 each unit over 10 units
Nursing Homes, each unit	\$60
Business, commercial	\$120, plus .0015 times the total construction cost w/\$1500. Max.
Educational, institutional	\$100, plus .001 times the total construction cost w/\$1000. Max.
Industrial, warehouse, bulk storage	\$100, plus .0005 times the total construction cost w/\$500. Max.
Mobile homes, temporary structures	\$40 each
Accessory buildings and structures	\$25 each
Additions (all occupancies)	\$40 each
Alterations (all occupancies)	\$40 each
Swimming Pools (in ground)	\$60
(above ground and exceeding 250 square feet in area)	\$25
Reinspection, additional inspection	\$25 each
Pole Barns (in Agriculture Districts)	\$10
(in Non-Agriculture Districts)	\$40

SECTION 11. INSPECTIONS.

(A) After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under the permit as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit. The Building Commissioner will make the following inspections for buildings and structures included within the scope of this code together with additional inspections which may be requested by the Indiana State Building Commissioner: (1) footing, (2) rough-in, including framing, plumbing, heating, and electrical, and (3) final. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in Section 10. The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. The permit holder shall be responsible for notifying the Building Commissioner, orally or in writing, not less than eight working hours, viz., the hours between 8:30 a.m. and 4:00 p.m., before covering or concealing work to be inspected except

that the permit holder shall be responsible for notifying the Building Commissioner, orally or in writing, not less than four working hours, viz., the hours between 8:30 a.m. and 4:00 p.m. prior to installation of footings. No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, thermal insulation, or structural framing shall be covered without prior inspection.

(B) A sticker or tag shall be attached to the building permit certifying each phase of construction or renovation. In cases where the work is not approved, the Building Commissioner shall cause a tag or sticker to be fastened to the building permit stating that the work is deemed in noncompliance. It shall be unlawful for any person to disturb or remove the tag until authorized to do so by the Building Commissioner. The permit holder shall repair or cause to be repaired defective work deemed in noncompliance to this code or documents listed in Section 6, and shall notify the Building Commissioner after the work is completed so that reinspection can be made. No further work can progress until the previous phase of construction has been approved by the Building Commissioner.

(C) During any inspection of any electrical installation, the Building Commissioner shall affix a tag to such electrical service installation authorizing the utility to make its connections and provide electrical service, and without which no utility shall provide electrical service to any building, mobile home, or structure.

## SECTION 12. REVIEW OF APPLICATION.

Prior to the issuance of any building hereunder, the Building Commissioner shall:

(a) Review all building permit applications to determine full compliance with the provisions of this ordinance.

(b) 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.

(c) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes), (1) is protected against flood damage, (2) is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and (3) used construction methods and practices that will minimize flood damage.

(d) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

The above services shall be completed within three (3) working days after the date of filing of the application except in cases where approval of the State Building Commissioner is required, in which case the review of the application shall be completed within three (3) working days after receipt of copy of release for construction from the State Building Commissioner.

### SECTION 13. 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 Switzerland County to perform any duty imposed upon him by this Code.

### SECTION 14. 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.

### SECTION 15. CERTIFICATE OF OCCUPANCY.

A certificate of occupancy shall be issued within three (3) working days after completion of final inspection for any building or structure erected, altered or repaired provided such building or structure was erected, altered or repaired in compliance with the provisions of this code.

### SECTION 16. STANDARDS.

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good workmanlike manner using accepted standards and practices in the trade.

### SECTION 17. VIOLATIONS.

(A) 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, covered by this code, in Switzerland County, or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

(B) It shall be unlawful for any person, firm, utility, or corporation to supply or provide electricity, or to cause or permit the same to be done to any building, mobile home, or any other structure unless and until there has been performed an inspection by the Building Commissioner of Switzerland County, Indiana, or his authorized agent, and proper indication has been made by such Building Commissioner in the form of a tag that electrical service may be provided thereto. In the event of an emergency, the Building Commissioner is authorized to verbally approve establishment of service if the delay would cause such harm or damage to persons as to jeopardize life or health.

### SECTION 18. RIGHT OF APPEAL.

All persons shall have the right to appeal the Building Commissioner's decision first through the Board of Commissioners 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 as applicable.

## SECTION 19. REMEDIES.

The Building Commissioner shall in the name of the Commissioners of Switzerland County bring actions in the Circuit Court of Switzerland County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

## SECTION 20. PENALTIES.

(A) 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 violation, failure or refusal, such person, firm or corporation shall be subject to one or more of the following penalty provisions:

(1) Any person(s), firm or corporation failing to obtain a permit as set forth in this ordinance shall be required to obtain a permit at three (3) times the cost set forth in the permit fee schedule herein above.

(2) Any person, firm or corporation failing to abide by any other section of this ordinance shall be required to pay a civil penalty in an amount no less than three (3) times the permit fee set forth in the permit fee schedule herein above.

(3) Any person, firm or corporation found in violation of this ordinance shall be enjoined from any further building or construction until such time as they comply with the terms of this ordinance, to the satisfaction of the Building Commissioner.

(B) Any violation of this ordinance shall constitute a class A infraction; for all violations prosecuted under this section the prosecuting attorney shall represent the Building Commissioner; the remedies set forth in this section are not mutually exclusive; the Building Commissioner may pursue any or all remedies set forth in paragraphs one (1), two (2), or three (3), herein.

SECTION 21.

This ordinance shall be in full force and effect from and after its adoption and approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

Passed by the Board of County Commissioners on the 5th day of June, 1995.

BOARD OF COMMISSIONERS  
SWITZERLAND COUNTY, INDIANA

\_\_\_\_\_  
James Allison, President

ATTEST: \_\_\_\_\_  
Ronald Lock, Auditor  
Switzerland County, Indiana

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Leon Johnson, Vice President

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Ronald Wiesmann, Member

ENDORSEMENT:

Approved this 5th day of July, 1995 by the Fire Prevention and Building Safety Commission of the State of Indiana:

\_\_\_\_\_  
Howard W. Cundiff, Chairman

RESOLUTION NO. 6-5-95B  
Vevay, Indiana

WHEREAS, the Town of Vevay, in Switzerland County, Indiana, is within the jurisdiction of the Switzerland County Area Plan Commission as authorized by ordinance of the Town; and

WHEREAS, the Town of Vevay, is desirous of having building inspection service in accordance with the terms and fees set forth in the Building Code ordinance of Switzerland County, Indiana, NOW THEREFORE,

BE IT RESOLVED that the Town of Vevay, does hereby designate the Switzerland County Building Commissioner as its Building Commissioner, and authorizes the building inspection services in accordance with the terms and fees set forth in the Building Code ordinance of Switzerland County, Indiana.

Passed by the Town Council of the Town of Vevay, Indiana, on this 21st day of June, 1995.

TOWN COUNCIL  
VEVAY, INDIANA

\_\_\_\_\_  
Pete Furnish, President

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Hilbert Scudder

\_\_\_\_\_  
Catherine Deems

ATTEST: \_\_\_\_\_  
Donna Graham, Clerk-Treasurer of Vevay, Indiana

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RESOLUTION NO. 6-5-95B  
Patriot, Indiana

WHEREAS, the Town of Patriot, in Switzerland County, Indiana, is within the jurisdiction of the Switzerland County Area Plan Commission as authorized by ordinance of the Town; and

WHEREAS, the Town of Patriot, is desirous of having building inspection service in accordance with the terms and fees set forth in the Building Code ordinance of Switzerland County, Indiana, NOW THEREFORE,

BE IT RESOLVED that the Town of Patriot, does hereby designate the Switzerland County Building Commissioner as its Building Commissioner, and authorizes the building inspection services in accordance with the terms and fees set forth in the Building Code ordinance of Switzerland County, Indiana.

Passed by the Town Council of the Town of Patriot, Indiana, on this 13th day of July, 1995.

TOWN COUNCIL  
PATRIOT, INDIANA

\_\_\_\_\_  
Mary Jones, President

\_\_\_\_\_  
Gordon Wayne Turner

\_\_\_\_\_  
Joyce D. Carter

ATTEST: \_\_\_\_\_  
Pamela Hutchinson, Clerk-Treasurer of Patriot, Indiana