

AN ORDINANCE TO REPEAL AND REPLACE  
THE BUILDING RULES AND REGULATIONS  
OF WARREN COUNTY, INDIANA

ORDINANCE NO. 1-1995

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY  
OF WARREN, INDIANA:

SECTION I: TITLE

This article, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of Warren County, Indiana", or "Building Code", and may be cited as such, and will be referred to herein as "this code", and shall superseded all ordinances and parts of ordinances in conflict herewith, which are hereby repealed.

SECTION II: 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 III: APPOINTMENT OF BUILDING COMMISSIONER

(a) There is hereby created and established the office of Building Commissioner of Warren County.

(b) The Building Commissioner shall be appointed by the Board of Commissioners.

SECTION IV: AUTHORITY OF BUILDING COMMISSIONER

(a) The Building Commissioner is authorized and directed to administer and enforce all of the provisions of this code, and he is also the official designated and authorized to enforce the other articles of the Warren County Code of Ordinances pertaining to Unsafe Buildings or Building Construction. Whenever in this chapter 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 County, this shall be construed to give that officer only the discretion of determining whether the rules and standards established have been complied with. No such provision shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this chapter or to enforce its provisions in an arbitrary or discriminatory manner.

(b) The Building Commissioner is authorized to employ sufficient inspectors, assistants, and other personnel as may be approved by the Board of Commissioners and necessary to the carrying out of his duties. Compensation for the Building

Commissioner and his inspectors, assistants, and other employees shall be determined by the County Commissioners and the Warren County Council.

**SECTION V: SCOPE OF REGULATIONS AND AREA AFFECTED**

The provisions of this code apply to the construction, alteration, repair, use, occupancy, maintenance, and addition to all buildings and structures, other than fences and other than industrialized building systems or mobile structures certified under I.C. 22-15-4, in the area in Warren County in which the Warren County Advisory Plan Commission has jurisdiction for Planning and Zoning, provided that each of the incorporated towns that has designated the Warren County Advisory Plan Commission as the municipal plan commission for Planning and Zoning purposes in accordance with the provisions of I.C. 36-7-4-410, adopts a resolution confirming that the authority granted by this Code is to be effective in their respective corporation. Otherwise, this Code will be effective in the unincorporated portion of Warren County and those incorporated towns which shall adopt said resolution.

**SECTION VI: REGULATIONS ADOPTED BY REFERENCE**

- (a) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this ordinance and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

"(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 Code

- (a) Indiana Electrical Code
- (b) Safety Code for Health Care Facilities

(5) Article 18-Mechanical Code

(a) Indiana Mechanical Code

(6) Article 19-Energy Conservation Code

(a) Indiana Energy Conservation

(b) Modifications to the Model Energy Code

(7) Article 20-Swimming Pool Code

(a) Indiana Swimming Pool Code"

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

**SECTION VII: PERMIT REQUIRED**

(a) A permit, using forms furnished by the Building Commissioner shall be obtained before beginning new construction, or altering or repairing existing buildings or structures if the alterations or repairs affect structural strength, sanitary conditions, fire hazards, or pose a threat to personal or public safety. All permits shall be issued by the Building Commissioner and all fees provided for herein shall be paid in the manner set forth in Section XI.

(b) It shall be unlawful for any person to do any work for which a permit is required, on any new or old structure, including repairs or alterations, unless the person doing the work shall maintain a building permit for the work in a full and a 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.

**SECTION VIII: PERMIT APPLICATION**

(a) No permit shall be issued for the purposes specified in Section VII 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 setback 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) Except for single-family dwellings, 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 \$100, and which are done by a licensed plumber.

(b) Both copies of the drawings, plans and specifications referred to in paragraph (a) herein shall be stamped "approved" 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) 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 IX: ISSUANCE OF PERMIT

(a) The application, plans, and specifications filed by an applicant shall be checked by the Building Commissioner. If the Building Commissioner is satisfied that the work described in the application conforms to the requirements of this chapter and other pertinent laws and ordinances, he shall issue a permit.

(b) Every permit shall expire by limitation if active work shall not have commenced within six (6) months of the date of issue, otherwise the building permit shall expire by limitation. All work so authorized shall be completed within twelve (12) months from the issuance of the building permit. Otherwise the building permit shall expire by limitation. Provided, that a permit for a building or structure which is a part of a Special Exception (Use) authorized by the Warren Advisory County Board of Zoning Appeals shall expire by limitation if active work shall not have commenced within twelve (12) months of the date of issue. All work so authorized shall be completed within three (3) year from the issuance of the building permit; otherwise the building permit shall expire by limitation.

(c) The Building Commissioner is authorized to revoke a building permit, or other permit issued pursuant to this code, after ten (10) days notification in writing thereof to the applicant, if the work under the permit is not proceeding according to the plans and specifications upon which the permit was issued, or if the work is proceeding in violation of law, or of any provision of this or other provisions of the Warren County Code.

**SECTION X: FLOOD CONTROL DUTIES OF BUILDING COMMISSIONER**

The Building Commissioner shall perform the following Flood Control duties:

(a) Flood Proofing Non-Residential Structures

Require certification of flood proofing by engineer/architect (Structural dry flood proofing is allowed for non-residential structures.) The engineer/architect must certify to the elevation to which the structure is dry flood proofed.

(b) Manufactured Home Standards

Require all manufactured homes to be installed using methods and practices which minimize flood damages. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement.

(c) Utility Construction

- (1) Require new and replacement water and sewer systems to be designed to minimize infiltration.
- (2) Require on-site waste disposal systems to be designed to avoid impairment.

(d) Record Keeping

- (1) Obtain and maintain records of elevation and flood proofing levels for new construction or substantial improvements.
- (2) Obtain certification of flood proofing by engineer/architect.
- (3) Lowest floor elevations must be obtained for all new construction and substantial improvements.
- (4) All information concerning and justifying any variances.

(e) Water Course Alteration and Maintenance

- (1) Notify neighboring communities of watercourse alteration.
- (2) Maintain carrying capacity of altered watercourse.

(f) Review Building Permits

- (1) Review permits to assure sites are reasonably free from flooding.
- (2) Review permits of proposed construction and development and require:
  - i. anchoring (including manufactured homes) to prevent flotation and lateral movement.

- ii. use of flood resistant materials.
- iii. construction methods which minimize flood damage.
- iv. electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities to be designed or located to prevent entry or accumulation of water.
- v. fully enclosed areas below the lowest floor of an elevated building (if permitted by local ordinances) to be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood waters.

#### SECTION XI. FORMS AND FEES

(a) Application for building permits shall be filed on forms provided, with any necessary exhibits or documents, and shall be accompanied by the filing fees specified. These fees shall be paid to the Building Commissioner who shall forthwith pay over such fees to the County Auditor.

(b) Until all applicable fees have been paid in full, no action shall be taken on any application.

(c) The building permit fee shall be in addition to any hook-on or other connection charges, electric meter base charges, or other fees charged pursuant to other town or county ordinances.

(d) The fees and charges shall be those established by the Board of Commissioners from time to time.

#### SECTION XII. 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 chapter and the terms of the permit. Basically, the Building Commissioner will make the following inspections for dwellings, businesses, educational and institutional and church buildings and industrial and warehouse and bulk storage buildings: (1) Footing, (2) framing, (3) plumbing and heating, (4) electrical and heating, and (5) final. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in Section XI. 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 8:00 a.m. and 4:00 p.m., before covering or concealing work to be inspected. No concrete shall be placed for foundations, slabs, or floors 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 VI 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.

#### SECTION XIII: RIGHT OF 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 or unincorporated county area to perform any duty imposed upon him by this code.

#### SECTION XIV: 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 doing or causing the work to be done, and any such persons shall forthwith stop the work until authorized by the Building Commissioner to proceed with the work.

#### SECTION XV: CERTIFICATE OF OCCUPANCY

No certificate of occupancy for any building or structure erected, altered, or repaired after the adoption of this chapter shall be issued unless the building or structure was erected, altered, or repaired in compliance with the provisions of this chapter. The electric meter will not be energized until a certificate of occupancy has been issued.

#### SECTION XVI: STANDARDS OF 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.

#### SECTION XVII: 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 town or unincorporated

county area, or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

**SECTION XVIII: 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 or I.C. 4-21-5-3-7, as applicable.

**SECTION XIX: REMEDIES**

The Building Commissioner shall in the name of the commissioners of Warren County bring actions in the Warren Circuit Court, 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 code.

**SECTION XX: PENALTY**

If any person, firm, or corporation shall violate any of the provisions of this chapter, 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 chapter, for each violation, failure, or refusal, the person, firm, or corporation shall be fined in any sum not more than \$500. Each day the unlawful activity continues shall constitute a separate offense.

Passed by the Board of Commissioners of the County of Warren, Indiana, this 6th day of February, 1995.

BOARD OF COMMISSIONERS OF  
WARREN COUNTY, INDIANA

Ronald W. Andrews  
Donald W. Andrews, President

Randall H. Brenner  
Randall H. Brenner

James E. Lanham  
James E. Lanham

Attest:

Jacqueline Brier  
Jacqueline Brier, Auditor  
Warren County, Indiana

ENDORSEMENT:

Approved this 7<sup>th</sup> day of March, 1995, by the  
Fire Prevention and Building Safety Commission of the State  
of Indiana.

Howard W. Cundiff  
Chairman

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Secretary

**FILED**

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AUDITOR WARREN CO.