



MITCHELL E. DANIELS, Jr., Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY JOSEPH E. WAINSCOTT JR., EXECUTIVE DIRECTOR

*Indiana Department of Homeland Security
Indiana Government Center South
302 West Washington Street
Indianapolis, IN 46204
317-232-3980*

JACKIE A BRIDEGROOM 8P
STARKE COUNTY RECORDER
I 2010002697 Page 1 of 8
LHM Date 09/13/2010 Time 09:27:51
VALIDATION: 0.00

September 9, 2010

Bruce W. Williams
Administrator/Building Inspector
Starke County Planning Commission
53 E. Mound Street
Knox, IN 46534

RE: Building Ordinance 2010-15
 Starke County, Indiana

Dear Mr. Williams;

Pursuant to IC 22-13-2-5 and 675 IAC 12-10-8, the Fire Prevention and Building Safety Commission, on September 8, 2010, approved the above listed Ordinance. Enclosed is the copy of the ordinance so endorsed by the Fire Prevention and Building Safety Commission Chairman.

Sincerely,

Mara Snyder
Director, Legal and Code Services
Department of Homeland Security

MJS/bas
Encl
Cc: Code Enforcement & Plan Review
 File

BUILDING ORDINANCE

ORDINANCE NO. 2010-15

AN ORDINANCE regulating the construction, alteration, equipment, use, occupancy, and location of buildings and structures in the unincorporated areas of Starke County, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-8-3 & IC 36-7-2-9; copies of which are attached hereto as Exhibit A.

If a duplication, conflict, or overlapping of responsibility is found between this ordinance and other county ordinances or parts of county ordinances then the ordinances will be reviewed to eliminate the duplication, conflict or overlapping of responsibility (for reference see IC 22-13-2-4 which is attached as Exhibit B).

BE IT ORDAINED by the Commissioners of Starke County, Indiana as follows:

ARTICLE I. GENERAL REQUIREMENTS

SECTION 1. TITLE. This ordinance and all material included herein by reference shall be known as the "Building Code of Starke County Indiana.

SECTION 2. PURPOSE. The purpose of this ordinance is to protect the life, public safety, health and general welfare of the citizens of Starke County, Indiana, and shall be construed in such a manner to effectuate this purpose.

SECTION 3. DEFINITIONS. Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

1. "Building Commissioner", as used in this ordinance, shall refer to the Planning and Zoning Administrator/Building Commissioner, is the person appointed by the Starke County Plan Commission to hold that position and includes individuals employed by the Starke County Planning Commission that are authorized to represent the Building Commissioner.

2. IC 22-12-1 in its entirety is incorporated by reference. A copy of IC 22-12-1 is attached hereto as Exhibit C.

SECTION 4. SCOPE.

1 All construction shall be accomplished in compliance with the provisions of this Building Ordinance, IC 22-13, 2-12, 22-14, 22-15 and the IAC rules incorporated by reference in Section 20 of this ordinance. Copies of parts of 22-12, 22-13 and 22-15 are attached to this ordinance under various exhibit numbers..

2. Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Building Ordinance and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under IC 22-15-4.

3. Pursuant to IC 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

SECTION 5. AUTHORITY. The Building Commissioner is hereby authorized and directed to administer and enforce the following:

1. All of the provisions of this Building Ordinance.
2. Variances granted in accordance with IC 22-13-2-11
3. Orders issued under IC 22-12-7.

SECTION 6. SEVERABILITY. Should any provision (section, clause, phrase, word, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 7. EFFECT OF ADOPTION ON PRIOR ORDINANCE. The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. These rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

ARTICLE II. BUILDING PERMITS

SECTION 8. BUILDING PERMIT REQUIRED. Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of construction.

SECTION 9. APPLICATION FOR BUILDING PERMIT.

1. Any person required to have a building permit shall submit a complete application to the Building Commissioner.
2. This application shall be submitted on a form prepared by the Building Commissioner, and shall contain the following:
 - (a) Information that the Building Commissioner determines to be necessary to locate and contact the applicant.
 - (b) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.
 - (c) A plot plan drawn to scale; provided, however, such plot plan shall not be required in the instance where all such construction is to occur entirely within an existing structure. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.
 - (d) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Design Release for the work to be done that has been issued by the Building Law Compliance Officer pursuant to IC 22-15-3.
 - (e) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.
 - (f) The fee established by the Starke County Planning Commission
3. Application for a building permit shall be made by the person who owns the property, his employee or his agent. The Building Commissioner may require that such an employee or agent provide written authority to apply for a permit.

SECTION 10. ISSUANCE OF BUILDING PERMIT. The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

SECTION 11. CERTIFICATE OF OCCUPANCY. No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the

provisions of this Building 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.

ARTICLE III. INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

SECTION 12. GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.

1. All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.

2 The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this Building Ordinance or to the rules of the Fire Prevention And Building Safety Commission is located for the purposes of inspection and investigation of such structure. Such inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this Building Ordinance and the rules of the Fire Prevention and Building Safety Commission.

SECTION 13. INSPECTIONS BY FIRE DEPARTMENT. The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has independent authority to conduct inspections and take enforcement actions under IC 36-8-17).

ARTICLE IV. ENFORCEMENT AND PENALTIES

SECTION 14. WITHHOLD ISSUANCE OF PERMITS.

1. Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to the Starke County Planning Commission Fee Ordinance, or inspection fees owed pursuant to the Starke County Planning Commission Fee Ordinance) to the Building Commissioner the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.

2. Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

SECTION 15. PERMIT REVOCATION. The Building Commissioner may revoke a building permit when any of the following are applicable:

1. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.
2. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.
3. There is failure to comply with the Building Ordinance.
4. The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

SECTION 16. STOP-WORK ORDER. The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.

The stop work order shall:

1. Be in writing.

2. State with specificity the construction to which it is applicable and the reason for its issuance.
3. Be posted on the property in a conspicuous place.
4. If practicable, be given to:
 - (A) The person doing the construction; and
 - (B) To the owner of the property or the owner's agent.
5. The stop-work order shall state the conditions under which construction may be resumed.

The Building Commissioner may issue a stop-work order if:

1. Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this Building Ordinance or any state law pertaining to safety during construction.
2. Construction is occurring in violation of this Building Ordinance or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially difficult to correct the violation.
3. Construction for which a building permit is required is proceeding without a building permit being in force.
4. The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this Building Ordinance.

SECTION 17. CIVIL ACTION.

Pursuant to IC 36-1-6-4, the County may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this Building Ordinance.

SECTION 18. MONETARY PENALTY.

Any person violating any provision of this Building Ordinance may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500). The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this Building Ordinance.

SECTION 19. RIGHT OF APPEAL. Any person aggrieved by an order issued under this Building Ordinance shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

1. Appeal to the Fire Prevention and Building Safety Commission.
 - (A) A person aggrieved by an order issued under this Building Ordinance may appeal to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7.
 - (B) The Commission may modify or reverse any order issued by the County that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety, or a building rule.
 - (C) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under IC 4-21.5-3-7 within thirty (30) days after the issuance of the order.
 - (D) The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Ordinance.
 - (E) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.
2. Appeal to an Established Local Administrative Body or Court.

Pursuant to IC 36-7-8-9, a person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the County Executive a fifteen (15) day

written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to IC36-1-6-9, the County has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition for judicial review of the order.

ARTICLE V. MINIMUM CONSTRUCTION STANDARDS

SECTION 20. ADOPTION OF RULES BY REFERENCE.

1. Pursuant to IC 22-13-2-3(b), the 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 code and shall include any later amendments to those rules.

- (A) Article 13 - Building Codes
- (B) Article 14 - Indiana Residential
- (C) Article 16 - Indiana Plumbing Code
- (D) Article 17 - Indiana Electrical Code
- (E) Article 18 - Indiana Mechanical Code
- (F) Article 19 - Indiana Energy Conservation Code
- (G) Article 20 - Indiana Swimming Pool Code
- (H) Article 22 - Indiana Fire Code
- (I) Article 25 - Indiana Fuel Gas Code

Two (2) copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.

The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this Building Ordinance. Pursuant to IC 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.

SECTION 21. LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

1. Pursuant to IC 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

(A) Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(B) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(C) Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(D) Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(E) Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

2. Two (2) copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.

ARTICLE VI EFFECTIVE DATE

SECTION 22. EFFECTIVE DATE. This Building Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

1. The County of Starke, Indiana has adopted this Ordinance.
2. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by IC 22-13-2-5.

Approved this day of....., 2010, by the Fire Prevention and Building Safety Commission of the State of Indiana.

Chair of Commission

Starke County Plan Commission public hearing held on: June 16, 2010

Recommended and approved by the Starke County Plan Commission on: June 16, 2010

Presented to the Starke County Commissioners on: June 21, 2010

Approved by the Starke County Commissioners on: 8-2-10

DATED: 8-2-10

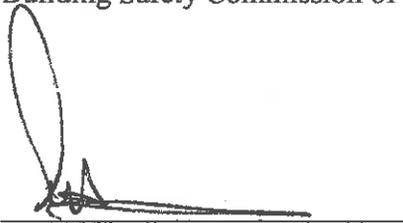
DANIEL BRIDEGROOM

Kathy Norem
KATHY NOREM

Jennifer Davis
JENNIFER DAVIS

Michaelene J. Houston
MICHAELENE J. HOUSTON, AUDITOR

Approved this day, September 8, 2010, by the Fire Prevention and Building Safety Commission of the State of Indiana.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

David Hannum, Chairman