

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Alex C. Intermill, Representative for the Town of Fortville, Indiana
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: Monday, November 29, 2021
RE: Commission Review of Ordinance No. 2021-9C – Building Code of the Town of Fortville, Indiana – Staff Review Memo

The information contained in this memo is advisory only. Commission staff does not have the authority to approve or deny ordinances or other regulations adopted by a political subdivision that qualify as fire safety or building laws. The decision to approve or deny ordinances or other regulations is left to the Commission.

GENERAL INFORMATION

Political Subdivision	Ordinance Number	Ordinance Type
Town of Fortville, Indiana	2021-9C	Building Code
Date of Adoption	Date of Submission	First Commission Meeting
October 4, 2021	November 16, 2021	December 7, 2021
Fire Safety/Building Law	Follow Template?	Recommendation
Building Law(s)	Yes	Approval

PROVISIONS THAT DUPLICATE, CONFLICT, OR OVERLAP WITH STATEWIDE CODE

The following is a list of potential defects identified between this ordinance and the state's building and fire safety laws:

#	Ordinance Citation	State Citation	Explanation of Defect
	N/A	N/A	N/A

ADDITIONAL COMMENTS

After completing both a preliminary review of the draft ordinance and a review of the adopted ordinance, Commission staff did not identify any direct conflicts with the Commission's rules (state building laws and/or state fire safety laws) or defects that would serve as a basis for denial of Ordinance No. 2021-9C. Ordinance No. 2021-9C directly follows the Commission's [Building Code Ordinance Template](#). As such, Commission staff will recommend the Commission's **approval** of Ordinance No. 2021-9C, barring any questions or concerns from the members of the Commission.

However, Commission staff did identify two clerical errors in Ordinance No. 2021-9C. First, in Section 150.15 (Inspections by Fire Department), at the end of section, the citation “IC 36-817” needs to be corrected to “IC 36-8-17”, so as to cite to the correct chapter of state statute (Indiana Code), as provided in the Commission’s [Building Code Ordinance Template](#) [see Article III (Investigations and Inspections of Construction Activities), Section 2 (Inspections by Fire Department)]. Second, in Section 150.23 (Lifting Devices Located within a Private Residence), at the end of Provision No. 2, the citation “IC 36-1-54” needs to be corrected to “IC 36-1-5-4”, so as to cite to the correct section of state statute (Indiana Code), as provided in the Commission’s [Building Code Ordinance Template](#) [see Article V (Minimum Construction Standards), Section 2 (Lifting Devices Located within a Private Residence)]. The Town of Fortville should correct these clerical errors for clarity of these provisions in the Town of Fortville’s Code of Ordinances (Municipal Code).