

STATE OF INDIANA
BEFORE THE CLARKSVILLE TOWN COUNCIL
ORDINANCE NO. 2022-G-02

**AN ORDINANCE REPEALING AND REPLACING A PORTION OF CHAPTER 150
(BUILDING REGULATIONS) OF THE CLARKSVILLE MUNICIPAL CODE**

AN ORDINANCE regulating the construction, alteration, equipment, use, occupancy, and location of buildings and structures in the Town of Clarksville, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-2-9; providing for the issuance of permits, inspections, and penalties for violations, and

WHEREAS, all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Clarksville, Indiana, that Sections 150.001 through 150.041 of Chapter 150 of the Clarksville Municipal Code are repealed and replaced in their entirety to read as follows: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 Ordinance for the Town of Clarksville Indiana (hereinafter referred to as this "Ordinance").

Section 2. Purpose.

The purpose of this Ordinance is to protect the life, public safety, health, and general welfare of the citizens of Clarksville, Indiana, and shall be construed in such a manner as 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.

- A. "Building Commissioner", as used in this Ordinance, shall mean the Department Head of the Clarksville Building Department as appointed in accordance with Section 31.11 of the Clarksville Municipal Code.
- B. "Class 1 structure" has the meaning ascribed thereto in IC 22-12-1-4.
- C. "Class 2 structure" has the meaning ascribed thereto in IC 22-12-1-5.
- D. "Commission" has the meaning ascribed thereto in IC 22-12-1-6.
- E. "Construction" has the meaning ascribed thereto in IC 22-12-1-7.
- F. "Industrialized building system" has the meaning as set out in IC 22-12-1-14.

- G. "Manufactured home" has the meaning ascribed thereto in IC 22-12-1-16.
- H. "Mobile structure" has the meaning ascribed thereto in IC 22-12-1-17.
- I. "Person" has the meaning ascribed thereto in IC 22-12-1-18.
- J. "Structure" means both Class 1 and Class 2 structures, unless specifically stated otherwise.
- K. "Vehicular bridge" has the meaning ascribed thereto in IC 22-12-1-26.

Section 4. Scope.

- A. All Construction shall be accomplished in compliance with the provisions of this Ordinance.
- B. Pursuant to IC 22-13-2-6, this Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Ordinance and the rules promulgated by the Commission do apply to any Construction related to an industrialized building system or mobile structure not certified under IC 22-15-4.
- C. Pursuant to IC 22-13-2-9, this Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

Section 5. Authority.

The Building Commissioner, or their designee, is hereby authorized and directed to administer and enforce the following:

- A. All provisions of this Ordinance.
- B. Variances granted in accordance with IC 22-13-2-11.
- C. 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. Supremacy.

If any provision of this Ordinance conflicts with any building or fire safety law adopted or administered by the Commission, the Commission's laws govern.

Section 8. Effect of Adoption on Prior Ordinances.

The expressed or implied repeal or 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. Such 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 1. Building Permit Required.

Construction is prohibited, unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of Construction.

It shall be unlawful for any Person to erect, construct, enlarge, alter, repair, improve, convert, use, occupy, or maintain any building or Structure, in violation of this Ordinance.

Section 2. Application for Building Permit.

- A. Any Person required to have a building permit shall submit a complete application to the Building Commissioner.
- B. Application for a building permit shall be made by the Person entitled to obtain the permit or by an employee or agent of that Person. The Building Commissioner may require that such an employee or agent provide written authority to apply for a permit.
- C. This application shall be submitted on a form(s) prescribed by the Building Commissioner, and shall contain the following:
 - (1.) Information that the Building Commissioner determines necessary to locate and contact the applicant.
 - (2.) A site plan, certified by an Indiana Registered Land Surveyor drawn to scale; provided, however, such certified site plan shall not be required in the instance where all such Construction is to occur entirely within an existing Structure, or as determined by the Building Commissioner, certified site plan may not be required.
 - (a.) Site plan shall include the location of the structure in relation to property lines, easement, street(s) right-of-way, curbs, and sidewalks.
 - (3.) Plans and specifications required to be submitted for the issuance of local building permits shall be drawn to scale or scales suitable to illustrate the work using accepted professional practices. Drawing scale or scales must be noted on each sheet.
 - (4.) One set of complete plans and specifications shall be submitted in electronic format to the Building Commissioner.
 - (5.) When required by Indiana law or any rule of the Commission, a copy of a Design Release for the Construction to be accomplished has been issued by the State Building Commissioner pursuant to IC 22-15-3.
 - (6.) All information required pursuant to IC 22-11-21-9 for qualifying properties containing advanced structural components.
 - (7.) As determined by the Building Commissioner, additional information necessary to determine that Construction will conform to all applicable rules of Commission and will not violate any other applicable ordinances or laws.
 - (8.) Fees established by local ordinance as set forth in in Chapter 150 of the Clarksville Municipal Code shall be paid prior to the issuance of local building permit.

Section 3. Use of Advanced Structural Components.

For all building permits issued covering the Construction of qualifying properties containing advanced structural components, the Building Commissioner shall send notice as required pursuant to IC 22-11-21-10.

Section 4. Local Plan Review.

- A. The Building Commissioner, or their designee, may perform a local plan review on submitted plans and specifications as set out in IC 22-15-3.3.
- B. In accordance with IC 22-15-3.3-5, local plan review does not supersede or otherwise impact any laws or rules concerning a plan review conducted by the State of Indiana.

Section 5. Issuance of Building Permit.

The Building Commissioner shall issue a building permit to a Person, after the Person has submitted a complete application, in accordance with Article II, Section 2 of this Ordinance, has submitted the required information indicating the proposed Construction will conform to all applicable building and fire safety laws and will not violate any other applicable ordinances or laws, and pays all required fees.

Section 6. Changes to Plans and/or Specifications after Building Permit Issued.

No change shall be made to any plans and/or specifications, after the issuance of the building permit, except when revised plans and/or specifications have been submitted to the Clarksville Building Department.

If the State Building Commissioner issued a Design Release an addendum application including revised plans and/or specifications shall be submitted to the Indiana Department of Homeland Security.

Section 7. Permit Period of Validity.

- A. If work covered by said building permit is not started within one (1) year from date of issuance, the permit is null and void.
- B. As long as work covered by said building permit continue to progress towards completion, said building permit is valid until work under said building permit is completed.
- C. If work covered by said permit was started and subsequently is ceased, suspended or abandoned for a period of one hundred eighty (180) consecutive days, said building permit is suspended, until an application for reinstatement of said permit has been submitted to the Building Commissioner and any required fees paid for said reinstatement as set forth in Chapter 150 of the Clarksville Municipal Code.

Section 8. Certificate of Completion and Compliance.

A. CLASS 1 STRUCTURE WITHOUT ARCHITECT OR ENGINEER - CERTIFICATE OF COMPLETION AND COMPLIANCE.

Upon completion of construction, the applicant for said permit (building, electrical, mechanical, plumbing, etc.) shall within five (5) days submit the Certificate of Completion and Compliance on a form prescribed by the Building Commissioner.

B. CLASS 1 STRUCTURE WITH ARCHITECT OR ENGINEER - CERTIFICATE OF COMPLETION AND COMPLIANCE.

Upon completion of construction, the design professional (architect or engineer) responsible for review and monitoring during construction shall within five (5) days execute and submit to the Building Commissioner the architect's or engineer's Certificate of Completion and Compliance.

C. CLASS 2 STRUCTURE - CERTIFICATE OF COMPLETION AND COMPLIANCE.

Upon completion of Construction, the applicant for said permit (building, electrical, mechanical, plumbing, etc.) shall within five (5) days submit the Certificate of Completion and Compliance on a form prescribed by the Building Commissioner.

Section 9. Certificate of Occupancy.

- A. No certificate of occupancy shall be issued unless such Structure was constructed in compliance with the provisions of this Ordinance and the rules of the Commission.
- B. It shall be unlawful to occupy any Structure unless the Building Commissioner have issued a certificate of occupancy.

**ARTICLE III
INVESTIGATION AND INSPECTIONS OF CONSTRUCTION ACTIVITIES**

Section 1. General Authority to Make Inspections and Investigations.

- A. In accordance with IC 36-7-2-3 the Building Commissioner, or their designee, upon presentation of Town issued credentials, may inspect any Structure or other improvements at any reasonable time.
- B. 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.
- C. The Building Commissioner, or their designee, upon presentation of proper credentials, may at any reasonable time go in, upon, around or about the premises where any Structure subject to the provisions of this Ordinance or the rules of the Commission is located for the purposes of inspection and investigation of such Structure.
- D. 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 complies with all applicable building standards and procedures and ascertaining whether the Construction

has been accomplished in a manner consistent with this Ordinance and the rules of the Commission.

- E. In accordance with IC 36-7-2-9.5, if the Building Commissioner, or their designee, determines the building, Structure, improvement, or other project violates any applicable law, rule, order, or interpretation of the Commission, the Building Commissioner shall provide to the building (electric, mechanical, plumbing, etc.) permit applicant the following:
 - (1.) Identify the specific feature in violation (non-compliance); and,
 - (2.) Specify the applicable law, rule, order, or interpretation upon which the finding of non-compliance is based by identifying the applicable building or fire code edition (year of adoption), chapter, and section.

Section 2. Inspection by Fire Department.

- A. The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws.
- B. The Fire Department has independent authority to conduct inspections and take enforcement actions under IC 36-8-17.

**ARTICLE IV
ENFORCEMENT AND PENALTIES**

Section 1. Withhold Issuance of Permit(s).

- A. Whenever fees are owed (including checks returned for insufficient funds, permit fees or inspection fees) pursuant to the Clarksville Building Department's fee schedule set forth in Chapter 150 of the Clarksville Municipal Code, the Building Commissioner may withhold the issuance of subsequently requested permits until all fees owed have been paid.
- B. 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 permit(s) until such time that the property is brought into conformance with applicable ordinances.

Section 2. Permit Revocation.

The Building Commissioner may revoke a building permit for any of following:

- A. The application, plans, or supporting documents contain a false statement or misrepresentation as to a material fact.
- B. The application, plans, or supporting documents reflect a lack of compliance with building rules, standards, and procedures.
- C. Failure to comply with this Ordinance.
- D. 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 3. Stop Work Order.

The Building Commissioner may issue an order requiring suspension of pertinent Construction (stop work order) in accordance with the following:

- A. 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.) Identify the specific law, order, or interpretation upon which the finding of noncompliance is based, specifying the edition, chapter and section of any applicable building and fire code, including Indiana Code and local ordinance.
 - (6.) The stop work order shall state the conditions under which Construction may be resumed.
- B. 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 Ordinance or any state law pertaining to safety during Construction.
 - (2.) Construction is occurring in violation of this Ordinance or in such a manner that if Construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation.
 - (3.) Construction for which a building permit is required is proceeding without a building permit.
- C. The issuance of a stop work order shall in no way limit the operation of penalties provided elsewhere in this Ordinance or any law, standard, or other ordinance adopted by the Clarksville Town Council.

Section 4. Civil Action.

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

Section 5. Monetary Penalty.

- A. Any Person violating any provision of this Ordinance may be subject to fines not exceeding two thousand five hundred dollars (\$2,500).
- B. Each day a violation occurs shall constitute a separate offense.
- C. The assessment of monetary penalties shall in no way limit the other penalties provided elsewhere in this Ordinance.

Section 6. Right of Appeals.

- A. Any Person aggrieved by an order issued under this Ordinance shall have the right to petition for review of any order issued by the Building Commissioner.
- B. A Person may file a petition using the following procedures:
 - (1.) Appeal to the Clarksville Building Commission, which shall serve as the hearing authority for actions as related to this Ordinance.
 - (a.) A Person aggrieved by an order issued by the Building Commissioner under this Ordinance may appeal to the Clarksville Building Commission in accordance with IC 36-1-6-9 by requesting a hearing in writing delivered to the office of the Building Commissioner within ten (10) days after the order is issued.
 - (b.) A Person who receives a penalty upon appeal to the Clarksville Building Commission may appeal the order imposing the penalty to a court of record in Clark County in accordance with IC 36-1-6-9. Said appeal must be filed not more than sixty (60) days after the issuance of the order.
 - (2.) Appeal to the Commission.
 - (a.) A Person aggrieved by an order issued under this Ordinance may appeal to the Commission, in accordance with IC 22-13-2-7.
 - (b.) The Commission may modify or reverse any order issued by the Building Commissioner, which 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 Commission shall 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.
 - (i.) A copy of said petition filed with the Commission shall be provided to the Clarksville Building Commissioner by electronic mail, with read receipt acknowledgement.
 - (d.) The Commission may review all other orders issued under this Ordinance.
 - (i.) A copy of said petition filed with the Commission shall be provided to the Clarksville Building Commissioner by electronic mail, with read receipt acknowledgement.
 - (e.) The review of an order by the 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.

**ARTICLE V
MINIMUM CONSTRUCTION STANDARDS**

Section 1. Adoption of Rules by Reference.

- A. Pursuant to IC 22-13-2-3(b), the rules of the Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code (IAC) are hereby incorporated by

reference in this Ordinance and shall include any later amendments to those rules, as follows:

- Article 13 – Building Codes
- Article 14 – Indiana Residential Code
- Article 16 – Indiana Plumbing Code
- Article 17 – Indiana Electrical Code
- Article 18 – Indiana Mechanical Code
- Article 19 – Indiana Energy Conservation Code
- Article 20 – Indiana Swimming Pool Code
- Article 22 – Indiana Fire Code
- Article 25 – Indiana Fuel Gas Code
- Article 28 – NFPA Standards

- B. As set out in IC 36-1-5-4, two (2) copies of the above rules incorporated by reference shall be on file in the office of the clerk for the legislative body for public inspection.
- C. The Building Commissioner and the Commission may grant a variance to the fire safety and building laws adopted by this 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 the Commission.

ARTICLE VI.
EFFECTIVE DATE

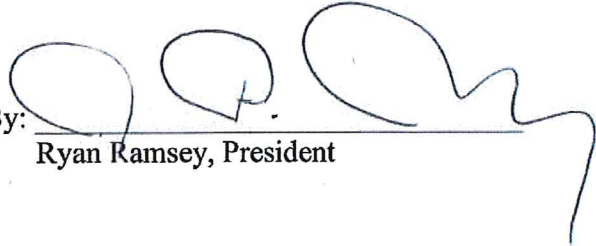
EFFECTIVE DATE. This Building Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

1. The Clarksville Town Council 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.


So ordained by majority vote of the entire membership of the Clarksville Town Council at a properly noticed and convened public meeting held this 3RD day of JANUARY, 2022.

FEBRUARY 2022

CLARKSVILLE TOWN COUNCIL

By: 
Ryan Ramsey, President

Attested by:


Robert P. Leuthart, Clerk-Treasurer

Approved this _____ day of _____, 20____, by the Fire Prevention and Building Safety Commission of the State of Indiana.

James L. Greeson, Chairman
Fire Prevention and Building Safety Commission of the State of Indiana