

ORDINANCE NO. 15-05-04-01

WHITE COUNTY BUILDING CODE ORDINANCE

WHEREAS, the Board of Commissioners of White County, Indiana adopted the "White County Building Code Ordinance", by Ordinance No.13-09-03-01, and

WHEREAS, the Building and Planning Department desires to amend said Ordinance by bringing it into compliance with and referencing current adopted codes and amending Section 7, Permit Required.

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Board of Commissioners of White County as follows:

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

SECTION 1. TITLE. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of White County, Indiana", 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 building and structures.

SECTION 3. (A) AUTHORITY. The "White County Area Plan Executive Director", hereinafter referred to as "Director", and the Building Inspector, hereinafter referred to as "Inspector" are hereby authorized and directed to administer and enforce all of the provisions of this Code. Whenever in this Code, it is provided that anything must be done to the approval of, or subject to, the direction of the Director or Inspector, or any other officer of the Building and Planning Department, this shall be construed to give such officer only the discretion of determining whether this Code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this Code shall be, or power to require conditions not prescribed by law or to enforce this Code in an arbitrary or discriminatory manner.

SECTION 3 (B). The Director/Inspector, after having been designated officers to administer and enforce building regulations, shall be authorized to issue building permits, collect fees, perform inspections, order correction of violations of building regulations,

and authorize occupancy of buildings and structures situated within the boundaries of White County.

SECTION 4. SCOPE. The provisions of this Code apply to the construction, alterations, structural repair, use, occupancy and additions to all buildings and structures other than mobile structures, and/or industrialized building systems certified under IC 22-15-4 in White County.

SECTION 5. ADOPTION OF REGULATIONS 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 Code and shall include later amendments to those Articles as the same are published in the Indiana Register as a final rule or the Indiana Administrative Code with effective dates as fixed therein:

- (1) Article 13 Indiana Building Codes
- (2) Article 14 Indiana One & Two Family Dwelling Code
- (3) Article 16 Indiana Plumbing Code
- (4) Article 17 Indiana Electrical Codes
- (5) Article 18 Indiana Mechanical Code
- (6) Article 19 Indiana Energy Conservation Code
- (7) Article 20 Indiana Swimming Pool Code
- (8) Article 22; Indiana Fire Prevention Codes
- (9) Article 25 Indiana Fuel Gas Code
- (10) Article 28 National Fire Protection Association (NFPA) Standards

B. Copies of adopted building rules, codes and standards are on file in the office of the Building and Planning Department.

SECTION 6. APPLICATION FOR PERMITS. No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by plans and specifications showing the work to be done, and listing the area of each level of the building and of the garage in square feet. No local permits shall be issued hereunder until a copy of a Design Release from the State Building Commission is received by the Building and Planning Department if such Design Release is required. No building permit will be issued to a person that would cause a violation of IC 22-15-3-7.

SECTION 7. PERMIT REQUIRED. A permit shall be obtained before beginning construction or alteration to mechanical, plumbing, electrical, or structural components of any primary structure, exempting detached accessory structures that are 120 square feet or less, and less than 30" above adjacent grade, using forms furnished by the Building and Planning Department. All permits shall be authorized by the Director or Inspector, and all fees provided for herein shall be paid to White County, Indiana. Construction of

accessory structures less than 120 square feet and do not require a permit shall be registered with the Building and Planning Department of White County.

- A. A building permit expires and becomes void if;
- (1) The work authorized by the permit is not started within three (3) years from the date of issuance.*
 - (2) The work authorized by the permit is not completed within ten (10) years from the date of issuance.
 - (3) The work authorized is completed and a Certificate of Occupancy is issued.

*State Imposed permit limitations may apply.

SECTION 8. PERMIT & INSPECTION FEES. There shall be paid the fees prescribed in fee schedule as adopted by the County Commissioners prior to the issuance of any building permit.

SECTION 9. OTHER ORDINANCES. All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto.

SECTION 10. REVIEW OF APPLICATION. Prior to the issuance of any building permit hereunder, the Director or Inspector shall:

- (a) Review all building permit applications to determine full compliance with provisions of this Code.
- (b) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding and in compliance with county floodplain ordinance.

SECTION 11. INSPECTIONS. After issuance of any building permit hereunder, the Director or Inspector shall make, or shall cause to be made, such inspections of the work being done under such permit as is necessary to insure full compliance with the provisions of this Code and the terms of the permit.

SECTION 12. ENTRY. Upon presentation of proper credentials, the Director or Inspector or his duly authorized representatives may enter at reasonable times any building, structure or premises in White County to perform any duty imposed upon him by this Code.

SECTION 13. STOP ORDER. Whenever work is being done contrary to the provisions of this Code, the Director or Inspector may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director or Inspector to proceed with the work.

SECTION 14. CERTIFICATE OF OCCUPANCY. No final approval of construction for any building or structure erected or altered after the adoption of this Code shall be issued unless such building or structure was erected or altered in compliance with the provisions of this Code. Any commercial, industrial, public or residential building, principal or accessory, shall require a Certificate of Occupancy issued by the White County Building and Planning Department, unless expressly exempted elsewhere in this ordinance.

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this Code or other ordinances of the jurisdiction shall not be valid.

SECTION 15. 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, permitted or inspected by Section 8 of this code, other than fences in White County or cause or permit the same to be done, contrary to or in violation of the provisions of this Code.

It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been authorized by the Building and Planning Department.

SECTION 16. RIGHT OF APPEAL. All persons shall have the right to appeal Director or Inspector's decision pertaining to provisions of this code, first through the Commissioners of White County and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provision of IC 22-13-2-7 or IC 4-21.5-3-7, as applicable.

SECTION 17. REMEDIES. The Director or Inspector shall, in the name of the Commissioners of White County, bring actions in the Circuit or Superior Court of White County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Director or Inspector, 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 18. PENALTIES. If any person, firm or corporation shall violate any of the provisions of this Code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Director or Inspector, or shall fail, neglect or refuse to obey any lawful order given by the Director or Inspector in connection with the provisions of this Code, for each violation, failure or refusal, such person, firm or corporation shall be fined in the sum of, not less than Thirty (\$30) dollars or more than Three Hundred (\$300) dollars. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

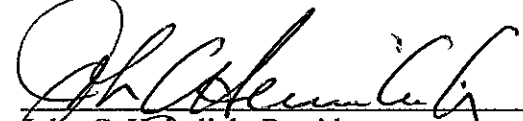
SECTION 19. EFFECTIVE DATE.

- (A) This Code shall be in full force and effect after its approval by the Fire Prevention and Building Safety Commission of Indiana, and the adoption by the White County Commissioners, and publication as required by law.
- (B) This ordinance shall apply to:
 - (1) All Buildings or structures permitted under Section 7 of this code after the effective date;
 - (2) All buildings or structures where construction or alteration has begun but not completed;
 - (3) Conversions of buildings and structures, or parts of them, from one occupancy classification to another; and
 - (4) The movement of buildings, structures, and equipment for the operation of buildings and structures.
- (C) This Ordinance repeals or amends all other ordinances in conflict herewith, and amends aforesaid Ordinance No. 13-09-03-01 in its entirety.

SECTION 20. No building permit shall be issued for the construction, extension, remodeling, alteration or structural repair of any proposed or existing building until the project has been checked for compliance with the White County Zoning Ordinance and Subdivision Control Ordinance. Certain construction projects may require a site plan for the project to be approved by the White County Surveyor, a driveway permit or letter to be issued by the State or White County Highway Departments, and/or a septic permit or letter to be issued by the White County Board of Health.

Adopted by the Board of Commissioners of White County, Indiana this 4th
day of May, 2017. 5

BOARD OF COMMISSIONERS OF WHITE
COUNTY, INDIANA



John C. Helmlich, President



Steve Burton



David Diener

ATTEST:



Gayle Rogers, Auditor