January 25, 2013

SENATE BILL No. 159

DIGEST OF SB 159 (Updated January 23, 2013 6:15 pm - DI 87)

Citations Affected: IC 36-7.

Synopsis: Building ordinances and sanitation standards. Provides that county ordinances governing sanitation standards do not include standards governing, and do not apply to, the installation, permitting, and maintenance of onsite residential sewage disposal systems as enforced by the state department of health or a local health department. Provides that the private home exemption from certain construction standards adopted by local ordinance does not extend to other ordinances, rules, or regulations.

Effective: July 1, 2013.

Wyss, Stoops

January 7, 2013, read first time and referred to Committee on Local Government.
January 24, 2013, reported favorably — Do Pass.

C o p y

January 25, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 159

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-7-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The legislative body of a county having a county department of buildings or joint city-county building department may, by ordinance, adopt building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards for unincorporated areas of the county. These standards take effect only on the legislative body's receipt of written approval from the fire prevention and building safety commission. **For purposes of this section, sanitation standards do not include ordinances, rules, regulations, or other standards governing the installation, permitting, or maintenance of onsite residential sewage disposal systems as enforced by the state department of health or a local health department under IC 16-19 and 410 IAC 6.**

(b) An ordinance adopted under this section must be based on occupancy, and it applies to:

(1) the construction, alteration, equipment, use, occupancy, location, and maintenance of buildings, structures, and

appurtenances that are on land or over water and are:

(A) erected after the ordinance takes effect; and

(B) if expressly provided by the ordinance, existing when the ordinance takes effect;

(2) conversions of buildings and structures, or parts of them, from one **(1)** occupancy classification to another; and

(3) the movement or demolition of buildings, structures, and equipment for the operation of buildings and structures.

(c) The rules of the fire prevention and building safety commission are the minimum standards upon which ordinances adopted under this section must be based.

(d) An ordinance adopted under this section does not apply to private homes that are built by individuals and used for their own occupancy. **This exemption does not extend to the following:**

(1) Rules or regulations adopted by the state department of health, including rules adopted under IC 16-19-3, and enforced by the state department of health or a local health department.

(2) Rules, regulations, or ordinances concerning minimum housing standards, including ordinances adopted under section 4 of this chapter.

(3) Rules, regulations, or ordinances concerning local planning or zoning that are adopted under IC 36-7-4.

(4) Rules, regulations, or ordinances governing land use.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 159 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 4, Nays 3.

C o p y