



February 3, 2020
By Electronic Mail and U.S. Postal Mail

Manny Herceg, Esq.
Attorney for the Petitioner
Taft Stettinius & Hollister LLP
One Indiana Square
Suite 3500
Indianapolis, IN 46204-2023
mherceg@taftlaw.com

Re: Petition for Administrative Review – Order of Denial of Ordinance No. 2019-12-01 – Building Code of the Town of Atlanta, Indiana

Dear Mr. Herceg:

The Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of its Order of Denial of Ordinance No. 2019-12-01 – Building Code of the Town of Atlanta, Indiana, submitted on behalf of Petitioner Murray A. Dixon II on January 31, 2020. Pursuant to the requirements of Indiana Code § 4-21.5-3-7, your petition for administrative review is hereby granted by the Commission.

Your petition has been assigned to the Commission's administrative law judge. The judge's office will contact you to make arrangements for further proceedings. Should you have any questions, you may contact our deputy general counsel assigned to this matter, Justin Guedel, at JGuedel@dhs.in.gov or (317) 234-9515.

Sincerely,

Douglas J. Boyle, Director
Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
doboyle@dhs.in.gov
(317) 650-7720

Enclosure

cc: Murray A. Dixon II, Petitioner – President of the Town Council of Atlanta, Indiana (by U.S. postal mail and electronic mail)
Justin K. Guedel, IDHS Deputy General Counsel – Representing the Respondent (by personal service and electronic mail)
Office of Attorney General Curtis Hill – Administrative Law Judge (by electronic mail)

From: noreply@formstack.com
To: [DHS Legal Mailbox](#)
Subject: Petition for Review
Date: Friday, January 31, 2020 5:20:48 PM
Attachments: [68380022_MX-2615N_20200131_155225.pdf](#)
[68380035_MX-2615N_20200131_170417.pdf](#)
[68380034_MX-2615N_20200131_170434.pdf](#)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****



Formstack Submission For: **petition for review**

Submitted at 01/31/20 5:20 PM

**Individual
Name:**

Murry A Dixon II

**Business
Name: :**

Town of Atlanta

**Phone
Number:**

(765) 292-2626

**Email
Address:**

toa.murry.dixon@gmail.com

**Mailing
Address:**

105 East Main St.
PO Box 133
Atlanta, IN 46031

**Are you
represented
by an
attorney?:**

Yes

**Attorney
Name:**

Manny Herceg

Firm:

Taft Stettinius & Hollister LLP

**Phone
Number:** 3177133500

**Email
Address:** mherceg@taftlaw.com

**Mailing
Address:** One Indiana Square
Suite 3500
Indianapolis, IN 46204-2023

**Order
Number:**

**Facility |
Device |
Boiler ID:**

**Date Order
Received:** Jan 24, 2020

**How did you
receive the
Order? :** Mail
Email

**Entity
Issuing
Order:** Fire Prevention and Building Safety Commission

Entity Name:

**Upload
Order:**

**Was this
order
specifically
directed to
you?:** No

Explain: Denial order was addressed to our Clerk Treasurer.
Since this concerns Town Ordinance, I am the
appropriate representative of the Town to request
review (Council President).

Have you

been
aggrieved or
adversely
affected by
the order?:

Yes

Explain:

IC 22-13-2-3(c) allows for a city, town, or county to adopt building codes that are more strict than those of the State of Indiana. Our attempt to do so was denied. This will result in a reclassification from ISO from Class 5 to Class 10 for residential properties, and Class 6 to Class 9 for commercial/industrial properties. Insurance rates for local property owners (including myself) will be adversely affected as a result of this. Additionally, the Town has recognized a need to be able to enforce modern nationally and internationally recognized building codes within our corporate limits, in order to ensure the safety and well-being of our citizens.

If the order
was not
specifically
directed to
you and you
have not
been
aggrieved or
adversely
affected by
the order,
are you
entitled to
review under
some other
law? :

What law?:

I request
review of the
entire order
described
above:

Yes

If you are not
requesting
review of the
entire order,

what is the scope of your request?:

I request a stay of effectiveness:

Yes

What is the basis of your challenge? :

IC 22-13-2-3(c)

What is your desired outcome? :

The allowance of the Town of Atlanta to implement modern, nationally and internationally recognized building codes, in an effort to provide the citizens of our Town with safe structures, and affordable insurance rates.

Additional information in support of my request:

Attached are two letters and two grading tables from our ISO auditor, explaining the reclassification.

Also attached is the Denial Order, as well as the denied ordinance (2019-12-01).

Thank you.

Murry A Dixon II
Town of Atlanta - Council President

Additional Attachments:

[View File](#)

Additional Attachments:

[View File](#)

Additional Attachments:

[View File](#)

**STATE OF INDIANA
BEFORE THE
FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

ORDER OF DENIAL

TO: Jennifer Farley
Clerk-Treasurer – Town of Atlanta, Indiana
Atlanta Town Hall
105 E. Main Street
Atlanta, IN 46031
atlantact@iendeavor.com
deputyct@iendeavor.com

FROM: Douglas J. Boyle, Director of the Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E208
Indianapolis, IN 46204
dboyle@dhs.in.gov

DATE: Thursday, January 16, 2020

RE: Order Denying Approval of Ordinance No. 2019-12-01 (Building Code of the Town of Atlanta, Indiana)

Pursuant to IC 22-13-2-5 and IC 22-13-2-5.5, the Fire Prevention and Building Safety Commission (the "Commission"), at its Tuesday, January 7, 2020 meeting, **DENIED** approval of the above listed ordinance. Pursuant to IC 22-13-2-5.5(6), this ordinance was denied for the following defect(s) and conflicts with the Commission's rules:

1. **Article V, Section 1:** Subsection 2 of this section of the adopted ordinance directly conflicts with several articles of the Commission's rules provided under Title 675 of the Indiana Administrative Code. The Commission has not adopted the editions of the International Code Council's model codes referenced in Article V, Section 1, Subsection 2 of this adopted ordinance. As such, the referenced model code editions are not incorporated by reference in the Commission's rules. Please see Article V, Section 1, Subsection 1 of the Commission's updated building code ordinance template for guidance on incorporating the correct applicable rules of the Commission by reference in this ordinance.

ADMINISTRATIVE REVIEW

If you desire administrative review of this order, you must comply with the requirements of Indiana Code § 4-21.5-3-7 and file a written petition for review within fifteen (15) days after receiving

notice of these violations. Your petition for review must state facts demonstrating that you are: (1) a person to whom the order is specifically directed; (2) aggrieved or adversely affected by the order; or (3) entitled to review under any law. You may submit your petition by one of the following methods:

U.S. MAIL OR PERSONAL SERVICE

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204

ONLINE

By completing the form at
<https://www.in.gov/dhs/4148.htm>

Please be advised, if a petition for review is granted any person may obtain notices of prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by sending a request to receive such notices to the address listed above for the Fire Prevention and Building Safety Commission.

DJB
Enclosure
cc:
File

ORDINANCE NO. 2019-12-01



AN ORDINANCE regulating the construction, alteration, equipment, use, occupancy, location of buildings and structures, and land usage in the Town of Atlanta, 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 (fees) for violations.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. BE IT ORDAINED by the Town of Atlanta, Indiana as follows:

ARTICLE I. GENERAL REQUIREMENTS

SECTION 1. TITLE.

This Ordinance and all material included by reference shall be known as the "Building Code of Atlanta, Indiana".

SECTION 2. PURPOSE.

The purpose of this Ordinance is to protect life, public safety, health and the general welfare of the citizens of the Town of Atlanta, 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 following meanings:

1. "Class 1 structure" has the meaning ascribed thereto in IC 22-12-1-4.
2. "Class 2 structure" has the meaning ascribed thereto in IC 22-12-1-5.
3. "Commission" has the meaning ascribed thereto in IC 22-12-1-6.
4. "Construction" has the meaning ascribed thereto in IC 22-12-1-7.
5. "Industrialized building system" has the meaning ascribed thereto in IC 22-12-1-14.
6. "Manufactured home" has the meaning ascribed thereto in IC 22-12-1-16.
7. "Mobile structure" has the meaning ascribed thereto in IC 22-12-1-17.
8. "Person" has the meaning ascribed thereto in IC 22-12-1-18.
9. "Structure" means both Class 1 and Class 2 structures, unless specifically stated otherwise.

10. "Vehicular bridge" has the meaning ascribed thereto in IC 22-12-1-26.

SECTION 4. SCOPE.

1. All Construction shall be accomplished in compliance with the provisions of this Ordinance.
2. 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 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, or his or her designee, is hereby authorized and directed to administer and enforce the following:

1. All of the provisions of this 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. 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 ORDINANCE.

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.

SECTION 2. 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 Construction 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 shall 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 Construction Design Release for the proposed Construction issued pursuant to IC 22-15-3-1.
 - e. All information required pursuant to IC 22-11-21-9 for qualifying properties containing advanced structural components.
 - f. Any additional information that the Building Commissioner finds to be necessary to determine that the Construction will conform to all applicable building and fire safety laws and will not violate any other applicable ordinances or laws.
 - g. The fee established by the applicable provisions of an applicable zoning ordinance or other ordinances relating to land use.
3. 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.

SECTION 3. 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(s), provided that the proposed Construction will conform to all applicable building and fire safety laws, and will not violate any other applicable ordinances or laws.

SECTION 4. NOTICE OF 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 5. CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any Structure shall be issued unless such Structure was constructed in compliance with the provisions of this Ordinance. It shall be unlawful to occupy any 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 1. GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.

1. All Construction is 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 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 2. 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 1. 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 (including checks returned for insufficient funds, permit fees owed pursuant to the applicable provisions of an applicable zoning ordinance or other ordinances relating to land use, or inspection fees owed pursuant to the applicable provisions of an applicable zoning ordinance or other ordinances relating to land use) 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 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 if any of the following apply:

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 or fire safety laws.
3. There is failure to comply with the provisions of this 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 3. STOP-WORK ORDER.

1. The Building Commissioner may issue an order requiring suspension of the pertinent Construction (stop-work order) in accordance with this section.
2. The stop work order shall:
 - a. Be in writing.
 - b. State with specificity the Construction to which it is applicable, and the reason for its issuance.
 - c. Be posted on the property in a conspicuous place.
 - d. If practicable, be given to:
 - i. The person doing the Construction; and
 - ii. To the owner of the property or the owner's agent.

- e. 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 or fire code.
 - f. The stop-work order shall state the conditions under which Construction may be resumed.
3. The Building Commissioner may issue a stop-work order if:
- a. 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.
 - b. 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.
 - c. 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 Ordinance.

SECTION 4. CIVIL ACTION.

Pursuant to IC 36-1-6-4, the Town of Atlanta 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.

Any person violating any provision of this 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 Ordinance.

SECTION 6. RIGHT OF APPEAL.

Any person aggrieved by an order issued under this 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 an Established Local Administrative Body or Court.

If, pursuant to IC 36-1-6-9 or IC 36-7-4-9 et seq, the Town has established by ordinance to hear appeals of orders issued under ordinances or has created a Board of Zoning Appeals, 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 a court for judicial review 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 Town of Atlanta 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 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 Commission may review all other orders issued under this Ordinance.
- 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.

1. 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 are hereby incorporated by reference in this Ordinance:
 - a. Article 22 – Indiana Fire Code
 - b. Article 28 – NFPA Standards
2. Pursuant to IC 22-13-2-3(c), the Town of Atlanta hereby also incorporates into this Ordinance the following codes by reference:
 - a. International Building Code 2015
 - b. International Residential Code 2015
 - c. International Existing Building Code 2015
 - d. International Energy Conservation Code 2015
 - e. International Plumbing Code 2015
 - f. International Fuel Gas Code 2015
 - g. International Mechanical Code 2015
 - h. International Swimming Pool and Spa Code 2015
 - i. International Fire Code 2015
 - j. National Electrical Code 2017
3. Two (2) copies of the above 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.
4. The Building Commissioner and the Commission may grant a variance to the fire safety and building laws adopted in 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.

SECTION 2. 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.

SECTION 3. ADOPTION OF ORDINANCES AND ZONING CODES BY REFERENCE.

1. Pursuant to IC 36-7-4-100 et seq, the following ordinances adopted by the Town of Atlanta pertaining to zoning and other matters relating to land uses are hereby incorporated by reference to this code, and shall include any latter amendments to those rules:
 - a. The Town of Atlanta master plan and comprehensive plan.
 - b. The Town of Atlanta Zoning Ordinance, including the various zoning classifications depicted withing the ordinance, as well as on the Zoning maps of the Zoning Jurisdictional Area.
 - c. The Town of Atlanta Subdivision Control Ordinance.
 - d. The Town of Atlanta Improvement of Location Permit Ordinance.
 - e. The Town of Atlanta Mobile Home Parking Ordinance.
 - f. The Town of Atlanta Tourist Camps' Ordinance.
 - g. The Town of Atlanta Mobile Home Parks' Ordinance.
 - h. The Town of Atlanta Building Commissioner's Ordinance.

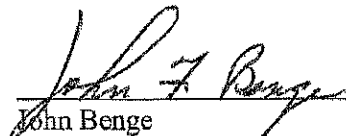
- i. The Town of Atlanta Ordinance which sets forth the schedule of fees, charges, and expenses for the Jurisdictional area of the Atlanta Plan Commission.
2. In the event a violation of any one of the aforementioned ordinances listed in this, Article V, Section 3 imposes a greater or more comprehensive penalty than set forth in Article IV, Section 4, and/or Article IV, Section 5 of this Ordinance, then the Penalty Section contained in an Ordinance covered under Article V, Section 3 hereof shall be applicable to the violation.
3. Two (2) copies of the Ordinances listed hereinabove under Article V, Section 3 and which are incorporated herein 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.

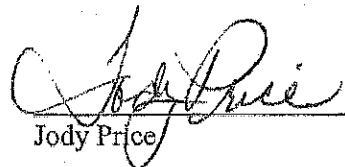
ARTICLE VI. EFFECTIVE DATE

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:

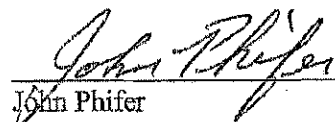
1. The Town Council has adopted this ordinance.
2. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by IC 22-13-2-5.

Approved this 10TH day of DECEMBER, 2019, by the Town Council of the Town of Atlanta, Hamilton County, Indiana.


John Bengel


Jody Price

Pam Van Hook


John Phifer

Attest: Jennifer Farley
Jennifer Farley, Clerk Treasurer

Murry Dixon II
Murry Dixon II

Approved this 10 day of December, 2019, by the Fire
Prevention and Building Safety Commission of the State of Indiana.

Chairman
Fire Prevention and Building Safety Commission of the State of Indiana



1000 Bishops Gate Blvd. Suite 300
Mt. Laurel, NJ 08054

tel. 1 800 444-4554

August 5, 2019

Mr. Andy Emmert, Building Official
Atlanta
105 E. Main Street
Atlanta, IN 46031

Re: Notification of Publication of BCEGS Classification

Dear Mr. Emmert:

On July 3, 2019 ISO advised Atlanta of a pending regression to their existing Building Code Effectiveness Grading Schedule (BCEGS) classification. We indicated that ISO would postpone the implementation of the regressed classification if we were to receive notification by August 5, 2019 advising us that the matter will be reviewed within the next three months.

ISO has not received this notification from Atlanta. We will proceed with the publication of the new classification of a Class 10 for 1&2 family residential property and a Class 9 for commercial and industrial property. If your intentions are to review the possibility of regaining your previous classification, please advise ISO by August 19, 2019. ISO will delay processing the implementation of the new classification until this date.

ISO reviews a community's BCEGS classification approximately every five years. If a community significantly changes its building code adoption and/or enforcement program within that time period and ISO is made aware of this, a reevaluation will be scheduled.

Please feel free to contact ISO at any time for answers to your questions about the BCEGS program or to request a re-evaluation.

Sincerely,

Esther Solá

Esther Solá | BCEGS Community Mitigation/Technical Analyst
Cell (312) 241-7297
Email: esola@verisk.com

cc: Mr. John Benge, President - Town Council
Atlanta
105 E. Main Street, P.O. Box 211
Atlanta, IN 46031



1000 Bishops Gate Blvd., Suite 300
Mt. Laurel, NJ 08054

tel. 1 800 444-4554

July 3, 2019

Mr. Andy Emmert, Building Official
Atlanta
105 E. Main Street, P.O. Box 211
Atlanta, IN 46031

Re: Building Code Effectiveness Grading Schedule Survey Results
Atlanta, Hamilton County, IN

Dear Mr. Emmert:

We wish to thank you for the cooperation given to us during our recent Building Code Effectiveness Grading Schedule (BCEGS) survey. Insurance Services Office, Inc. (ISO) is the leading supplier of statistical data, underwriting information, and actuarial analysis to the property/casualty insurance industry in the United States. The BCEGS classifications are distributed by ISO for use by property/casualty insurers to assist in their insurance underwriting and premium development programs for residential and commercial properties. Insurers can use the BCEGS classification number to offer insurance premium discounts to eligible properties in Atlanta.

ISO has completed its analysis of the building codes adopted by your community and the effort put forth to enforce those codes. The resulting BCEGS Classification is a Class 10 for 1 & 2 family residential property and a Class 9 for commercial and industrial property. The new Classification is a regression from the former Class 5 for 1 & 2 family residential property and Class 6 for commercial and industrial property. The attached table details opportunities for improvement to regain your prior classification.

A revised BCEGS classification would apply to new buildings receiving a Certificate of Occupancy during or after the calendar year in which the revision takes place.

It is apparent that the primary reason for this regression is mandated by a higher authority and not within the control of your jurisdiction. Nevertheless, before we re-classify your community to reflect this change, we would like to know if Atlanta desires to develop an improvement program in other areas to better their BCEGS classification. If this letter is acknowledged by August 5, 2019 advising us that this matter will be reviewed within the next three months we will postpone the implementation of the classification changes.

After review, if it is your decision to begin an improvement program to regain PL Class 5 and CL Class 6, we will need to receive, by October 3, 2019, a list of the changes you intend to make. Additionally, we would appreciate your estimate of the amount of time which will be needed to complete each item.

No re-classifying action will be taken if changes are implemented to regain the current classification within one year of the receipt of this letter.

We want to highlight the fact that the ISO Building Code Effectiveness Grading program is an advisory insurance underwriting information and rating tool. It is not intended to analyze all aspects of a comprehensive building code enforcement program. It is not for purposes of determining compliance with any state or local law nor is it for making loss prevention or loss safety recommendations.

If you have any questions about the classification that was developed, please let us know.

Sincerely,

Esther Solá

Esther Solá |BCEGS Community Mitigation/Technical Analyst

Cell (312) 241-7297

Fax (201) 748-7082

Email: esola@verisk.com

cc: Mr. John Bengé, President - Town Council

Atlanta

105 E. Main Street, P.O. Box 211

Atlanta, IN 46031

Enclosure

Building Code Effectiveness Grading Point Comparison (continued)

	Point Totals						
	Current Grading Yr: 2019		Maximum Point Possible	Previous Grading Yr: 2015		Difference	
	Com	Res		Com	Res	Com	Res
Section III - Field Inspection	18.90	18.90	23.00	18.80	18.80	0.10	0.10
Section 305 - Existing Staffing	9.00	9.00	9.00	9.00	9.00	0.00	0.00
Section 310 - Experience of Personnel	3.00	3.00	3.00	1.90	1.90	1.10	1.10
Section 315 - Managing Inspection and Re-inspection activity	0.00	0.00	1.00	1.00	1.00	-1.00	-1.00
Section 320 - Inspection Checklist	0.00	0.00	2.00	0.00	0.00	0.00	0.00
Section 325 - Special Inspections	0.90	0.90	1.00	0.90	0.90	0.00	0.00
Section 330 - Inspections for Natural Hazard Mitigation	1.50	1.50	1.50	1.50	1.50	0.00	0.00
Section 335 - Final Inspections	2.50	2.50	2.50	2.50	2.50	0.00	0.00
Section 340 - Certificate of Occupancy	2.00	2.00	2.00	2.00	2.00	0.00	0.00
Section 345 - Performance Evaluations for Quality Assurance	0.00	0.00	1.00	0.00	0.00	0.00	0.00
Subtotal:	49.22	46.31	100.00	52.84	58.98	-3.62	-12.67
The final score is determined by a relationship between Item 105 and the balances of the scoring.							
Final Score:	15.20	5.42	100.00	52.84	58.98	-37.64	-53.56

Building Code Effectiveness Grading Point Comparison

	Point Totals						
	Current Grading Yr: 2019		Maximum Point Possible	Previous Grading Yr: 2015		Difference	
	Com	Res		Com	Res		
Section I - Administration of Codes	14.12	11.21	54.00	23.59	22.91	-9.47	-11.70
Section 105 - Adopted Codes	2.21	0.81	8.00	8.00	8.00	-5.79	-7.19
Section 108 - Additional Code Adoptions	0.72	0.72	4.00	2.86	2.86	-2.14	-2.14
Section 110 - Modification to Adopted Codes	1.11	0.40	4.00	4.00	4.00	-2.89	-3.60
Section 112 Method of Adoption	0.00	0.00	1.00	0.00	0.00	0.00	0.00
Section 115 - Training	2.76	2.26	13.00	2.69	2.19	0.07	0.07
Section 120 - Certification	4.00	4.00	12.00	4.00	4.00	0.00	0.00
Section 125 - Building Official's Qualification / Exp/ Education	1.90	1.90	4.00	1.25	1.25	0.65	0.65
Section 130 - Selection Procedure for Building Official	0.00	0.00	0.50	0.00	0.00	0.00	0.00
Section 135 - Design Professionals	0.06	0.06	2.00	0.49	0.49	-0.43	-0.43
Section 140 - Zoning Provisions	1.00	1.00	1.00	0.00	0.00	1.00	1.00
Section 145 - Contractor / Builder Licensing & Bonding	0.06	0.06	1.00	0.00	0.00	0.06	0.06
Section 155 - Public Awareness Programs	0.00	0.00	2.50	0.00	0.00	0.00	0.00
Section 160 - Participation in Code Development Activities	0.00	0.00	0.50	0.00	0.00	0.00	0.00
Section 165 - Administrative Policies & Procedures	0.30	0.00	0.50	0.30	0.12	0.00	-0.12
Section II - Plan Review	16.20	16.20	23.00	10.45	17.27	5.75	-1.07
Section 205 - Existing Staffing	6.65	6.65	9.00	0.00	6.82	6.65	-0.17
Section 210 - Experience of Personnel	1.05	1.05	1.50	0.95	0.95	0.10	0.10
Section 215 - Detail of Plan Review	8.50	8.50	11.50	9.50	9.50	-1.00	-1.00
Section 220 - Performance Evaluation for Quality Assurance	0.00	0.00	1.00	0.00	0.00	0.00	0.00