

WARRICK COUNTY COMMISSIONERS  
ORDINANCE NO. 2003-14

AN ORDINANCE regulating the construction, alteration, equipment, use, occupancy, and location of buildings and structures in Warrick County, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-8-3 and IC 36-7-2-9; providing for the issuance of permits; inspections, and penalties for violations.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, 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 of Warrick County, Indiana."

**SECTION 2. PURPOSE.** The purpose of this ordinance is to protect the life, public safety, health and general welfare of the citizens of Warrick County, Indiana, and shall be construed in such a manner 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.

1. "Building Commissioner", as used in this ordinance, includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.
2. "Class 1 structure", pursuant to IC 22-12-1-4, has the following definition:
  - (a) "Class 1 structure" means any part of the following:
    - (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
      - (A) The public.
      - (B) Three (3) or more tenants.
      - (C) One (1) or more persons who act as the employees of another.
    - (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
    - (3) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (e).
  - (b) Subsection (a)(1) includes a structure that contains three (3) or more

- condominium units (defined in IC 32-25-2-9) or other units that:
    - (1) are intended to be or are used or leased by the owner of the unit: and
    - (2) are not completely separated from each other by an unimproved space.
  - (c) Subsection (a)(1) does not include a building or structure that:
    - (1) is intended to be or is used only for an agricultural purpose on the land where it is located; and
    - (2) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.
  - (d) Subsection (a)(1) does not include a Class 2 structure.
  - (e) Subsection (a)(1) does not include a vehicular bridge.
  - (f) Pursuant to IC 22-12-1-24, structure includes swimming pool.
3. "Class 2 structure", pursuant to IC 22-12-1-5, has the following definition:
- (a) "Class 2 structure" means any part of the following:
    - (1) A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.
    - (2) An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.
  - (a) Subsection (a) does not include a vehicular bridge.
  - (b) Pursuant to IC 22-12-1-24, structure includes swimming pool.
4. "Construction", pursuant to IC 22-12-1-7, means any of the following:
- (a) Fabrication of any part of an industrialized building system or mobile structure for use at another site.
  - (b) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.
  - (c) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.
  - (d) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.
  - (e) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.
5. "General Contractor" is any person, firm or corporation engaged in the business of or holding themselves out to the public as engaged in the business of constructing, installing, repairing, remodeling, or servicing any structural part or non-structural part of any one and two family or multi family residential, commercial, or industrial building.

6. “Industrialized building system”, pursuant to IC 22-12-1-14, means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.
7. “Manufactured home”, pursuant to IC 22-12-1-16, has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 1984. This definition is as follows: “Manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this 42 U.S.C. 5402.
8. “Mobile structure” pursuant to IC 22-12-1-17, has the following definition:
  - (a) “Mobile structure”, means any part of a fabricated unit that is designed to be:
    - (1) towed on its own chassis; and
    - (2) connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.
  - (b) The term includes the following:
    - (1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.
    - (2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.
9. “Person”, pursuant to IC 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.
10. “Structure” means both Class 1 and Class 2 structures, unless specifically stated otherwise.
11. “Vehicular bridge”, pursuant to IC 22-12-1-26, means any bridge that is neither:
  - (a) a pedestrian walkway; nor
  - (b) a passageway for light vehicles; suspended between two (2) or more parts of a building or between two (2) or more buildings.

**SECTION 4. SCOPE.**

1. All construction shall be accomplished in compliance with the provisions of this Building Ordinance.
2. Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Building 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 is hereby authorized and directed to administer and enforce the following:

1. All of the provisions of this Building 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. EFFECT OF ADOPTION ON PRIOR ORDINANCE.** The expressed or implied repeal of 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. These 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 8. BUILDING PERMIT REQUIRED.** Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commission prior to commencement of construction. A permit shall be required before beginning any new construction of any building or structure or before beginning any structural improvement to any building or structure not hereinafter exempted, the cost of which construction or improvements exceeds Two Thousand Five Hundred Dollars (\$2,500.00); or is more than 120 s.f.; or before beginning construction of any improvement to any building or

structure involving modification, changing or new installation of any electrical, plumbing or mechanical improvement, the cost of which exceeds Seven Hundred Fifty Dollars (\$750.00), including installation of any furnace, hot water heater, new meter base, meter base relocation, panel upgrade; load control device or before electrical meter is installed following a fire; an in-ground swimming pool, an above ground swimming pool deeper than 3 1/2 feet, hot tubs, spas, demolition of any structure over 120 s.f., tanks, communication towers and co-locates on existing towers, and signs. (See Section 9. subparagraph f. - Fee section for more specific definitions). However, a person desiring to make an improvement which would be exempt from permit requirements under this chapter, either by cost or square footage, may voluntarily apply for a permit, pay the required fee, and secure the inspection(s) provided for under this ordinance. All permits shall be issued by the Building Commissioner and all fees provided for herein shall be paid to the Warrick County Building Commission fund.

### **SECTION 9. 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 work to be accomplished.
  - (c) A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and 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 Design Release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3.
  - (e) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.
  - (f) The fee schedule established by the Warrick County Building Commission and approved by the Warrick County Commissioners, at their regularly scheduled meeting on March 19, 2003 and effective April 7, 2003:

#### **Residential Uses:**

Single Family Dwelling,	\$ .08 per s.f. or
including manufactured housing	minimum of \$200.00
includes mechanics and Certificate of Occupancy	

Two-Family Dwelling includes mechanics and Certificate of Occupancy	\$.08 per s.f. or minimum of \$200.00 plus \$25.00 per unit
Multi-Family Dwelling (rental/apartments, condominiums, etc.) includes mechanics and Certificate of Occupancy	\$.08 per s.f. or minimum of \$200.00, plus 2 to 10 units, \$25.00 per unit. Over 10 units, \$20.00 per unit
Mobile Homes	\$100.00

Accessory Uses:

Garages, Pole Barns, Storage Structures on a permanent foundation (Less than 120 s.f.- no charge)	\$.05 per s.f. or minimum of \$50.00
Additions (additional s.f.)	\$.05 per s.f. or minimum of \$50.00

Interior Remodeling	\$.05 per s.f. or minimum of \$50.00
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Exterior Remodeling: (Re-roofing, windows, siding, doors, guttering, foundations, etc.)	\$ 30.00
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Swimming Pool (In-ground)	\$100.00
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Swimming Pool (Above Ground)	\$ 50.00
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(Deeper than 3 ½ feet)

Electrical, Plumbing or Heating	\$ 30.00
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Ventilation and Air Conditioning

(Any electrical, plumbing or mechanical improvement, the cost of which exceeds \$750.00; including installation of any furnace, hot water heater, spa, hot tub, new meter base, meter base relocation, panel upgrade; load control device, or before electrical meter is installed following a fire.)

Demolition (of any structure over 120 s.f.)	\$ 25.00
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Re-Inspection Fee (each additional inspection)*	\$ 25.00
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\*Re-Inspection fees are assessed when an additional inspection is required, which deviates from the normal sequence of inspections.

All fees for permits and inspections shall be paid to the Warrick County Building Commission.

**Commercial Uses:**

Principal Use, includes mechanics and Certificate of Occupancy; Hotels, motels, Business, Commercial, Public Buildings, Educational, Churches, Industrial, Institutional, Warehouse and Bulk Storage Building	\$.10 per s.f. or a minimum of \$ 250.00
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Accessory Uses:

Storage, Garage or other structure on a permanent foundation	\$.10 per s.f. or minimum of \$150.00
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Additions (addt'l. s.f.) same as above

Interior Remodeling (no addt'l s.f.) same as above

Exterior Remodeling:	\$100.00
Re-roofing, windows, siding, doors, guttering, foundations, etc.	
Swimming Pool (In-ground)	\$200.00
Electrical, Plumbing or Heating, Ventilation and Air-Conditioning (Any electrical, plumbing or mechanical improvement, the cost which exceeds \$750.00; or installation of any furnace, hot water heater, new meter base, meter base relocation, panel upgrade; load control device, or before electrical meter is installed following a fire.)	\$ 50.00
Demolition (of any structure over 120 s.f.)	\$ 50.00
Tanks	\$100.00
Communication Towers and Co-Locates on existing Towers	\$200.00
Signs: Temporary or Portable signs	\$100.00
Permanent Signs: 6 to 100 s.f.	\$100.00
101 to 300 s.f.	\$200.00
301 to 1001 s.f. and up	\$500.00

Billboards and Signs that are multi-faced are charged for each face.

Signs: Exemptions.

The following signs are exempt from the requirements of this ordinance:

- (1) Signs not exceeding two (2) square feet in area which identify the names and occupants but do not denote commercial activity.
  - (2) Flags and insignias of a governmental unit, church, organization or political entity except in connection with a commercial promotion.
  - (3) Legal notices, identification, informational, warning, trespassing, or directional or architectural features of buildings.
  - (4) Memorial plaques and historical markers.
  - (5) Integral decorative or architectural features of buildings.
  - (6) One (1) real estate sign for each frontage, not exceeding six (6) square feet, indicating the sale, rental, or lease of the premises.
  - (7) Traffic or directional signs placed by a municipality or state.
- An exempt sign may be illuminated but may not be flashing or animated.

Temporary, Portable, or Moving Signs: Issuance of the permit shall be for a maximum of ninety (90) days. A portable sign may not be placed in a street or highway right-of-way or sidewalk or where it blocks traffic vision. All temporary signs must conform to the requirements of this ordinance and are subject to the inspection, removal, and penalties provided by this ordinance.

Agricultural Uses:

All structures located on 20+ acres that are used for agricultural purposes are exempt from permit fees.

All taxpayers that file an Agricultural Section F with their taxes are exempt from permit fees.

All structures located on 20+acres that are used for personal/residential storage require a building permit as per the residential accessory permit fees.

All electrical services for agricultural structures require a building permit as per the residential electric permit fee.

2. 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.
3. Contractor Listing: Contractors working in the jurisdiction of the Warrick County Building Department, who wish to be able to apply for building permits must be listed by Warrick County. In order to obtain a listing the following must be provided:
  - a. A completed Contractor Listing Application form, containing the following information:
    - a. Name
    - b. Address
    - c. Phone Number
    - d. Individuals authorized to secure permits under this listing.
    - e. Legal business status of the listed contractor.
  - b. Proof of a public liability and property damage insurance policy insuring the listed contractor and naming the Board of County Commissioners of Warrick County, Indiana as “additional insured” in an amount of not less than Five Hundred Thousand Dollars (\$500,000.00). (A 15-day notification of cancellation)
  - c. Property Owners’ Exception: A private property owner shall be able to obtain a permit to perform work in or about his/her own property for a new or remodeled building or structure without the insurance. Any contractors hired shall provide all insurance and the property owner shall have proof of public liability insurance and property damage insurance in hand and available to responsible officials of Warrick County and/or the Warrick County Building Department. All work shall be permitted and inspected the same as other permits, and shall adhere to all other state and local requirements.

**SECTION 10. 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, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

**SECTION 11. CERTIFICATE OF OCCUPANCY.** No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this Building Ordinance. It shall be unlawful to occupy any such building or structure unless a full or conditional certificate of occupancy has been issued by the Building Commissioner. A conditional certificate of occupancy is issued only in cases where yard work cannot be completed because of weather conditions. Anyone occupying any such building or structure prior to securing a full or conditional certificate of occupancy as hereinabove set forth shall be guilty of a violation of this ordinance and shall be subject to a penalty as set forth in Section 18 of this ordinance.

**SECTION 12. EXPIRATION OF BUILDING PERMIT.** If the work described in a building permit application has not been started within six (6) months from the date it was issued, the permit shall expire and written notice thereof shall be given to the person submitting the permit application.

If the work described in any building permit application has not been substantially completed within two (2) years of the date it was issued, the permit shall expire. Written notice thereof shall be given to the persons affected, together with notice that all work shall cease until a new permit has been obtained.

### **ARTICLE III. INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES**

#### **SECTION 13. GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.**

1. 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.
2. The Building Commissioner, subject to the provisions of this Building Ordinance or to the rules of the Fire Prevention and Building Safety Commission, at any reasonable time go in, upon, around or about the premises where any structure is located for the purposes of inspection and investigation of such structure. Such inspections and investigations may be made before, during 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. The Building Commissioner may notify the general contractor and/or any other person or persons or entities who may be the owner or entitled to the lawful possession of such building or structure of a schedule of inspections to be performed by the Building Inspector; and require the general contractor and/or the owner or any other person or persons or entities who may be the owner or entitled to the lawful possession of such building or structure

of a duty to report to the Building Commissioner or whoever he designates; certain stages of completion of the building or structure after which time the Building Inspector may conduct his periodic inspections.

**SECTION 14. 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 15. 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 fees (including checks returned for insufficient funds, or permit fees owed pursuant to the Warrick County Building Commission) 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 permits until such time that the property is brought into conformance with applicable ordinances.
3. Wherever a person applies for a building permit for any structure pursuant to this ordinance, the owner of the real estate upon which said structure is to be constructed and the general contractor, if said structure is being constructed by someone other than the owner shall agree in writing in the application for building permit that the said owner and contractor, if there is a contractor, shall hold Warrick County, its County Commissioners and its other agents, servants or employees harmless and indemnify the above from any damages which may result from or because by the construction of the aforesaid building upon said real estate, including, but not limited to subsidence or sinkage of the earth upon which the building or structure is placed.

##### **SECTION 16. PERMIT REVOCATION.**

The Building Commissioner may revoke a building permit when any of the following are applicable:

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 standards and procedures.
3. There is failure to comply with the Building 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 17. 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:
    - (A) The person doing the construction; and
    - (B) To the owner of the property or the owner's agent.
  - (e) The stop-work order shall state the conditions under which construction may be resumed.
3. The Building Commissioner may issued 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 Building Ordinance or any state law pertaining to safety during construction.
  - (b) Construction is occurring in violation of this Building Ordinance or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially be 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 Building Ordinance.

#### **SECTION 18. MONETARY PENALTY.**

Any person violating any provision of this Building 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 Building Ordinance.

If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully required within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance for each such violation, failure or refusal, such person, firm or corporation shall be fined a sum as hereinafter set forth.

- (a) The sum of \$250.00 for failure to correct such violation after such person, firm or corporation shall have been given written notice of such violation which notice shall state the items to be corrected, and that said correction shall be completed within ten (10) days following delivery of notice to such person, firm or corporation.
- (b) The sum of \$500.00 in addition to the initial sum of \$250.00 as hereinabove set forth if such correction is not made within twenty (20) days following the receipt of such initial notice.
- (c) The sum of \$750.00 in addition to the aforesaid \$250.00 and \$500.00 if said correction is not made within thirty (30) days following the receipt of such initial notice.
- (d) The Building Commissioner may, for good cause, extend the above ten (10) day, twenty (20) day, and thirty (30) day periods for achieving such corrections, but in no event shall the time be shortened for making such corrections which shall subject the person, firm or corporation to the aforesaid civil fines.

In addition to the above fines, the Commissioners of Warrick County, Indiana, and/or the Building Commissioner of Warrick County, Indiana, may maintain a civil action in a Court of competent jurisdiction to seek a Court Order removing any person or persons from occupying any building or structure contrary to this ordinance to stop work upon any building or structure which is proceeding in violation of this ordinance.

**SECTION 19. RIGHT OF APPEAL.** Any person aggrieved by an order issued under this Building 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 the Fire Prevention and Building Safety Commission.**

- (a) A person aggrieved by an order issued under this Building Ordinance may submit a petition for review to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7.
- (b) The Commission may modify or reverse any order that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety rule, or a building rule.
- (c) The Fire Prevention and Building Safety 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 with thirty (30) days after the issuance of the order.

(d)The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Ordinance that cover a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety rule, or a building rule.

(e)The review of an order by the Fire Prevention and Building Safety 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.

## **2. Appeal to an Established Local Administrative Body or Court.**

Pursuant to IC 36-7-8-9, a person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the County Executive a fifteen (15) day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to IC 36-1-6-9, the County has established by ordinance to hear appeals of orders issued under ordinances, 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.

## **ARTICLE V. MINIMUM CONSTRUCTION STANDARDS**

### **SECTION 20. ADOPTION OF RULES BY REFERENCE.**

1.Pursuant to IC 22-13-2-3(b), the 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 any later amendments to those rules.

- (a) Article 13 – Building Codes
  - (1) Fire and Building Safety Standards.
  - (2) Indiana Building Code.
- (b) Article 14 – Indiana Residential Code
- (c) Article 16 – Indiana Plumbing Code
- (d) Article 17 – Indiana Electrical Code
- (e) Article 18 – Indiana Mechanical Code

(f) Article 19 – Indiana Energy Conservation Code

(g) Article 20 – Indiana Swimming Pool Code

(h) Article 22 – Indiana Fire Code

2. Two (2) copies of the above building 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.

3. The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this Building 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 Fire Prevention and Building Safety Commission.

### **SECTION 21. 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 Codes 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.

#### ARTICLE VI. EFFECTIVE DATE

**SECTION 22. 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 County Commissioners have adopted this ordinance.
2. The Fire Prevention and Building Safety Commission of Indiana has approved this Ordinance as required by IC 22-13-2-5 and IC 36-7-8-3.

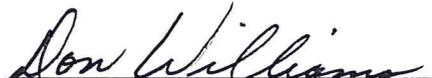
EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Safety Commission of Indiana and publication as required by law.

PASSED this 15<sup>TH</sup> day of JULY, 2003.

BOARD OF COMMISSIONERS OF  
WARRICK COUNTY, INDIANA

  
Carl Conner, President

  
Phil Baxter, Commissioner

  
Don Williams, Commissioner

ATTEST:

  
Richard Kixmiller,  
Warrick County Auditor

ENDORSEMENT:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by the Fire Prevention and Building Safety Commission of the State of Indiana.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary