

TITLE XV: LAND USAGE

CHAPTER 150: BUILDING REGULATIONS

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Fire and Building Services Department, see I.C. 22-12-5-1 et seq.

GENERAL PROVISIONS

§ 150.001 ENFORCEMENT OF BUILDING STANDARDS — STATE LAW ADOPTED.

(A) Pursuant to the provisions thereof, I.C. 36-7-9, entitled “Enforcement of Building Standards,” together with all the subsections thereof, is adopted by the Common Council in its entirety.

(B) Under the provisions of I.C. 36-7-9, the Rochester City Plan Commission shall be the Executive Department to administer the provisions of this section. In addition, the Building Commissioner shall be the enforcement authority all as provided in I.C. 36-7-9. In addition the Building Commissioner shall be responsible for the administration of the provisions.

(C) All of the procedures, requirements and other conditions set forth in I.C. 36-7-9 shall be followed in any action taken under this section.

(’79 Code, § 4-1) (Ord. 30-1988, passed 12-13-88)

§ 150.002 FIRE LIMITS.

The following described boundaries shall be the fire limits:

Commencing at the intersection of the center of Madison Street, with the center of the alley running east and west, between Ninth Street and Tenth Street; thence west along center of the alley to the center of the alley running north and south between Main Street and Jefferson Street; thence north along the center of the alley to the center of the alley running east and west, between Third and Fourth Streets; thence east to the alley running north and south between Main and Madison Streets; thence south along the center of the alley to the center of the alley running east and west between Sixth and Seventh Streets; thence east along the center of the alley to the center of Madison Street; thence south along the center of Madison Street to the place of beginning.

(’79 Code, § 4-2)

Statutory reference:

Power of city to establish fire limits, see I.C. 36-7-10-2

Cross-reference:

Fire prevention and protection, see Ch. 92

§ 150.003 BUILDING OR OCCUPATION OF STRUCTURES WITHIN FIRE LIMITS.

It shall be unlawful for any person to build or occupy any building or structure within the fire limits which is made of wood, or has wooden shingles; however, the provisions of this section shall not apply to preexisting uses or occupancies.

(’79 Code, § 4-3) Penalty, see § 150.999

BUILDING CODE

§ 150.015 TITLE.

This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the City of Rochester, Indiana,” may be cited as such, and will be referred to herein as “this code.”

(’79 Code, § 4-16) (Ord. 31-1988, passed 12-13-88)

§ 150.016 PURPOSE.

The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings

and structures.

('79 Code, § 4-17) (Ord. 31-1988, passed 12-13-88)

§ 150.017 AUTHORITY.

The Building Commissioner is 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 Building Commissioner or any other officer of the city, this shall be construed to give the 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 ordinances or to enforce this code in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under I.C. 22-13-2-7(b).

('79 Code, § 4-18) (Ord. 31-1988, passed 12-13-88)

Cross-reference:

Enforcement of building standards, see § 150.001

§ 150.018 SCOPE.

(A) The provisions of this code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under I.C. 22-15-4, in the city.

(B) As used in this chapter, the term REPAIR shall not include the replacement of roofing material or windows which does not require the alteration or replacement of structural supports in either the roof or walls of the building.

('79 Code, § 4-19) (Ord. 31-1988, passed 12-13-88; Am. Ord. 7-1995-A, passed 6-27-95)

§ 150.019 ADOPTION OF RULES 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 incorporated by reference in this code and shall include later amendments to those articles as the amendments are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

(1) Article 13 — building codes:

- (a) Fire and Building Safety Standards.
- (b) Indiana Building Code.
- (c) Indiana Building Code Standards.
- (d) Indiana Handicapped Accessibility Code.

(2) Article 14 — one- and two-family dwelling codes:

- (a) Council of American Building Officials One and Two Family Dwelling Code.

- (b) CABO One and Two Family Dwelling Code; Amendments.
- (c) Standard for Permanent Installation of Manufactured Homes.
- (3) Article 16 — plumbing code: Indiana Plumbing Code.
- (4) Article 17 — electrical codes:
 - (a) Indiana Electrical Code.
 - (b) Safety Code for Health Care Facilities.
- (5) Article 18 — mechanical code: Indiana Mechanical Code.
- (6) Article 19 — energy conservation codes:
 - (a) Indiana Energy Conservation Codes.
 - (b) Modifications to the Model Energy Codes.
- (7) Article 20 — swimming pool code: Indiana Swimming Pool Code.

(B) Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner.

('79 Code, § 4-20) (Ord. 31-1988, passed 12-13-88)

Cross-reference:

- Electricians, see §§ 150.055 et seq.
- Fire prevention and protection, see Ch. 92
- Plumbing contractors, see §§ 150.075 et seq.

§ 150.020 FEES.

The fees to be charged under this subchapter shall be as follows:

- (A) Building permits.
 - (1) Residential. \$0.50 per \$1,000 in construction costs, with a \$10 minimum permit fee.
 - (2) Commercial. \$0.50 per \$1,000 in construction costs, with a \$10 minimum permit fee.
 - (3) A charge of 50% of the original permit shall be assessed should renewal of a building permit be required.
- (B) Inspections.
 - (1) Residential. \$20 per inspection plus \$0.05 per square foot in excess of 1,5000 square feet. If re-inspection is required for non-compliance with code requirements, an additional inspection fee shall be charged for each inspection.

(2) Commercial. \$20 per inspection plus \$0.03 per square foot for inspections covering areas in excess of 15,000 square feet. Each visit of the Building Commissioner which is required to inspect commercial property shall be considered a separate inspection which shall be invoiced and paid prior to occupancy.

(C) Condemnation. A fee of \$15 shall be charged for all condemnation inspections related to the demolition of property.

('79 Code, § 4-21) (Ord. 31-1988, passed 12-13-88; Am. Ord. 7-1995-A, passed 6-27-95)

§ 150.021 ENTRY BY BUILDING COMMISSIONER OR REPRESENTATIVE.

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him by this code.

('79 Code, § 4-22) (Ord. 31-1988, passed 12-13-88)

§ 150.022 STOP ORDER.

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; and any such persons shall forthwith stop the work until authorized by the Building Commissioner to proceed with the work.

('79 Code, § 4-23) (Ord. 31-1988, passed 12-13-88)

§ 150.023 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure constructed after the adoption of this code shall be issued unless the building or structure was constructed in compliance with 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 issued by the Building Commissioner.

('79 Code, § 4-24) (Ord. 31-1988, passed 12-13-88) Penalty, see § 150.999

§ 150.024 WORKMANSHIP.

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

('79 Code, § 4-25) (Ord. 31-1988, passed 12-13-88) Penalty, see § 150.999

§ 150.025 VIOLATION.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the city or cause or permit the same to be done, contrary to or in violation of the provisions of the building code.

('79 Code, § 4-26) (Ord. 31-1988, passed 12-13-88) Penalty, see § 150.999

§ 150.026 RIGHT OF APPEAL.

All persons shall have the right to appeal any order of the Building Commissioner first through the City Plan Commission and then to the State Fire Prevention and Building Safety Commission in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21.5-3-7.

('79 Code, § 4-27) (Ord. 31-1988, passed 12-13-88)

§ 150.027 REMEDIES.

The Building Commissioner shall in the name of the city bring actions in the circuit or county courts for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in the building code.

('79 Code, § 4-28) (Ord. 31-1988, passed 12-13-88)

BUILDING PERMITS; INSPECTIONS

§ 150.040 REQUIRED.

(A) A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which exceeds \$1,500, using forms furnished by the Building Commissioner; and all fees required by this code shall be paid to the Building Commissioner.

(B) Division (A) above notwithstanding, a permit shall be obtained prior to the construction, relocation, or an alteration which results in an increase in height, of any fence; further, a permit shall be obtained prior to the installation of any service entrance or electrical wiring in any building or structure.

('79 Code, § 4-41) (Ord. 31-1988, passed 12-13-88; Am. Ord. 7-1995-A, passed 6-27-95) Penalty, see § 150.999

§ 150.041 APPLICATION FOR PERMITS.

No building permit shall be issued for the foregoing purposes unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. In addition, a copy of a design release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by the design release.

('79 Code, § 4-42) (Ord. 31-1988, passed 12-13-88)

§ 150.042 WORK DONE IN COMPLIANCE WITH OTHER REGULATIONS.

All work done under any permit shall be in full compliance with all other regulations pertaining thereto; and in addition to the fees for permits, there shall be paid the fees prescribed in such regulations.

('79 Code, § 4-43) (Ord. 31-1988, passed 12-13-88) Penalty, see § 150.999

§ 150.043 REVIEW OF APPLICATION.

Prior to the issuance of any building permit, the Building Commissioner shall:

(A) Review all building permit applications to determine full compliance with the 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.

(C) Review building permit applications for major repairs within the floodplain area having special flood hazards to determine that the proposed repair uses construction materials and utility equipment that are resistant to flood damage, and uses construction methods and practices that will minimize flood damage.

(D) Review building permit applications for new construction or substantial improvements within the floodplain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) is protected against flood damage; is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure, and flood damage; and uses construction methods and practices that will minimize flood damage.

('79 Code, § 4-44) (Ord. 31-1988, passed 12-13-88)

§ 150.044 INSPECTION OF WORK; REINSPECTION.

After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to ensure full compliance with the provisions of this code and the terms of the permit. Reinspection of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

('79 Code, § 4-45) (Ord. 31-1988, passed 12-13-88)

§ 150.045 INSPECTION ASSISTANT.

The Chief of the Fire Department, or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and shall provide reports of such inspection to the Building Commissioner.

('79 Code, § 4-46) (Ord. 31-1988, passed 12-13-88)

ELECTRICIANS

§ 150.055 LICENSE REQUIRED.

It shall be unlawful for any person to do any wiring or repairing of wiring upon any building or structure, attachment, device or apparatus of any kind whatever, for the use of electric current without an annual license issued by the Clerk-Treasurer.

('79 Code, § 4-61) Penalty, see § 150.999

§ 150.056 LICENSE APPLICATION; FEE.

All those who desire the license required by this subchapter shall apply to Clerk-Treasurer upon a form provided by the Clerk-Treasurer giving such information as may be required on the form. Along with the application, the applicant shall pay a license fee of \$10.

('79 Code, § 4-62)

§ 150.057 BOND.

In addition, the applicant for the license required by this subchapter shall file and submit and tender with his application a good and sufficient bond in the penal sum of \$500 payable to the city, with sureties to the approval of the Mayor, covering the period of the license as applied for, and all renewals thereof conditioned upon the faithful and honest performance by the applicant as his duties as a licensed electrician, and the observance and obedience to all the terms, conditions, rules, regulations and ordinances in force.

('79 Code, § 4-63)

PLUMBING CONTRACTORS

§ 150.070 REGISTRATION REQUIRED.

It shall be unlawful for any person to engage in the business of being a plumbing contractor without registering each year with the Clerk-Treasurer.

('79 Code, § 4-71) Penalty, see § 150.999

Statutory reference:

Power of city to regulate plumbing, see I.C. 36-7-2-4

State registration and licensing of plumbers, see I.C. 25-28.5-1-1 et seq.

Power of city to require registration of plumbing contractors, see I.C. 25-28.5-1-33

§ 150.071 REGISTRATION INFORMATION REQUIRED.

Every individual registering with the Clerk-Treasurer as a plumbing contractor shall give the Clerk-Treasurer his name and address and any additional information as may be required on the registration form.

('79 Code, § 4-72)

§ 150.072 REGISTRATION FEE.

Every person upon his initial registration with the Clerk-Treasurer as a plumbing contractor shall pay the Clerk-Treasurer a fee of \$25; however, the person may renew the registration upon the payment of a renewal fee of \$10.

('79 Code, § 4-73)

Statutory reference:

Power of city to charge reasonable registration fee, see I.C. 25-28.5-1-33

§ 150.073 BOND.

Any person registering or re-registering as a plumbing contractor with the Clerk-Treasurer shall execute and deliver to the city a surety bond in the penal sum of \$1,000, approved by the Mayor and conditioned upon the registrant's faithful compliance with all laws regarding plumbing, street excavations and pavement replacement and repair and which contains an agreement to pay all damages, costs and expenses that may be caused by the negligence of the person through failure to comply with the provisions of the laws.

('79 Code, § 4-74)

Statutory reference:

Power of city to require bond, see I.C. 36-7-2-4

§ 150.074 CANCELLATION OF REGISTRATION.

(A) Grounds for cancellation. The Clerk-Treasurer shall cancel the registration of any plumbing contractor for any fraud or deceit by the contractor in obtaining it, or for any misconduct by him in the practice of plumbing, or for the violation of any provisions of this code or of any other ordinance concerning plumbers, plumbing, street excavations and paving repairs; the Clerk-Treasurer may also cancel the registration if the registrant ceases to engage in the business of being a plumbing contractor. ('79 Code, § 4-75)

(B) Appeal.

(1) Any plumbing contractor whose registration with the Clerk-Treasurer has been canceled may appeal from that action by filing a request with the Mayor for a hearing upon the charges upon which his registration was canceled.

(2) The Mayor shall fix a date for and shall hold a hearing on the charges with the date of the hearing being not less than five days or more than 30 days from the time when the request for a hearing was filed. ('79 Code, § 4-76)

(C) Right of contractor at hearing. At the hearing before the Mayor on the cancellation of a plumbing contractor's registration, the plumbing contractor shall have the right to appear and be represented by counsel, to cross-examine witnesses against him, and to produce evidence in his defense. ('79 Code, § 4-77)

(D) Actions of Mayor. If, after the required hearing before the Mayor on the cancellation of a plumbing contractor's registration, the Mayor finds that the charges against the plumbing contractor are sustained, he shall confirm its suspension or cancellation. ('79 Code, § 4-78)

(E) Reinstatement. Any person whose plumbing contractor's registration with the Clerk-Treasurer has been canceled or suspended shall not be allowed to be re-registered with the Clerk-Treasurer except upon the written recommendation of the Mayor. ('79 Code, § 4-79)

§ 150.075 DISPLAY OF REGISTRATION.

It shall be unlawful for any plumbing contractor to fail to display the registration certificate as may be issued to him by the Clerk-Treasurer in a conspicuous place in his place of business.

('79 Code, § 4-80) Penalty, see § 150.999

HOUSE MOVERS

§ 150.085 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of moving buildings or other structures upon any of the streets or public ways without a license issued by the Clerk-Treasurer.

('79 Code, § 7-47) Penalty, see § 150.999

Statutory reference:

Power of city to license and regulate businesses, occupations and professions generally, see I.C. 36-8-2-10

§ 150.086 LICENSE APPLICATION; INFORMATION REQUIRED.

Every person who desires the license required by this subchapter shall apply to the Clerk-Treasurer upon a form furnished by the Clerk-Treasurer; on the application form the applicant shall state all information necessary for the Clerk-Treasurer to determine whether the license should be issued.

('79 Code, § 7-48)

§ 150.087 LICENSE FEE.

Every person desiring the license required by this subchapter shall pay an annual license fee of \$10 to the Clerk-Treasurer.

('79 Code, § 7-49)

Statutory reference:

Power of city to charge license fee, see I.C. 36-1-3-8(a)(5)

§ 150.088 BOND.

Prior to the issuance of the license required by this subchapter the applicant for the license shall provide a bond in the amount of at least \$2,000.

('79 Code, § 7-50)

§ 150.089 NOTIFICATION OF UTILITIES.

Prior to moving a building upon the streets a house mover shall give 24 hours notice to all utilities operating within the city of the type of building being moved, the route to be followed and its final destination.

('79 Code, § 7-51) Penalty, see § 150.999

§ 150.999 PENALTY.

(A) Any person who violates any provision of this code, for which no other penalty is set forth, shall be subject to the penalty set forth in § 10.99 of this code of ordinances.

(B) If any person, firm or corporation shall violate any of the provisions of the building code set forth in §§ 150.015 et seq., or shall do any act prohibited therein, or shall fail to perform any duty lawfully enjoined, 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 code for each such violation, failure or refusal, the person, firm or corporation shall be fined in any sum not less than \$50 nor more than \$500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. ('79 Code, § 4-29) (Ord. 31-1988, passed 12-13-88)

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