

## Building Code

Ordinance No: 2022- 29

An Ordinance regulating the construction, alteration, repair, location and use of buildings and structures in the County of Hendricks, Indiana; incorporating by reference building rules, codes and standards required by state law; providing for the issuance of permits; providing penalties for the violations; and repealing all ordinances and parts of ordinances in conflict therewith.

Be it ordained by the Board of County Commissioners of Hendricks County, Indiana as follows:

**Section 1 – Title:** This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the County of Hendricks, Indiana”, may be cited as such, and will be referred to herein as “this code”.

**Section 2 – Purpose:** The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety, and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

**Section 3 – Authority:** The Building Commissioner is hereby authorized and directed to administer and enforce all 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 Hendricks County Planning and Building Department, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinances or to enforce this code in an arbitrary or discriminatory manner.

**Section 4 – Scope:** The provisions of this code apply to the placement, construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than fences, in the County of Hendricks.

### **Section 5 – Adoption of Building Rules, Codes, and Standards by Reference:**

1. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this (ordinance, chapter, code) and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.
2. Building rules of the International Code Council for commercial as set out in the International Building Code are hereby incorporated by reference in this (ordinance, chapter, code) and shall include later amendments to the code as the same are published with the International Code Council with effective dates as fixed therein.

3. Hendricks County modified this section to have higher building code standards.
  - a. R315.3 Location

Carbon monoxide alarms in *dwelling units* shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each level of the residence if the dwelling unit contains a fuel-fired appliance and/or the unit has an attached garage with an opening that communicates with the dwelling unit. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom
4. Copies of adopted building rules, codes and standards are on file in the office of the Hendricks County Planning and Building Department.

**Section 6 – Application for Permits:** No permits shall be issued for the foregoing purposes, unless the application for a permit meets all applicable requirements of the Zoning Ordinance and Subdivision Control Ordinance of Hendricks County and is accompanied by a plat or sketch of the proposed location showing lot boundaries, dimensions, easements, building setback requirements, water supply systems, sewage disposal systems, drainage systems and waterways and the street or road name and location to which the property has access, and by plans and specifications showing the work to be done. Applications for all buildings other than accessory and agricultural residential buildings, shall be accompanied by a plot plan certified by a land surveyor or engineer registered in the State of Indiana, showing the requirements as established by resolution by the Hendricks County Planning Commission and by plans and specifications showing the work to be done. Plans and specifications shall include the foundation, basement, floor, roof, wall cross section and layouts of the electrical, plumbing, heating, ventilating and air conditioning systems. All plans for building construction under the authority of the Indiana Fire Prevention and Building Safety Commission must also be filed with the State Building Commissioner. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release.

**Section 7 – Permit Required:** A permit shall be obtained before beginning construction, alteration, repair or placement of any building or structure, as required by the Zoning Ordinance of Hendricks County. All permits shall be issued by the Building Commissioner, and all fees provided for herein shall be paid to the Hendricks County Planning and Building Department.

**Section 8 – Other Ordinances:** All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances.

**Section 9 – Fees:** Permits required by Section 7 shall be issued upon approval and prior payment of inspection fees according to Hendricks County Plan Commission.

Applications and Petitions shall be accompanied by cash, check, credit card or money order made payable to Hendricks County Planning and Building Department, in an amount which is in accordance with the Hendricks County Plan Commission fee schedule.

Until all applicable fees have been paid in full, no application shall be processed by the Building Commissioner.

**Section 10 – Review of Application:** Prior to the issuance of any building permit, the Building Commissioner shall:

1. Review all building permit applications to determine full compliance with the provisions of this code.
2. Review all building permit applications to determine if the applicant has secured any other county or state permits associated with the improvement.
3. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
4. Review building permit applications for major repairs within the floodplain area having special flood hazards to determine the proposed repair.
  - a. Uses construction materials and utility equipment that are resistant to flood damage.
  - b. Uses construction methods and practices that will minimize flood damage.
5. 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).
  - a. Is protected against flood damage.
  - b. Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure, flood damage.
  - c. Uses construction methods and practices that will minimize flood damage.

**Section 11 – Inspections:** After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, the inspections of the work being done as are necessary to ensure full compliance with the provisions of this ordinance and the terms of the permit. Work found to be incomplete or not ready for inspection is subject to reinspection before work progresses.

The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder in accordance with this code.

In addition to the inspections specified above, the Building Commissioner may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the Hendricks County Planning and Building Department.

**Section 12 – Entry:** 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 County of Hendricks to perform any duty imposed upon him by this code.

**Section 13 – Stop Work 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 such work until authorized by the Building Commissioner to proceed with the work.

**Section 14 – Certificate of Occupancy:** No certificate of occupancy for any building or structure placed, erected, altered, or repaired after the adoption of this ordinance shall be issued unless such building or structure was placed, erected, altered, or repaired in compliance with the provisions of this ordinance. 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.

**Section 15 – 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.

**Section 16 – Violations:** It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lease, or occupant, to place, erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, in the County of Hendricks or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

**Section 17 – Right of Appeal:** All persons shall have the right to appeal the Building Commissioner's decision first through the Board of County Commissioners and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.

**Section 18 – Remedies:** The Building Commissioner shall, in the name of the County of Hendricks, bring actions in the Circuit or Superior Courts of Hendricks County, Indiana, 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 this ordinance.

**Section 19 – Penalties:** 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 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 ordinance for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than \$10.00 dollars, nor more than \$200.00 dollars. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

**Section 20 – Effective Date:** This ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 28<sup>th</sup> day of  
June, 2022.

BOARD OF COMMISSIONERS

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Attest:

Nancy Marsh

Nancy Marsh, Auditor