

# V12.3

## Building Code

### V12.3.1

#### Title

This Ordinance shall be known as the Town of Lapel Building Code.

### V12.3.2

#### Jurisdiction

The provisions of this Ordinance shall apply to all lands within the territorial limits of the Town of Lapel, Indiana.

### V12.3.3

#### Purpose

The purpose of this Building Code is to provide minimum standards for the protection of life, limb, health, environment, public safety, and welfare, and for the conservation of energy in the design and construction of buildings and structures.

### V12.3.4

#### Definitions

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings:

- A. “Building Inspector”, as used in this ordinance, includes individuals employed by the Town of Lapel that are authorized to represent the Building Inspector.
- B. “Class 1 structure” has the meaning ascribed thereto in Indiana Code (IC) 22-12-1-4.
- C. “Class 2 structure” has the meaning ascribed thereto in IC 22-12-1-5.
- D. “Construction” has the meaning ascribed thereto in IC 22-12-1-7.
- E. “Industrialized building system” has the meaning ascribed thereto in IC 22-12-1-14.

- F. “Manufactured home” has the meaning ascribed thereto in IC 22-12-1-16.
- G. “Mobile structure” has the meaning ascribed thereto in IC 22-12-1-17.
- H. “Person” has the meaning ascribed thereto in IC 22-12-1-18.
- I. “Structure” means both Class 1 and Class 2 structures, unless specifically stated otherwise.
- J. “Vehicular bridge” has the meaning ascribed thereto in IC 22-12-1-26.

### V12.3.5

#### Scope

- A. All Construction shall be accomplished in compliance with the provisions of this Building Ordinance.
- B. 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.
- C. 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.

### V12.3.6

#### Authority

A Town Building Inspector shall be appointed by the Town Council and his/her appointment shall continue during good behavior and service which shall be under direction and supervision of the Building Inspector. Whenever the terms “planning director” or “building inspector” appear in this Ordinance, they refer to the Building Inspector, or their designees.

**V12.3.7**

**Adoption of Regulations**

- A. The following rules, regulations, and codes, are hereby incorporated by reference as the rules and regulations governing the construction and alterations of structures in the Town. Whenever any of these regulations is updated or replaced by the State of Indiana, they shall be considered updated and replaced for the purposed of this Ordinance.
  - i. All construction rules and regulations, electrical codes, plumbing codes, and mechanical codes, or other similar regulations adopted by the State of Indiana.
  - ii. Indiana Standard for the Permanent Installation of Manufactured Homes.
  - iii. One (1) and Two (2) Family Dwelling Code of Indiana which identifies, amends, and incorporates therein the One (1) and Two (2) Family Dwelling Code.
  - iv. Indiana Energy Conservation Rules and Regulations for New Building Construction published under that title.
  - v. Swimming Pool Code published as the Indiana Swimming Pool Code.
- B. Two copies of this Code and rules, regulations, and codes incorporated herein by reference are on file for public inspection in the Plan Commission office.
- C. All work on the construction, alteration and repair of structures shall be performed in a good and workman-like manner according to excepted standards and practices in trade.

**V12.3.8**

**Effective Date**

This Ordinance shall be in full force and in effect at \_\_\_\_\_ m, on \_\_\_\_\_ . The effective date is based on the passage and notice of adoption as required by law. This Ordinance was passed and adopted by the Lapel, Indiana Town Council on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

\_\_\_\_\_  
 President

ATTEST:  
 \_\_\_\_\_

APPROVED AS TO FORM:  
 \_\_\_\_\_

Town Attorney

**V12.3.9**

**Building Inspector Powers & Duties**

The Building Inspector is hereby authorized and directed to enforce all of the provisions of this Building Code as provided by law in the State of Indiana and all applicable Lapel Ordinances. The Building Inspector may issue improvement location permits, collect permit fees, perform inspections, order the correction of violations of this Article, authorize occupancy of all buildings and structures, and upon presentation of proper credential, enter at reasonable times any building or property to enforce this Code.

**V12.3.10**

**Flood Hazard Area Construction**

The Building Inspector shall review all applications for Improvement Location Permits for new construction, additions to existing construction, or other development to ascertain as to whether the proposed construction, addition or development lies in a

flood hazard area. The determination and actions of the Building Inspector regarding permit applications for construction in a flood hazard area shall conform to the Flood Hazard Standards in the Town of Lapel Zoning Code.

### **V12.3.11 Appeals**

All decisions made by the Building Inspector may be appealed to the Board of Zoning Appeals by any such person claiming to be adversely affected by such decision following the provisions for Administrative Appeal provided in the Town of Lapel Zoning Code.

### **V12.3.12 Violations**

The Building Inspector shall in the name of the Town bring actions in the Circuit, Superior, or County Courts for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders they have made. Each day any such violation continues shall be a separate offense.

### **V12.3.13 Fees**

All applications for Improvement Location Permits shall be accompanied by a fee in accordance with the adopted Fee Schedule.

- A. No part of any filing fee shall be returnable to the applicant. All monies shall be payable to Lapel Town Council, and shall be deposited according to procedures established by the Town Treasurer.
- B. No fee shall be required to be paid by any governmental agency for construction or remodeling of any public building or structure. No fee or permit shall be required for normal maintenance and repair operations, including but not limited to roofing, floor repairs, plumbing and heating repairs and replacement, insulation, and minor adjustments or replacements to building openings, such as

doors and windows.

### **V12.3.14 Toilet Facilities**

In all new construction, a working, maintained portable toilet is required to be on site from the time the foundation is started until a Certificate of Occupancy is issued. The Building Inspector has the authority to waive this requirement only in cases where the private homeowner is the builder and a minimum of subcontractors is used.

### **V12.3.15 Permit Required**

No person shall erect, construct, enlarge, alter, repair, move, remove, improve, convert, equip, use, or demolish any structure, other than for use in pursuing farming or agricultural purposes, with the Town or cause the same to be done, without first obtaining a separate Improvement Location Permit for each structure from the Building Inspector, who shall require plans therefore, together with any necessary statement of materials to be used.

### **V12.3.16 Improvement Location Permit Specifications**

Persons desiring an Improvement Location Permit shall file an application therefore in writing on a form to be furnished by the Building Inspector, and each applicant shall complete all information requested on such application form.

- A. The application form shall include a statement reading: Culvert grades, shall be prescribed by an Engineer per the Town of Lapel Zoning Code (Culvert Dimension: 10" diameter and 20' in length).
- B. Applicants desiring to construct a new structure shall describe the materials to be used, purpose and use of structure, and the size and general description of construction or alteration to be made. Applicants shall also provide duplicate sets of detailed plans and specifications for such proposed construction or alteration, one (1) set to

be returned with approval and permit, one (1) copy to be kept on file by the Building Inspector.

- C. The permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement, or moving, and shall be valid for six (6) months after date of issuance unless construction has begun.
- D. Building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in approved plans and applications, and no other use, arrangement, or construction.
- E. The application, plans, and specifications filed by an applicant shall be checked by the Building Inspector. If the Building Inspector is satisfied that the work described in the application conforms to the requirements of the building code, this Ordinance and other pertinent laws and ordinances, he/she shall issue a permit. When the Building Inspector issues the permit, he/she shall endorse in writing and stamp. Plans and specifications shall not be changed or modified, without the written authorization of the Building Inspector. If the permit is denied, the Building Inspector shall state in writing the reasons for the denial.
  - i. No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by a plat or sketch of the proposed location showing lot boundaries and by plans and specifications showing all work to be done. All plans for building construction under the authority of the Administrative Building Council of the State of Indiana must also be filled with the Administrative Building Council who will issue an approved Certificate of Compliance, under provisions of Indiana Code (IC) 22-11-1-12. In all such cases under the authority of said Administrative Building Council, no local permits shall be issued hereunder until a copy of the Release for Construction from the

Administrative Building Council is received by the Building Inspector.

- ii. After the issuance of any improvement location permit hereunder, the Building Inspector shall make such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this section and the terms of the permit.
  - iii. Whenever any work is being done contrary to the provisions of this Ordinance, the Building Inspector may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.
- F. In reviewing the applications for permits for compliance with the requirements of this Ordinance, the Building Inspector shall assure that all necessary permits from other State, Federal, and local agencies have been obtained.

### **V12.3.17**

#### **Certificate of Occupancy**

No building shall be occupied until the applicant shall have applied for in writing and received a Certificate of Occupancy from the Building Inspector. Such certificate shall be issued after the premises have been thoroughly inspected by said officer and found to be in full compliance with the provisions of this Ordinance and all other applicable requirements of the Town of Lapel, including the Lapel Zoning Code and Subdivision Control Ordinance.

### **V12.3.18**

#### **Adoption & Administration**

- A. Under the provisions of Indiana Code (IC) 36-7-9-4, the Town of Lapel Unsafe Building Ordinance is adopted.
- B. Indiana Code 36-7-9-1 through 36-7-9-28 is incorporated by reference as the Town Unsafe Building Ordinance. All

proceedings within the Town for the inspection, repair, and removal of unsafe buildings shall be governed by the provisions of this Ordinance.

- C. All buildings or portions thereof which are determined after inspection by the Building Inspector, the Board of Health, and the Township or local Fire Chief in which the alleged unsafe building is located to be unsafe, as defined in this section are public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Ordinance.
- D. The Building Inspector shall order the repair or removal of any buildings found to be unsafe as defined in this section.
- E. Whenever the Town Building Code or the Town Unsafe Building Ordinance provide that any act must be done with the approval of the Building Inspector, or any other Town Officer, this shall be construed to give such officer only the discretion of determining where the rules and standards established by this section have been complied with. No such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by this section, or to enforce the provisions of this section in an arbitrary or discretionary manner.
- F. All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workman-like manner according to the accepted standards and practices in the trade. The Rules and Regulations promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practices for all matters covered by this section or issued pursuant to this section by the Building Inspector.
- G. The Building Inspector is hereby designated the enforcement authority in accordance with the provisions of IC 36-7-9-2. The hearing authority shall perform those functions specified by the Act.
- H. Substantial property shall be defined as it is in IC 36-7-

9-2 and is hereby specifically incorporated by reference into this Ordinance as if fully set forth herein.

### **V12.3.19**

#### **Unsafe Building Defined**

Any building or structure which has any or all of the conditions or defects described in the definition below shall be deemed to be an unsafe building, provided that such conditions or defects endanger the life, health, property, or safety of the public or its occupants.:

- A. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such a catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location;
- B. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- C. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes that is required in the case of similar new construction;
- D. Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration or decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.
- E. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- F. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for

the purpose of committing unlawful acts;

- G. Whenever a building or structure, used or intended to be used for dwelling purposes, because maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Building Inspector, Board of Health, Township or local Fire Chief, or Administrative Building Council State Inspector to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease;
- H. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Inspector, Board of Health, Township or local Fire Chief, or Administrative Building Council State Inspector to be a fire hazard;
- I. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure. Further, whenever any building or structure has been abandoned and deteriorated to the point of becoming an attractive nuisance or hazard to the public.