

ORDINANCE NO. 02-2010

AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, USE, OCCUPANCY, EQUIPMENT AND LOCATION OF BUILDINGS AND STRUCTURES IN THE TOWN OF PLAINFIELD, INDIANA; INCORPORATING BY REFERENCE BUILDING RULES, CODES AND STANDARDS REQUIRED TO BE ENFORCED UNDER I.C. 36-7-2-9; PROVIDING FOR THE ISSUANCE OF PERMITS; INSPECTIONS AND PENALTIES FOR VIOLATIONS; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the Town Council of the Town of Plainfield, Indiana, as follows:

Section 1. Title. This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the Town of Plainfield, Indiana”, and 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, limb, 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 of the provisions of this code. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinances has been compiled with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under I.C.22-13-2-11.

SECTION 4. SCOPE. The provisions of this code apply to the construction, alterations, repair, equipment, use, occupancy, maintenance and additions to all buildings and structures, other than “industrialized building systems”, as defined on I.C. 22-13-2-6, and “mobile structures”, as defined in I.C. 22-15-4, in the Town of Plainfield.

SECTION 5. ADOPTION OF RULES BY REFERENCE.

Pursuant to I.C. 22-13-2-3(b) 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 any later amendments to those Articles as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein:

- (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
- (i) Article 24 – Migrant Day Care Nursery Fire Safety Code
- (j) Article 25 – Indiana Fuel Gas Code

SECTION 5.1 LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

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.

Copies of adopted building rules, codes and standards are on file in the office of the Clerk/Treasurer for public inspection as required by IC 36-1-5-4.

SECTION 6. APPLICATION FOR PERMITS. No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a clear, complete 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. In addition, a copy of a Design Release for the work to be done, issued by the Building Law Compliance Officer pursuant to I.C. 22-15-3, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release. Or 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.

SECTION 7. PERMITS REQUIRED. Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to the commencement of the construction, alteration, addition, demolition or repair of any building or structure, using forms furnished by the Building Commissioner. All fees provided for herein shall be paid to the Clerk-Treasurer within thirty days of the permit date or permit will become null and void, unless an extension has been approved by the Building Commissioner.

SECTION 8. OTHER ORDINANCES. All work done under any permit issued hereunder shall be paid in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances.

SECTION 9. FEES. See "An Ordinance Establishing Fees and Permits for the Town of Plainfield".

SECTION 10. RECORDS. All applications, descriptions, permits, certificates, and other supporting documents pertaining to building permits or certificates of occupancy shall be filed by the Building Commissioner and become a conditional record of the Town of Plainfield.

SECTION 11. REVIEW OF APPLICATION. Prior to the issuance of any building permit hereunder, the Building Commissioner shall:

- (a) Review all building permit applications to determine full compliance with the provisions of the ordinance.
- (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 flood plain area having special flood hazards to determine that the proposed repair (1) uses construction materials and utility equipment that are resistant to flood damage, and (2) uses construction methods and practices that will minimize flood

damage.

- (d) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) (1) is protected against flood damage, (2) is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and (3) uses construction methods and practices that will minimize flood damage.

SECTION 12. INSPECTIONS. After the issuances of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed by this Ordinance.

SECTION 13. INSPECTION ASSISTANCE. The Chief of the Fire Department or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection, alarm systems and hazardous materials and shall provide reports of such inspection to the Building Commissioner.

SECTION 14. ENTRY. Upon presentation of proper credentials, the Building Commissioner or his duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Plainfield to perform any duty imposed upon him by this ordinance.

SECTION 15. STOP ORDER. Whenever any work is being done contrary to the provisions of this Ordinance, 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 16. CERTIFICATE OF OCCUPANCY. No certificate of occupancy for any building or structure erected, altered or repaired after adoption of this ordinance shall be issued unless such building or structure was 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 or conditional certificate of occupancy has been issued by the Building Commissioner.

SECTION 17. PLOT PLAN As a condition of issuing a building permit or a certificate of occupancy, the Building Commissioner may require the preparation of a plot plan by an engineer or land surveyor registered in the State of Indiana.

SECTION 18. DISPLAYING OF BUILDING PERMITS. At all times, building permits shall be clearly displayed at the site for which the building permit was issued.

SECTION 19. WORK MUST COMMENCE. The work or use authorized by a building permit shall commence within six (6) months from the permit date of such permit. Otherwise the same shall lapse and become null and void. All work so authorized shall be completed within twenty-four (24) months from the permit date unless an extension has been approved by the Building Commissioner.

SECTION 20. 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 21. VIOLATIONS. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, 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 Town of Plainfield or cause or permit the same to be done contrary to or in violation of the provisions of this ordinance.

SECTION 22. RIGHT OF APPEAL. All persons shall have the right to appeal the Building Commissioner's decision first through the Board of Zoning Appeals for the Town of Plainfield and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21-5-3-7.

SECTION 23. REMEDIES. The Building Commissioner may in the name of the Town of Plainfield bring actions in the Plainfield Town Court of the Town of Plainfield, Hendricks County, Indiana, or 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 24. PENALTIES.

- (a) 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 may be fined up to and including the maximum penalty prescribed by State Statute. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.
- (b) Any person who violates Section 16 of this Ordinance may be subject to a fine equal to one-dollar (\$1.00) per square foot. The total square foot of the building occupied in violation of Section 16 herein shall be the basis for calculating the fine. The fine shall not exceed Two Thousand, Five Hundred Dollars (\$2,500.00) per day. Each day the violation continues shall constitute a separate offense.
- (c) Any person who violates Section 18 of this ordinance may be subject to a fine of Twenty-Five Dollars (\$25.00). Each day the violation continues shall constitute a separate offense.

SECTION 25. REPEALER. This Ordinance repeals the current ordinance No. 30-89, said ordinance being passed by the Town Council of the Town of Plainfield, Hendricks County, Indiana, on the ~~5th~~ day of ~~March~~, 2010 and so it repeals any other ordinance so passed, with provisions in conflict herewith.

SECTION 26. SEVERABILITY. If any chapter, article, paragraph, sub-paragraph, clause, phrase, word, provision, or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decisions shall not effect or impair the validity of this ordinance as a whole or any part thereof, other than the chapter, article, sub-paragraph, clause, phrase, word, provision, or portion held to be unconstitutional or invalid.

SECTION 27. EFFECTIVE DATE. NOW, BE IT FURTHER ORDAINED that the ordinance shall be in full force and effect from and after its adoption by the Town Council, Town of Plainfield, Indiana, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

March, 2010.

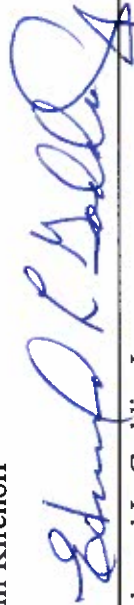
Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on the ~~5th~~ day of

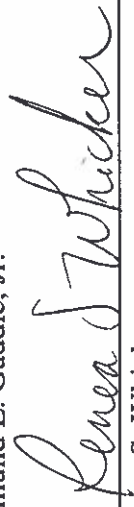
**TOWN COUNCIL, TOWN OF PLAINFIELD,
HENDRICKS COUNTY, STATE OF INDIANA**


Robin G. Brandgard, President


Kent McPhail


Bill Kirchoff


Edmund L. Gaddie, Jr.


Renea S. Whicker

ATTEST:



Wesley R. Bennett, Clerk-Treasurer,
Town of Plainfield, Indiana.

PUBLISHED: MAR 13 2010
Hendricks County Flyer
MAR 17 2010
Hendricks County Flyer

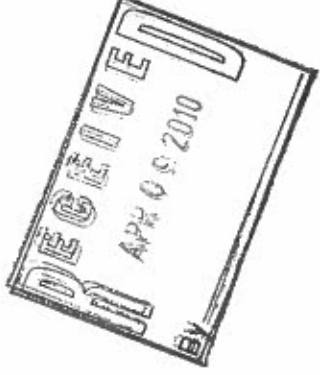


MITCHELL E. DANIELS, Jr., Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY JOSEPH E. WAINSCOTT JR., EXECUTIVE DIRECTOR

*Indiana Department of Homeland Security
Indiana Government Center South
302 West Washington Street
Indianapolis, IN 46204
317-232-3980*

Edward H. Rudolph
Deputy Building Commissioner
Town of Plainfield
206 W. Main Street
Plainfield, IN 46168



April 7, 2010

RE: Building Ordinance 02-2010
Plainfield, Indiana

Dear Mr. Rudolph;

Pursuant to IC 22-13-2-5 and 675 IAC 12-10-8, the Fire Prevention and Building Safety Commission, on April 6, 2010, approved the above listed Ordinance. Enclosed is the copy of the ordinance so endorsed by the Fire Prevention and Building Safety Commission Chairman.

Sincerely,

Mara Snyder
Director, Legal and Code Services
Department of Homeland Security

MJS/bas

Encl

Cc: Code Enforcement & Plan Review
 File

Approved this day, April 4, 2010, by the Fire Prevention and Building Safety Commission of the State of Indiana.

Harold W. Curren, Vice-Chairman

David Hamann, Chairman