
Madison County, Indiana

Land Use & Development Code Part "E" - Building Code

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Building Code
Article One
Basic Provisions

Article One

Basic Provisions

1.1 Title:

This Ordinance shall be known and cited as the Madison County Building Code.

1.2 Jurisdiction:

The provisions of this Ordinance shall apply to all unincorporated lands within the territorial limits of Madison County.

1.3 Intent:

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.

1.4 Scope:

The provisions of this Code apply to the construction, alteration, repair, use, occupancy and maintenance and additions to all structures, other than fences, in the County.

1.5 Building Commissioner Appointment

A County Building Commissioner shall be appointed by the Board of County Commissioners and his/her appointment shall continue during good behavior and service which shall be under the direction and supervision of the Planning Director. The Planning Director may be appointed to serve as Building Commissioner. Whenever the terms "building inspector" or "building commissioner" appear in this Ordinance they refer to the Planning Director, Building Commissioner, or their designees.

1.6 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 County. Whenever any of these regulations is updated or replaced by the State of Indiana they shall be considered updated and replaced for the purposes of this Ordinance.
- a. All construction rules and regulations, electrical codes, plumbing codes, and mechanical codes, or other similar regulations, adopted by the State of Indiana.
 - b. Indiana Standard for the Permanent Installation of Manufactured Homes.
 - c. 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.
 - d. Indiana Energy Conservation Rules and Regulations for New Building Construction published under that title.
 - e. 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 the trade.

1.7 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 Madison County, Indiana Board of County Commissioners on the _____ day of _____, _____.

President

ATTEST:

County Auditor

APPROVED AS TO FORM:

County Attorney

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Building Code
Article Two
Administration

Article Two

Administration

2.1 Building Commissioner Powers & Duties

The Building Commissioner 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 Madison County Ordinances. The Building Commissioner 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 credentials, enter at reasonable times any building or property to enforce this Code.

2.2 Flood Hazard Area Construction

The Building Commissioner 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 Commissioner regarding permit applications for construction in a flood hazard area shall conform to the Flood Hazard Standards of Article 6 of the Madison County Zoning Ordinance.

2.3 Appeals

All decisions made by the Building Commissioner 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 Appeals provided by Article 13 of the Madison County Zoning Ordinance.

2.4 Violations

The Building Commissioner shall in the name of the County bring actions in the Circuit, Superior, or County Court of the County 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.

2.5 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 the Madison County Plan Commission, and shall be deposited according to procedures established by the County Auditor.
- 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, flooring repairs, plumbing and heating repairs and replacement, insulation and minor adjustments or replacements to building openings, such as doors and windows.

2.6 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 Planning Director has the authority to waive this requirement only in cases where the private homeowner is the builder and a minimum of subcontractors is used.

Building Code
Article Three
Permit Requirements

Article Three

Permit Requirements

3.1 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, within the County or cause the same to be done, without first obtaining a separate Improvement Location Permit for each such structure from the Building Commissioner, who shall require plans therefore, together with any necessary statement of materials to be used.

3.2 Improvement Location Permit Specifications

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

A. The application form shall include a statement reading:

Driveway location permits and culvert grades, shall be prescribed by the Madison County Indiana Engineer and per the Madison County Indiana Zoning Ordinance (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 the 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, 1 set to be returned with approval and permit, 1 copy to be kept on file by the Building Commissioner.

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 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 Commissioner authorize only the use, arrangement, and construction set forth in such 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 Commissioner. If the Building Commissioner 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 Commissioner 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 commissioner. If the permit is denied, the Building Commissioner shall state in writing the reasons for the denial.

a. 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 the provisions of 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 Commissioner.

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- b. After the issuance of any improvement location permit hereunder, the Building Commissioner 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.
 - c. 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 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.
- F. In reviewing the applications for permits for compliance with the requirements of this Ordinance the Building Commissioner shall assure that all necessary permits from other State, Federal and local agencies have been obtained.

3.3 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 Commissioner. 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 Madison County, including the Madison County Zoning and Subdivision Control Ordinances.

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Building Code
Article Four
Unsafe Buildings

Article Four

Unsafe Buildings

4.1 Adoption & Administration

- A. Under the provisions of Indiana Code 36-7-9-4 the Madison County Unsafe Building Ordinance is adopted.
- B. Indiana Code 36-7-9-1 through 36-7-9-28 is incorporated by reference as the County Unsafe Building Ordinance. All proceedings within the County 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 Commissioner, the County Board of Health and the Township or City 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 Commissioner shall order the repair or removal of any buildings found to be unsafe as defined in this section.
- E. Whenever the County Building Code or the County Unsafe Building Ordinance provide that any act must be done with the approval of the Building Commissioner, or any other County Officer, this shall be construed to give such officer only the discretion of determining whether 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 workmanlike 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 practice for all matters covered by this section or issued pursuant to this section by the Building Commissioner.
- G. The Planning Director is hereby designated the enforcement authority in accordance with the provisions of IC 36-7-9-2 and for the purpose of conducting hearings in accordance with IC 36-7-9-7.
- H. An Unsafe Building Fund is established in the operating budget of the Board of County Commissioners in accordance with the provisions of IC 36-7-9-14.
- I. No person, whether as owner, lessee, sub lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done in violation of any of the provisions of this section or any order issued by the Building Commissioner.
- J. The Madison County Board of Commissioners is hereby designated as the hearing authority in accordance with the provisions of Indiana Code 36-7-9-2. The hearing authority shall perform those functions specified by the Act.
- K. Substantial property shall be defined as it is in Indiana Code 36-7-9-2 and is hereby specifically incorporated by reference into this Ordinance as if fully set forth herein.

4.2 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 thereof is materially less than it was before such 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 than 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, or 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 Commissioner, Board of Health, Township or City 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 Commissioner, Board of Health, Township or City 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.

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