

ORDINANCE NO. 96-1389

AN ORDINANCE regulating the construction, alteration, repair, location, and use of buildings and structures in Martinsville, Indiana, and its authorized Buffer Zone, incorporating by reference building rules, codes, and standards required to be enforced under IC 36-7-2-9; providing for the issuance of permits; providing penalties for violations; and repealing al.1 ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Martinsville Common Council, Morgan County, Indiana, as follows:

SECTION 1 - T I T L E

This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the "BUILDING CODE" of Martinsville, 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, general welfare, and for the conservation of energy in the design and construction of buildings and structures.

SECTION 3 - AUTHORITY

The Martinsville Building Commissioner, as designated by the Martinsville Board of Public Works, is hereby 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 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 too enforce this code in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under IC 22-13-2-7(b).

SECTION 4 - SCOPE

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 IC 2245-4 in the unincorporated areas under the City's planning jurisdiction, or any incorporated areas which an agreement to regulate this code has been reached in the City of Martinsville, Indiana and its Buffer Zone.

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SECTION 5 - 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 hereby incorporated by reference in this 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:

- (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). Indiana One and Two Family Dwelling Codes
- (3). Article 16 - Plumbing Code
 - (a). Indiana Plumbing: Code
- (4). Article 17 - Electrical Codes
 - (a). Indiana Electrical Code
 - (b). Safety Code for Health Care Facilities
 - (c). National Electrical Code
- (5). Article 18 - Mechanical Codes
 - (a). Indiana Mechanical Code
- (6). Article 19 Energy Conservation Code
 - (a). Indiana Energy. Conservation Code
 - (b). Modifications to the Model Energy Code

- (7) Article 20 - Swim wing Pool Code
 - (a) Indiana Swimming Pool Code
- (8). Article 21 - Fire Prevention Code
 - (a) Indiana Fire Prevention Code

(B) Copies of adopted building rules, codes, and standards are on file in the office of the Martinsville Clerk Treasurer, City Hall, Martinsville, Indiana.

SECTION 6 - APPLICATION FOR PERMIT

No building permit shall be issued for the foregoing purposes, unless the application for a permit meets all applicable requirements of the Zoning Ordinance and Subdivision Regulations of Martinsville, Indiana, and is accompanied by: legal description or survey of the property; a plot plan or sketch of the proposed location showing lot boundaries and dimensions, location of proposed structure and distances from proposed structure to all property lines and to the roads and streets. Location of septic field (where applicable) and any other structures on said property, with dimensions; in the Buffer Zone where septic systems are to be used, a copy of the septic permit issued by the Morgan County Board of Health must accompany the application. Also, in areas designated by the Martinsville Building Department, an Erosion Control Plan must be submitted. The application shall be made on forms provided by the Building Commissioner, and all fees required by this Chapter shall be paid to the Martinsville City Clerk-Treasurer prior to the issuance of any building permit. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 2245-3-1, shall be provided to the Martinsville 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 any construction, alteration, additions, or repair of any building or' structure which involves or affects electrical services or upgrades, and structural changes, using forms furnished by the building Commissioner. Cosmetic repair, maintenance work, painting, roof replacement including decking, siding replacement, door and window replacement, non-load bearing interior wall changes up to 100 lineal feet, and any other non-structural changes are exempt from permit requirements. As long as no useable living space is added or changes made to the structural integrity, no permit is required. All permits issued shall expire one (x) year from the date of original issue.

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

Permit fees shall be in accordance with the official permit fee schedule as adopted by the Martinsville Board of Public Works. Until all applicable fees have been paid in full no permit shall be issued.

SECTION 10 - 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 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 structure, flood damage, and (3) 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 cause to make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this code and the terms of the permit. Reinspection of the work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

SECTION 12 – 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, building construction, and electrical inspections, and shall provide reports of such inspection to the Building Commissioner.

SECTION 13 -ENTRY

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure, or premises, for which a permit must be obtained, in the City of Martinsville and its Buffer Zone, to perform building inspections for the issuance of compliance of State and Local Building regulations.

SECTION 14 - STOP ORDER

Whenever any work is being done contrary to the provisions of this code, or hi an unsafe manor, the Building Commissioner may order the work stopped by notice in writing served to the owner of the building, and 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.

SECTION I5 - CERTIFICATE OF OCCUPANCY

No Certificate of Occupancy for any building or structure constructed after the adoption of this code shall be issued unless such 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.

SECTION 16 - 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 and applicable Indiana Building Codes.

SECTION 17 - 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, and industrialized buildings or mobile structures certified under IC 22-15-4, in the City of Martinsville and its Buffer Zone, or cause or permit the same to be done, contrary to, or in violation of, the provisions of this code.

SECTION 18 – RIGHT OF APPEAL

All persons shall have the right to appeal any order or decision of the Building Commissioner first to the Martinsville Plan Commission, 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. An appeal of any order or decision shall be filed in writing within ten (10) days after the date of said order or decision with the authority to which it is being appealed.

SECTION 19 - REMEDIES

The Building Commissioner shall, in the name of the City of Martinsville, Indiana, bring actions in the Circuit or Superior Courts of Morgan 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. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code.

SECTION 20 – PENALTIES

If any person, firm or corporation shall violate any of the provisions of this code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time proscribed 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, such person, firm or corporation shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Two Hundred Fifty Dollars (\$250.00), per day the violation continues. Each day of such lawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 21- EFFECTIVE DATE

This code shall be in full force and effect from and after its adoption, approval by the Common Council of Martinsville, Indiana, and approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

ENDORSEMENT

Approved this 15th day of June 1998, by the Common Council of the City of Martinsville, Morgan County, Indiana.

Mayor, Shannon Buskirk

Council, Sheldon Buskirk

Council, Harold Stanger

Council, Gary Lester

Council, Jon D. Elkins

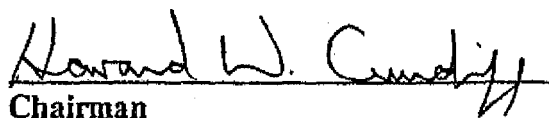
Council, Roger Burleigh

Council, Erma Scott

Council, Richard A. Cassens

ENDORSEMENT

Approved this 7th day of July, 19 98, by the Fire Prevention and Building Safety Commission of the State of Indiana.


Chairman

Secretary

Prepared by: Roger Laymon-City Superintendent
59 S. Jefferson Street
Martinsville, IN 46151