

**GENERAL ORDINANCE NO. 35. 2012**

*An Ordinance Amending Chapter 150 of the Code of Ordinances of the City of Beech Grove,  
Indiana*

**WHEREAS**, the last time the Building Code was updated was more than 10 years ago;  
and

**WHEREAS**, the City of Beech Grove continues to lose money on the issuance of  
building permits; and

**WHEREAS**, changes in various trades have caused the need to alter the entire building  
code; and

**WHEREAS**, the Common Council has determined that the City of Beech Grove's permit  
fees should be aligned with other cities with Marion County; and

**WHEREAS**, the Common Council has determined that language within the Building  
code must be consistent throughout; and

**WHEREAS**, the Common Council has determined that the Building Code must change  
to keep up with changes in the various building trades; and

**WHEREAS**, Chapter 150 of the Code of Ordinances of the City of Beech Grove,  
Indiana, (the "Code of Ordinances") must be amended to provide for the matters set forth herein.

**NOW THEREFORE, BE IT ORDAINED** by the Common Council of the City of  
Beech Grove, Indiana that Chapter 150 of the Code of Ordinances be deleted and replaced with  
the following:

Delete: Chapter 150: Building Code

Replace with the following:-

## **GENERAL PROVISIONS**

### **§ 150.001 TITLE.**

This chapter and all matters included herein by reference shall comprise and be known as the Building Standards and Procedures of the City of Beech Grove.

(67 Code, § 150.02) (Am. Ord. 29-1977, passed 10-17-77)

### **§ 150.002 REGULATIONS CONSTITUTING CODE.**

(MINIMUM CONSTRUCTION STANDARDS)

ADOPTION OF RULES BY REFERENCE.

1. Pursuant to IC 22-13-2-3(b), the 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 any later amendments to those rules.

- (a) Article 13 – Building Codes
- (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 25 – Indiana Fuel Gas Code

(j) Article 28 – NFPA Standards

2. Two (2) copies of the above rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.

3. The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this Building Ordinance. Pursuant to IC 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.

**§ 150.003 PURPOSE.**

This chapter is declared to be remedial and shall be construed in such manner as to effectuate its purpose, which is to protect the safety, health, and general welfare of the citizens of the city.

('67 Code, § 150.03) (Am. Ord. 29-1977, passed 10-17-77)

**§ 150.004 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADMINISTRATIVE BUILDING COUNCIL.** That unit of the state government created by Acts 1969, Chapter 338, as amended, more formally known as "Administrative Building Council of Indiana."

**BUILDING EQUIPMENT.** Any machine, device, apparatus, or material located in or connected directly to a new or existing structure which is used by an occupant to supply or distribute water, remove wastes, supply or transmit electricity, supply or distribute fuel, create conditions of heat or cold, or accomplish the movements of air.

**BUILDING STANDARDS AND PROCEDURES.** Regulations, standards, or requirements relative to either construction activity or the condition of the existing structures or building equipment established by or under federal law, state laws or city ordinances.

**BUILDING STANDARDS AND PROCEDURES** shall specifically include rules promulgated by the Fire Prevention and Building Safety Commission - State Building Commission and the substantive and the procedural provisions of this chapter.

**CONSTRUCTION ACTIVITY.** The erection, construction, placement, conversion, removal, demolition, moving, razing, or remodeling of any new or existing structure or any part thereof; or

the construction, installation, extension, conversion, or removal of building equipment. However, the **CONSTRUCTION ACTIVITY** shall not include the construction or maintenance of airplanes, boats, railroad rolling stock or motor vehicles, the manufacture or shop repair of building equipment or the construction, the installation, or maintenance of apparatus and equipment used by telegraph companies, electrical utility, and telephone companies in the direct provisions of services to the public.

**COOLING SYSTEM.** A system which utilizes a source of energy to accomplish the cooling (not below a constant temperature of 55° F.) of more than one partitioned space in a structure to accomplish the cooling of all or part of a structure by distribution of air through duct work extending more than 12 inches from the appliance collars, or distribution of liquid or vapor through on-site piping.

**ELECTRICAL POWER DISTRIBUTION SYSTEM.** A system for the distribution of electrical current both within and on the exterior of a structure, from an electrical power source to receptacles or equipment which uses electricity; provided, however, that class 2 and class 3 circuits (as defined by the National Electrical Code) shall not be considered part of an electrical power distribution system for purposes of this definition.

**HEATING SYSTEM.** A system which utilizes a source of energy to accomplish the warming of more than one partitioned space in a structure or to accomplish the warming of all or part of a structure by distribution of air through duct work extending more than 12 inches from the appliance collars, or distribution of liquid or vapor through on-site piping.

**INDIANA DEPARTMENT OF FIRE AND BUILDING SERVICES.** That unit of the state government created by Acts 1969, Chapter 338, as amended, more formally known as Indiana Department of Fire and Building Services.

**ONE- OR TWO-FAMILY RESIDENTIAL STRUCTURE.** A one-family dwelling structure, a two-family dwelling structure, or any accessory structure appurtenant to either a **ONE-FAMILY DWELLING STRUCTURE** or a **TWO-FAMILY DWELLING STRUCTURE**.

**ORDINARY MAINTENANCE AND REPAIR.** Construction activity commonly accomplished in or on an existing structure or existing building for the purpose of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance shall include such activities as caulking windows, painting, pointing bricks, oiling machinery, and replacing filters. Maintaining appearance shall include such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance shall include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. **ORDINARY MAINTENANCE AND REPAIR** shall not include any construction activity which alters the prior or initial capacity performance specifications, type of required energy or functional features of an existing structure or building equipment.

**REFRIGERATION EQUIPMENT. REFRIGERATION EQUIPMENT.** Equipment which

utilizes a source of energy to accomplish the cooling of a space or materials to a constant temperature below 55 F., typically for such purposes as food storage, mechanical fabrication or industrial processing; provided, however, that plug-in electrical appliances such as freezers or ice-makers that do not require more than 12 amperes of current at a nominal 115 volts shall not be considered **REFRIGERATION EQUIPMENT** for purposes of this definition.

**SERVICE EQUIPMENT.** The necessary equipment, usually consisting of a circuit breaker or switch and fuses and their accessories, located near the point of entrance of electrical supply conductors to a structure or an otherwise defined area, intended to constitute the main control and means of cutoff of the electrical supply.

**SPACE COOLING EQUIPMENT.** Equipment which utilizes a source of energy to accomplish the cooling (not below a constant temperature of 55° F.) of an unpartitioned space within a structure in which the equipment is located without the use of duct work for the distribution of air extending more than 12 inches beyond the appliance collars or the use of on-site piping for the distribution of liquid or vapor, provided, however, that plug-in electrical appliances such as window air-conditioners that do not require more than 12 amperes of current at a nominal 115 volts shall not be considered **SPACE COOLING EQUIPMENT** for purposes of this definition.

**SPACE HEATING EQUIPMENT.** Equipment which utilizes a source of energy to accomplish the warming of an unpartitioned space within a structure in which the equipment is located without the use of duct work for the distribution of air extending more than 12 inches beyond the appliance collars or the use of on-site piping for the distribution of liquid or vapor. However, plug-in electrical appliances such as freestanding room heaters that do not require more than 12 amperes of current at a nominal 115 volts shall not be considered **SPACE HEATING EQUIPMENT** for purposes of this definition and provided further that fireplaces shall not be considered **SPACE HEATING EQUIPMENT** for purposes of this definition.

**STRUCTURE.** That which is built or constructed, such as an edifice or building of any kind, or any piece of work artificially built up or composed of parts formed together in some definite manner, or any part thereof. The word **STRUCTURE** shall specifically include signs, grandstands, tents, air-supported structures and amusement devices upon which persons are conveyed. The word **STRUCTURE** shall not include improvements such as public roadways or bridges.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

#### **§ 150.005 COMPLIANCE REQUIRED.**

All construction activity shall be accomplished in compliance with the provisions of this chapter. All existing structures and existing building equipment shall be subject to the provisions of this chapter.

(Ord. 29-1977, passed 10-17-77)

## **BUILDING PERMITS, DESIGN AND SUPERVISION**

### **§ 150.015 WHEN PERMITS REQUIRED.**

No person, partnership, or corporation shall engage in any construction activity in the city unless a written building permit issued by the Building Commissioner describing the activity has been obtained by and is in force relative to the person, partnership, or corporation which is actually accomplishing, supervising accomplishment, or is contractually responsible for accomplishment of the construction activity allowed by the building permit; provided, however, that a building permit shall not be required for:

(A) Ordinary maintenance and repair of a structure or building equipment, except as provided below in the following divisions.

(B) Construction activity other than that described in division (A) above where the total value of labor and materials does not exceed \$500 except as provided below in the following divisions.

(C) Erection of any sign in those categories of signs described in § 150.235(C).

(D) Installation of a single-phase electrical circuit not exceeding 60 amperes at a nominal 120/140 volts which is accomplished in a connection with work on an existing one-or two-family residential structure which involves the installation, modernization, replacement, service or repair of a heating system, space heating equipment, cooling system, space cooling equipment, a water heater or a food waste disposer for which a building permit has been issued.

(E) Construction of a structure which spans 120 square feet or less of base area, is less than 15 feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distributive system, heating system, space heating equipment, cooling system, or space cooling equipment.

(F) Installation of household appliances such as window air-conditioners, refrigerators, refrigerators with automatic ice-maker, ranges, clothes washers, clothes dryers, dish washers, and trash compactors in one- or two-family residential structures or apartment buildings when such installation does not include the installation of an electrical circuit.

(G) Installation of thermal insulation.

(1) (a) Relative to divisions (A) and (B) hereof, building permits shall be required for construction activity on either a structure or building equipment where the activity, if done improperly would be a potential health or safety hazard include: the construction or alteration of a chimney or venting system; stripping and reapplication of roofing material; a change in exterior

bulk or facade; the creation or cutting away of any load-bearing wall, partition or portion thereof; the creation, removal, or change of any required means of egress, rearrangement of parts and of any structure affecting the exit-way requirements; or a changes of the use, group occupancy or structure type.

(b) Examples of construction activity relative to building equipment which, if done improperly would be a potential health or safety hazard include: installation, alteration or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, water, vent, or similar piping; alteration or relocation of plumbing fixtures; installation or significant alteration of an electrical power distribution system; installation of heating system, space heating equipment, cooling system, or space cooling equipment; installation of water supply lines; installation of a hot water heater; or replacement of a hot water heater with one that is not identical as to temperature or pressure protection, venting arrangement, and type of fuel of energy input.

(2) Provided, further, construction activity for which a permit is required may be accomplished without a permit being then in force notwithstanding what is stated hereinabove in this section where an emergency need for such construction activity occurs on a day when the office of the Building Commissioner is not open for business and the person, partnership, or corporation which has accomplished such construction applies for a building permit on the first day the office of the Building Commissioner is open for business after the invitation of such construction activity.

Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **§ 150.016 ELIGIBILITY, APPLICATION FOR PERMITS**

To obtain a building permit a person, partnership, or corporation must meet the requirements of and make application through a person possessing the qualifications stated in one of the divisions (A) through (E) below and must be the person, partnership, or corporation which will either actually accomplish, supervise accomplishment or be contractually responsible for accomplishment of the construction actively allowed by the building permit.

(A) Any person, partnership, or corporation which is a listed contractor under §§ 150.110 through 150.119 may obtain a building permit to accomplish an construction activity except work for which §§ 150.125, 150.142, §§ 150.150 through 150.166, §§ 150.175 through 150.190 of this chapter requires licensure or Public Law 188 of the Acts of 1972, as amended, requires a state license. If the listed contractor is a person, application for a building permit must be made by that person. if the listed contractor is a partnership or corporation, application for a building permit must be made by that person. If the listed contractor is partnership or corporation, application for a building permit must be made by an employee, partner, or officer designated in a written document filed with the Building Commissioner as having authority to act for that partnership or corporation.

(B) Any person, partnership, or corporation licensed under §§ 150.125 through 150.142, §§ 150.150 through 150.166, and §§ 150.175 through 150.190 of this chapter may obtain a building permit solely to accomplish construction activity allowed by the license or type of license held by the person, partnership or corporation. If the license holder is a person, application for a building permit must be made by that person. If the license holder is a partnership or corporation, application for a building permit must be made by a partner or officer who himself holds a license or type of license which allows accomplishment of the construction activity stated in the building permit.

(C) Any person or corporation registered under § 150.195 of this chapter may obtain a building permit solely to accomplish construction activity for which state licensure as a plumbing contractor is required. If a person holding a state plumbing contractor license is registered under § 150.195 of this chapter, application for a building permit must be made by that person. If a corporation holding a state plumbing contractor license is registered, application for a building permit must be made either by the officer named in the state license or another officer or employee holding a plumbing contractor license.

(D) Any person who is either a registered architect or registered engineer licensed to practice in the state may obtain a building permit to accomplish any construction activity for which the approval of the Indiana Department of Fire and Building Services is required and has been given. Such architect or engineer, however, may not obtain a building permit for work relative to which §§ 150.125 through 150.142, §§ 150.150 through 150.166, and §§ 150.175 through 150.190 and § 150.195 of this chapter which requires licensure or Public Law 188 of the Acts of 1972, as amended, which requires a state license. Such architect or engineer must himself apply for the building permit which he is authorized to obtain.

(E) Any person who both owns and possesses an improved or unimproved parcel of land may obtain a building permit to accomplish construction activity relative to a one- or two-family residential structure on such parcel, not including construction activity accomplished for the purpose of sale or lease of such parcel to another. Such a person may not obtain a building permit to wreck a structure for which §§ 150.175 through 150.190 requires licensure. The requirements of § 150.140 and § 150.164 must be met for such person to obtain a building permit to accomplish construction activity relative to which §§ 150.125 through 150.142 and §§ 150.150 through 150.166 require licensure. Such a person must himself apply for the building permit which he is authorized to obtain.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.017 APPLICATIONS TO BE IN WRITING.**

(A) Application for a building permit shall be made to the Building Commissioner. The application shall be made in accordance with this section, unless each and every requirement of § 150.021 is met and the Building Commissioner decides to issue a building permit on the basis of that section.



(1) The application shall be in writing on a form prescribed by the Building Commissioner and shall be supported with:

(a) Two copies of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished pursuant to the building permit. In lieu thereof, it shall be within the discretion of the Building Commissioner to accept two copies of a written statement indicating the nature and location of the work to be done pursuant to the building permit where such written statement describes the work as precisely as a copy of detailed plans and specifications drawn to scale.

(b) Two copies of the plot plan drawn to scale which reflect the location of the structure in relation to existing property lines and which show streets, curbs, and sidewalks and proposed changes or additions to such streets, curbs, and sidewalks. However, such plot plan shall not be required in the instance where all of the construction activity is to occur inside an existing structure.

(c) An improvement location permit, issued by the Division of Development Services, Department of Metropolitan Development, if required by the ordinance providing for the improvement location permit.

(d) Written approval from the County Health and Hospital Corporation for any contemplated private water supply or private sewage disposal system.

(e) Written approval from the Indiana Department of Fire and Building Services, if required by state law or any rule or standard of the Indiana Department of Fire and Building Services.

(f) A drainage permit, issued by the Indianapolis Department of Public Works, if required by the county ordinance providing for a drainage permit.

(2) In the instance where a building permit is required for the purpose of allowing the demolition or removal of a structure, such application shall be supported with a written statement from each utility that its service to the premises has been disconnected, and a written statement from the record title holder of such premises which authorized the demolition or removal.

(3) In the instance where a building permit is required for the purpose of allowing the demolition or removal of a structure which is in excess of 35 feet in height, such application shall be supported by a certificate of insurance reflecting that the obtainer of the building permit has a public liability and property damage insurance policy naming the licensee and the city as the assured and providing also for the payment of any liability imposed by law on such licensee or the city in the minimum amounts of \$500,000 for any occurrence relative to which there is injury to or death of one or more persons and \$250,000 for any occurrence relative to which there is property damage.

(B) Except as provided in §§ 150.256 and 150.257, a building permit shall be issued if:

(1) The application and supporting information required by this section have been

properly prepared and submitted;

(2) The application and supporting information filed in accordance with this section reflect compliance with building standards and procedures; and

(3) The fee has been paid in compliance with §§ 150.065 through 150.077 of this chapter;

(4) The person, partnership, or corporation obtaining the building permit complies with the requirements of this section; and

(5) The person applying for the building permit complies with the requirements of this section.

(C) By making payment for the building permit, the applicant shall be deemed to represent and certify that the information contained in the permit is complete and accurate, unless the applicant shall within ten days provide in writing to the Building Commissioner any additions or corrections to that information.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

#### **§ 150.018 PLANS TO BE APPROVED BY ARCHITECTS, ENGINEERS; EXCEPTIONS.**

Except for those structures for which the Building Commissioner does not require filing of plans for approval by the responsible design architect or engineer, all detailed plans and specifications supplied with building permit applications shall be designed by and prepared under the control and supervision of a registered architect or engineer duly licensed to practice in the state. Such professionally prepared plans and specifications shall bear the stamp or seal and the registration number of such architect or engineer and shall be accompanied by the usual form of certification which is now or may be hereafter prescribed for use by architects and engineers by the Indiana Department of Fire and Building Services.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

#### **§ 150.019 PLANS TO BE DRAWN TO SCALE.**

All plans shall be drawn to scale or scales suitable to illustrate the work using accepted professional practices. Drawing scale or scales must be noted on each sheet. All plans with more than one sheet shall be numbered. Except with respect to one- or two-family residential structures, an index shall be furnished on the first sheet setting forth the character of each sheet in the set of plans. The address appearing on the building permit shall be placed in letters at least 1/4-inch high on the face of each sheet.

(Ord. 29-1977, passed 10-17-77)

## **§ 150.020 EXAMINATION OF DETAILED PLANS AND SPECIFICATIONS.**

(A) The purpose of any examination of detailed plans and specifications and plot plans shall be to determine consistency with building standards and procedures. Design characteristics not affecting consistency with building standards and procedures shall not be considered in any examination of detailed plans and specifications and plot plans. Issuance of a building permit relative to plans which do not comply with building standards and procedures shall not relieve the person, partnership, or corporation who applied for or obtained the building permit of the responsibility of complying with all building standards and procedures.

(B) The Building Commissioner shall file mark all acceptable plans "plans received and applications approved" and then return one copy of the detailed plans and specifications and one copy of the plot plan to the applicants.

(Ord. 29-1977, passed 10-17-77)

## **§ 150.021 (RESERVED).**

## **§ 150.022 PERMIT AND PLANS TO BE AVAILABLE FOR INSPECTION.**

Any person, partnership, or corporation to which a building permit has been issued shall prominently display such permit or a document bearing the permit number provided by the Building Commissioner which evidences permit issuance, or, in the instance of a permit obtained by telephone communication, a paper bearing the authorization number, at the job site during construction activity. If required to submit detailed plans and specifications in order to obtain a building permit such person, partnership, or corporation shall have available for inspection at all times a copy of the detailed plans and specifications bearing the file mark of the Building Commissioner. Any change in such detailed plans and specifications, except for minor deviations that neither diminish structural quality nor would cause noncompliance with applicable building standards and procedures, shall be filed and approved by the Building Commissioner prior to the time construction involving the change occurs.

(Ord. 29-1977, passed 10-17-77)

## **§ 150.023 TRANSFER OF BUILDING PERMITS.**

A building permit may be transferred with the approval of the Building Commissioner to a person, partnership, or corporation which would be eligible under § 150.016 to obtain such building permit in the first instance (hereinafter called the transferee), after both the payment of a fee specified in § 150.075 and the execution and filing of a form furnished by the Building Commissioner. Such transfer form shall contain, in substance, the following certifications,

release, and agreements:

(A) The person who applied for the original building permit or a person who meets the requirements of § 150.036 for the execution and filing of a modified certificate of completion and compliance (hereinafter called the transferor) shall:

(1) Certify under penalties for perjury that he is familiar with the construction activity accomplished pursuant to the building permit; he is familiar with the building standards and procedures applicable to the construction activity; and to the best of his knowledge, information and belief the construction activity, to the extent performed, is in conformity with all building standards and procedures and

(2) Sign a statement releasing all rights and privileges secured under the building permit to the transferee.

(B) (1) The transferee shall:

(a) Certify that he is familiar with the information contained in the original building permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original building permit,

(b) Certify that he is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the building permit, and

(c) Agree to adopt and be bound by the information contained in the original application for building permit, the detailed plans and specifications, the plot plan and other documents supporting the original building permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the Building Commissioner for approval.

(2) The transferee shall assume the responsibilities and the obligations of and shall comply with the same procedures required of the transferor (including, but not limited to, the requirement of § 150.035 that a certificate of completion and compliance be executed and filed and the requirement of §§ 150.046 and 150.047 that further construction activity not be accomplished without notice of and opportunity for inspection at certain stages) and shall be subject to any written orders issued by the Building Commissioner or his authorized representative.

(Ord. 29-1977, passed 10-17-77)

## **§ 150.024 COMPLETING PARTIALLY COMPLETED WORK.**

If the construction activity allowed by a building permit has been commenced but only partially completed and a person, partnership or corporation desire to complete such construction activity, then such person, partnership, or corporation must obtain a building permit covering the construct previously accomplished as well as that to be accomplished, shall be responsible for

accomplishing all construction activity encompassed by the subsequent building permit (including that previously accomplished) in accordance with building standards and procedures and shall be obligated to file a certificate of completion and compliance required by §§ 150.035 or 150.036 covering all the construction activity encompassed by the subsequent permit.

(Ord. 29-1977, passed 10-17-77)

#### **§ 150.025 EXPIRATION OF PERMIT.**

If the construction activity for which a building permit has been issued has not been commenced within 150 days from the date of its issuance, the permit shall expire by operation of law and shall no longer be of any force or effect. However, the Building Commissioner may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstance, but in no event shall the continuance exceed a period of 60 days. Such extension shall be confirmed in writing. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of six months, the permit shall expire by operation of law and no longer be of any force or effect. However, the Building Commissioner may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow re-initiation of the construction activity.

(Ord. 29-1977, passed 10-17-77)

#### **§ 150.026 DEFACING PERMIT.**

It shall be unlawful for any person, other than an employee of the Building Commissioner's office to intentionally remove, deface, obscure, mutilate, mark, or sign a posted building permit or a document bearing the permit number provided by the city which evidences permit issuance without authorization from the Building Commissioner or his authorized representative until 15 calendar days after both the construction activity is completed and the Building Commissioner is notified of such completion.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **CERTIFICATE OF COMPLETION AND COMPLIANCE**

#### **§ 150.035 FILING THE CERTIFICATE.**

(A) Within ten days after completion of the construction activity for which a building

permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the person who applied for the building permit for such construction activity shall execute and file a certificate of completion and compliance with the Building Commissioner. Such certificate shall be in the following form:

Address of premises on which construction activity was accomplished:

Permit Number:

The undersigned person hereby certifies under the penalties for perjury that:

- (1) I applied for the above referenced building permit, and
- (2) I am familiar with the construction activity accomplished pursuant to that building permit, and
- (3) I know such construction activity has been completed with exceptions here noted, and
- (4) I am familiar with building standards and procedures applicable to such construction activity, and
- (5) To the best of my knowledge, information and belief such construction activity has been performed in conformity with all building standards and procedures.

Date:

Signature:

Typed or printed name:

Electrical, heating and cooling or wrecking contractor license number:

Plumbing contractor registration number, contractor listing number or registered architect or registered engineer registration number:

Engineer registration number:

If a licensed electrical contractor has properly executed and delivered or mailed an Electrical Craft Work Certificate of Completion and Compliance pursuant to § 150.048(B)(2), he shall not be required to file the above certificate of completion and compliance.

If a registered architect or registered engineer has properly executed and delivered or mailed an architect's or engineer's certificate of completion and compliance pursuant to § 150.037, he shall not be required to file the above certificate of completion and compliance.

(Ord. 29-1977, passed 10-17-77)

## **§ 150.036 MODIFIED CERTIFICATE OF COMPLETION AND COMPLIANCE.**

(A) If it is impossible or will (impose a substantial hardship for the person who applied for the building permit to execute and file a certificate of completion and compliance, a modified certificate of completion and compliance omitting the language stating the person signing the certificate obtained the building permit will be accepted from a person having sufficient knowledge of the construction activity to allow him to execute the certificate of completion and compliance, if:

(1) The person executing and filing the modified certificate of completion and compliance fulfills the requirements imposed by § 150.016 of an applicant for the type of building permit obtained to allow such construction activity and

(2) An affidavit is executed and filed along with the modified certificate of completion and compliance with provides in substance that it is impossible or will impose a substantial hardship for the person who applied for the building permit to execute and file a certificate of completion and compliance.

(B) Where a building permit is obtained for a partnership or corporation by an applicant and a certificate of completion and compliance is not filed because it would be impossible or impose a substantial hardship for the applicant to execute and file such certificate, it shall be the responsibility of the partnership or corporation to cause a modified certificate of completion and compliance to be executed and filed relative to such construction activity within ten days after completion of the construction activity.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.037 ARCHITECT'S, ENGINEER'S CERTIFICATE OF COMPLETION AND COMPLIANCE.**

Within ten days after the completion of construction activity for which a building permit was issued pursuant to this chapter and for which review and monitoring of construction activity by an architect or engineer is required by the Building Commissioner, the architect or engineer who observed the construction activity accomplished pursuant to the permit shall execute and file an architect's or engineer's certificate of completion and compliance with the Building Commissioner in the following form:

#### **ARCHITECT AND ENGINEERS CERTIFICATE OF COMPLETION AND COMPLIANCE**

Address of construction activity:

Permit Number:

The undersigned architect or engineer hereby states under penalties for perjury that:

(1) I have made reasonable and periodic observation of the above mentioned construction project to determine whether the work accomplished is in accordance with the plans

and specifications for this project as released by the Administrative Building Council and whether the work accomplished is in compliance with building standards promulgated by the Administrative Building Council and provisions of §§ 150.085 and 150.086 and § 150.105 of the code, with the following exceptions hereafter noted:

(2) I am familiar with such building standards and the provisions of §§ 150.085 and 150.086 and § 150.105 of the city code applicable to the work accomplished, and

(3) To the best of my knowledge, information and belief such work has been accomplished in conformity with such building standards promulgated by the Indiana Department of Fire and Building Services and the provisions of §§ 150.085 and 150.086 and § 150.105 of this city code.

Date:

Signature:

Seal

Typed name:

Architect/Engineer

Eng.

Indiana Registration Number:

Address:

Phone Number:

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

## **INVESTIGATIONS AND INSPECTIONS**

### **§ 150.045 BUILDING COMMISSIONER TO INVESTIGATE AND INSPECT.**

The Building Commissioner or his authorized representative may at any reasonable time go in, upon, around, or about the premises where any structure or building equipment subject to the provisions of this chapter or to the rules of the Indiana Department of Fire and Building Safety, is located (irrespective of whether a building permit has been or is required to be obtained) for the purpose of investigation and inspection of such structure or building equipment. Such investigation and inspection may be made either before or after construction activity on the project is completed and it may be made for the purposes, among others, of determining whether the structure or building equipment meets building standards and procedures, and ascertaining whether the construction activity and procedures have been accomplished in a manner consistent



with a certificate filed pursuant to § 150.035, 150.036, 150.037 or 150.048(B)(2). Reasonable efforts to afford an opportunity for investigation and inspection of the structure or building equipment by the Building Commissioner shall be made by persons owning property or working on or having control of the construction activity.

(B) However, nothing in this section shall be construed to require the Building Commissioner to make inspections and investigations.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.046 PERMITTEE TO GIVE NOTICE OF AVAILABILITY OF INSPECTION.**

(A) Whenever a stage of construction activity is reached which is designated below, the person who applied for the building permit (or if it is impossible or would impose a substantial hardship for the applicant, the person, partnership, or corporation which obtained the permit) shall be under a duty to give appropriate notice to the Building Commissioner that the construction activity is available for inspection.

(1) Relative to the construction of, remodeling of or addition to a structure, notice of availability is required, as applicable, for:

(a) A foundation inspection after poles or piers are set, trenches or basement areas excavated, any required reinforcing steel is in place, but prior to the placing of concrete and

(b) A frame and masonry inspection after the roof, masonry, all framing, firestopping, and bracings are in place and all electrical wiring, pipes, chimneys, and vents are complete, but prior to the interior covering of walls.

(2) Relative to the installation, modernization or replacement of building equipment (including, but not limited to plumbing work for which licensure is required by the State Plumbing Commission, or work on electrical power distribution systems, heating systems, space heating equipment, cooling systems, or space cooling equipment), notice of availability for a separate rough inspection is required, as applicable, for each of the three crafts after installation, but prior to the covering or concealment thereof and before fixtures are set.

(3) Relative to demolition or removal of a structure, notice of availability for a fill inspection is required (in the instance when a basement or subgrade chamber exists) after demolition or removal and prior to placing fill.

(4) The Building Commissioner or his authorized representative may relative to any construction activity add a reasonable number of other construction stages by communicating the additional stage requirements to the person obtaining the building permit for that construction activity.

(B) Notice of availability shall be given either by telephone communication over a specified telephone line in the office of the Building Commissioner (to which may be attached a

recording device to make a record of all information supplied), by hand-delivered written notice, or by a letter delivered by the United States postal service.

(Ord. 29-1977, passed 10-17-77)

#### **§ 150.047 CONSTRUCTION ACTIVITY TO BE AVAILABLE FOR INSPECTION.**

(A) Whenever a stage of construction activity designated in § 150.046 is reached, no person shall take any action or accomplish any additional construction activity which would substantially impede the opportunity of the Building Commissioner or his authorized representative to inspect that stage of construction activity for a period of at least 48 hours after notice of the availability for inspection has been received during business hours of the Building Commissioner or until after an inspection is made, whichever first occurs. The 48-hour period shall begin to run upon actual receipt of the notice during business hours but shall not run during any day when an inspection attempt by a representative of the Building Commissioner is unsuccessful because the work is not accessible.

(B) A person, partnership, or corporation may, however, pour a foundation four hours after notification is received in the office of the Building Commissioner. If a foundation is so poured, the remainder of the excavation must remain open for a period of 48 hours from the time when notice is received and the person, partnership, or corporation must assist an inspector in making the excavation available for proper inspection.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96) Penalty, see § 150.999

#### **§ 150.048 CONNECTION, PROVISION, OR USE OF ELECTRIC POWER.**

(A) No person, partnership, or corporation shall accomplish or allow the connection, provision, or use of electrical power relative to an electrical power distribution system in or on a structure where construction activity (for which a building permit has been or is required to be obtained pursuant to this chapter) has been accomplished, until after an inspection has been made and a distinctive sticker (signifying the electrical power distribution system may be used) has been attached to each service equipment by the Building Commissioner or his authorized representative. It shall be unlawful for any person other than the Building Commissioner or his authorized representative to use, complete, apply, or alter such sticker.

(B) As an alternative to division (A) above, the Building Commissioner may allow the connection, provision, or use of electrical power on the basis of certification by a person who is a licensed electrical contractor if all of the following requirements are met:

(1) After the completion of the work and before use of the electrical power distribution system is initiated, the licensed electrical contractor who applied for the building permit shall communicate over a specified telephone line in the office of the Building Commissioner during

business hours (to which the Building Commissioner may attach a recording device to make a record of all information supplied) the following information:

- (a) The name of the person telephoning.
- (b) The electrical contractor license number of the person telephoning.
- (c) The address of the affected premises.
- (d) The building permit number under which the construction activity was accomplished.
- (e) The serial number of the electrical craft work certificate of completion and compliance form to be used.

(2) If such information is in order and if the licensed electrical contractor has accomplished construction activity for a period of the preceding 12 calendar months without violation of building standards or procedures which in the discretion of the Building Commissioner are of sufficient seriousness to make the contractor ineligible to use the certificate, the Building Commissioner shall indicate over the specified telephone line authorization to attach a certificate to each service equipment and assign an authorization number to be placed on each certificate by the licensee.

(3) (a) A certificate, in the following form, must then be executed and attached to each service equipment as a precondition to the connection, provision, or use of electrical power:

ELECTRICAL CRAFT WORK CERTIFICATE

OF COMPLETION AND COMPLIANCE

Address of the craft work:

Serial Number:

Permit Number:

Authorization Number:

The undersigned licensee hereby certifies under the penalties for perjury that:

(1) I am an electrical contractor licensed in accordance with Chapter 150 of the Code of Beech Grove.

(2) I am responsible for the proper completion of the construction activity which is the subject of the above referenced building permit as applicant for the permit or applicant representing the transferee of the permit, and

(3) I have either personally accomplished or personally inspected all such construction activity or, in the alternative, I have caused the construction activity to be inspected by a responsible and competent employee who works under my direction and control, who has fully

reported to me the condition of the construction activity, and

(4) I know that such construction activity is completed and in condition for immediate and final inspection on the date stated below, and

(5) I am familiar with the building standards and procedures applicable to such construction activity, and

(6) I know that such construction activity has been done in compliance with all building standards and procedures, and

(7) I acknowledge and understand that if such construction activity is done in violation of building standards and procedures, that under the provisions of Chapter 150 my electrical contractor's license may be suspended or revoked.

Date certificate attached to service equipment

Signature:

Electrical Contractor License Number:

Typed or printed name.

(b) After the signator attaches a certificate to each service equipment, he shall cause a duplicate copy of each certificate to be either delivered to the Building Commissioner or postmarked no later than the next business day by the United States Postal Service.

(4) After completion of the above requirements, the Building Commissioner will notify the electric utility that electrical power can be connected and used at the site.

(C) It shall be unlawful for any person, partnership, or corporation to accomplish the connection, provision, or use of electrical power relative to an electrical power distribution system without first receiving authorization from the Building Commissioner either by telephone communication and attachment of an electrical craft work certificate of completion and compliance or by the distinctive sticker described in division (A) hereof.

(D) Nothing stated in this section shall be construed to deny the right of the Building Commissioner to inspect the electrical power distribution system to which electrical power is connected either before or after such connection is made or before or after the electrical power distribution system is used.

(E) Electrical craft work certificates of completion and compliance may be purchased only by a licensed electrical contractor who is eligible to use such form from the Building Commissioner acting on behalf of the Clerk-Treasurer, for a fee specified in §§ 150.065 through 150.077 of this chapter. Each certificate form shall bear a different serialized number which shall be recorded by the Building Commissioner along with the name and license number of the electrical contractor who purchases the form. The certificate may only be signed and attached by the licensed electrical contractor who purchased it from Building Commissioner. It shall be

unlawful to sell or transfer such certificate and unlawful to use, complete, sign, or attach such certificate except as prescribed by this section.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **INSPECTIONS OF EXISTING AND SPECIAL STRUCTURES**

### **§ 150.055 AUTHORITY TO INSPECT PUBLIC BUILDINGS.**

The Building Commissioner or his authorized representative may inspect public school buildings, public assembly halls, churches, theatres, grandstands, buildings used for manufacturing or commercial purposes, hotels, motels, apartment houses, hospitals, nursing homes, buildings used for entertainment or for amusement, and all other structures which are used, occupied, or frequented by large numbers of people for the purpose of determining whether such structures and the building equipment related to such structures are safe and comply with the applicable building standards and procedures.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.056 INSPECTION OF DANGEROUS STRUCTURES.**

The Building Commissioner or his authorized representative may inspect any structure or building equipment reported or appearing to be defective, dangerous, or damaged by fire, casualty, or vandalism for the purpose of determining whether such structure or building equipment is safe and complies with applicable building standards and procedures.

(Ord. 29-1977, passed 10-17-77)

#### ***Cross-reference:***

*Unsafe buildings, see §§ 150.270 through 150.276*

### **§ 150.057 INSPECTION OF SPECIAL STRUCTURES.**

(A) Before any tent enclosing more than 1,500 square feet, air-supported structure enclosing more than 1,500 square feet or amusement device upon which persons are conveyed is used, such structure shall be inspected by the Building Commissioner, his authorized representative, or the Beech Grove Fire Department. In the case of such tents and air-supported structures the inspection shall be for the purpose of determining whether the structure is safe and complies with building standards and procedures and in the case of such amusement devices the inspection shall be for the purpose of determining whether the structure used electricity in a safe

manner and complies with building standards and procedures relating to safe use of electricity. If such tent, air-supported structure, or amusement device remains in place for a period longer than 12 calendar months it shall be inspected annually during the month when originally inspected. In addition to the original and the annual inspection, an inspection (for which no charge shall be made) may be made at any reasonable time. Such structure shall not be used unless approved on the basis of the most recent inspection of the Building Commissioner or his authorized representative.

(B) A fee specified by §§ 150.065 through 150.077, shall be paid for the original inspection and each annual re-inspection by the owner or operator of such structure, except that if it is necessary to obtain a building permit for the structure, payment of the original inspection fee is not required.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

#### **§ 150.058 INSPECTION OF PREMISES ON WHICH MUNICIPALLY LICENSED ACTIVITIES TO BE CARRIED OUT.**

At the request of the Clerk-Treasurer, the Building Commissioner or his authorized representative may inspect the structure and building equipment on any premises which are being used or may be used in connection with a business operation licensed pursuant to this chapter. Such inspection shall be made for the purpose of determining whether such structure and building equipment are safe and comply with applicable building standards and procedures. A fee specified by §§ 150.065 through 150.077, shall be paid for the original inspection and each annual re-inspection by the person, partnership or corporation which made application with the Clerk-Treasurer for licensure of such business operation.

(Ord. 29-1977, passed 10-17-77)

## **FEES**

#### **§ 150.065 PAYMENT OF FEES.**

Fees required for activities regulated by this chapter shall be collected by the Clerk-Treasurer. They are specified in the following sections. All fees shall be rounded to the nearest whole dollar after computation. Floor area shall be determined on the basis of exterior dimensions.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

#### **§ 150.066 FEES FOR CONSTRUCTION PLACEMENT OR ADDITIONS TO STRUCTURES.**

- (A) Construction or placement of a new structure
  - (1) Minimum fee \$ 150.00
  - (2) General rate \$ .06 per square ft of the total living area including finished basement and /or attic areas and attached garage / carport.
- (B) Remodeling of an existing structure involving relocating, removing or altering structural members
  - (1) Fee \$ 50.00
- (C) Accessory structures appurtenant to one- or two-family structures.
  - (1) Fee, \$75.
- (D) Roof and /or siding replacement exceeding 50% of the existing total roof or siding areas
  - (1) Fee \$ 50.00
- (E) Re-inspection or additional inspection fees.
  - (1) Fee per additional inspection (two included with permit), \$50 each

**§ 150.067 FEES FOR CONSTRUCTION, PLACEMENT, ADDITIONS OR REMODELING OF STRUCTURES OTHER THEN ONE AND TWO FAMILY.**

A) New Construction, Placement and Additions

- (1) Plan review fee
  - (a) Up to 2500 square feet \$75
  - (b) 2501 TO 5000 square feet \$150
  - (c) 5001 to 10,000 square feet \$225
  - (d) Over 10,000 square feet \$300
- (2) Permit fee
  - (a) Minimum fee \$150
  - (b) General rate \$0.06 per square feet
- (3) Re-inspection or additional inspection fees.
  - Fee per additional inspection (three allowed with permit), \$ 40 each

(4) Foundation only permit (without complete building permit) \$60

(B) Remodel or Alteration of an Existing Structure

(1) Plan review fee if required \$45

(2) Permit fee

(a) Minimum fee \$40

(b) General rate \$6 per \$ 1000.00 of value

(3) Re-inspection or additional inspection fees.

Fee per additional inspection (two allowed with permit) \$40 each

(C) Certificate of occupancy if requested by owner or builder \$40

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89; Am. Ord. 4-1996, passed 4-15-96)

**§ 150.068 PLUMBING FEES.**

(A) Installation of a plumbing system in a new structure.

(1) Minimum fee.

(a) One- or two-family residential structure, \$60.

(b) Structures other than one- or two-family residential structures, \$60.

(2) General rate, 15% of the fee for the building permit as provided for in §150.066 which has been obtained for the new structure.

(3) Re-inspection or additional inspection fees.

(a) Fee per additional inspection (three included with permit), \$50 each

(B) Alteration, addition or replacement of plumbing in an existing structure. Replacement is defined as replacing more than 50% of the existing domestic water piping or sanitary drain and vent piping of a plumbing system.

(1) Minimum fee.

(a) One- or two-family residential structure, \$40.

(b) Structures other than one- or two-family residential structures, \$40.



- (2) General rate, \$6 per \$1,000 of total value.
- (3) Re-inspection or additional inspection fees.
  - (a) Fee per additional inspection (three included with permit), \$50 each

(C) Initial connection of water supply, gas supply, or sewer to an industrialized building system (except for mobile homes not placed on a permanent foundation located in a mobile home park licensed pursuant to IC 16-41-27-18 by the State Board of Health), or to an existing structure or a structure which has been removed from one location and is being placed at another location, \$60.

**§ 150.069 ELECTRICAL FEES.**

A) Installation of an electrical power distribution system in a new structure:

- (1) One and two family structure \$60
- (2) Structures other than one and two family:
  - (a) Minimum fee: \$60
  - (b) General rate: 15% of the structural building permit fee as provide for in 150.067 which has been obtained for the new structure.
- (3) Re-inspection or additional inspection fees.
  - (a) Fee per additional inspection (two included with permit), \$40 each

(B) Service upgrade, service panel replacement, alteration or remodeling of an electrical power distribution system in an existing structure:

- (1) One and two family structure: \$40
- (2) Structures other than one and two family:
  - (a) Minimum fee: \$40
  - (b) General rate: \$6 per \$1000 of total value
- (3) Re-inspection or additional inspection fees.

(a) Fee per additional inspection (one included with permit), \$40 each

(C) Initial connection or reconnection of electrical power to an industrialized building system (except for mobile homes not placed on a permanent foundation located in a mobile home park licensed pursuant to IC 16-41-27-18 by the State Board of Health) or to an existing structure or a structure which has been removed from one location to another,

(1) Fee \$60

(2) Re-inspection or additional inspection fees.

(a) Fee per additional inspection (one included with permit), \$40 each

(D) Temporary electrical service (saw pole or trailer)

(1) Fee \$30

(2) Re-inspection or additional inspection fees.

(a) Fee per additional inspection (one included with permit), \$40 each

(E) Self certification tags: \$15  
each

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89; Am. Ord. 5-1995, passed 11-6-95)

### **§ 150.070 HEATING, COOLING, AND REFRIGERATION FEES.**

(A) Installation of heating system or space heating equipment, or cooling system or space cooling equipment or combined heating and cooling systems and duct work.

(1) One- or two-family residential structure, \$45

(2) Structures other than one- or two-family residential structures, \$40.

(a) Minimum fee \$45

(b) General rate for structures other than one and two family: \$.25 per each 1,000 BTUH of output capacity up to first 600,000 BTUH and \$.10 (10%) of combined per each additional 1,000 BTUH. One ton equals 12,000 BTUH.

(3) Re-inspection or additional inspection fees.

Fee per additional inspection (two included with permit), \$40 each

(B) Replacement of or addition to an existing heating system or space heating equipment or cooling system or space cooling equipment or combined heating and cooling systems.

(1) One- or two-family residential structure, \$30

(2) Structures other than one- or two-family residential structures,

(a) Minimum fee \$45

(b) General rate for structures other than one and two family: \$.25 per each 1,000 BTUH of output capacity up to first 600,000 BTUH and \$.10 (10%) of combined per each additional 1,000 BTUH. One ton equals 12,000 BTUH.

(3) Re-inspection or additional inspection fees.

Fee per additional inspection (one included with permit), \$40 each

(C) Installation of commercial refrigeration equipment.

(1) Minimum fee: \$45.

(2) General rate: \$3 per horsepower or fraction thereof.

(3) Re-inspection or additional inspection fees.

Fee per additional inspection (one included with permit), \$40 each

(D) Alteration or additions to commercial refrigeration equipment.

(1) Fee: \$35.

(2) Re-inspection or additional inspection fees.

Fee per additional inspection (one included with permit), \$40 each

#### **§ 150.071 FEES FOR DEMOLITION, REMOVAL.**

(A) One- or two-family dwelling structure.

(1) Demolition permit fee \$50

(2) Sewer disconnect permit fee \$25

(B) Accessory structure over 120 square feet appurtenant to a one- or two-family residential structure, \$35.

(C) Re-inspection or additional inspection fees.

(1) Fee per additional inspection (one included with permit), \$50 each

(D) Structures other than one- or two-family dwelling structure.

(1) Demolition permit fee

(a) Ground floor area up to 2,000 square feet, \$50.

(b) Ground floor area up to 4,000 square feet, \$75.

(c) Ground floor area up to 10,000 square feet, \$125.

(d) Ground floor area up to 20,000 square feet, \$200.

(e) Ground floor area over 20,000 square feet, \$300.

(2) Sewer disconnect permit fee per cap \$25

(3) Re-inspection or additional inspection fees.

(a) Fee per additional inspection (one included with permit), \$50 each

## **§ 150.072 LISTING, REGISTRATION AND LICENSE FEES.**

(A) Listing Periods

1. Listing Fees for the city of Beech Grove will be for a two year period. This includes all Contractors; General, Plumbing, Electrical, Heating and Cooling, and Wrecking. The two year listing will begin the day that complete documentation is received by the City of Beech Grove.

2. The Listing Fees for Plumbers, HVAC, Wrecking, and Electrical Contractors will be due at the beginning of each even year and extend until the end of the odd numbered following year.

3. The Listing Fee for General Contractors will be due at the beginning of each odd numbered year and will extend through the end of the following even numbered year.

(B) New Business Listing Fees

Any business that is listing with the City of Beech Grove will begin its listing period at the time that the paperwork is received by the city. The initial listing period will extend until the end of

the next even numbered year for General Contractors and until the end of the next odd numbered year for Plumbers, HVAC, Wrecking and Electrical Contractors.

(C) The Listing Fees

1. The Listing Fee for any contractor listing is \$40 for the listing period except as noted in 2 below.

2. Any business with a mailing address in the City limits of Beech Grove will be charged \$30 for the listing fee.

(a) Contractor's annual listing fee, *\$40*.

(b) Plumbing contractor's annual license fee, *\$40*.

(c) Electrical contractor's annual license fee, *\$40*.

(d) Heating and cooling contractor's annual license fee, *\$40*.

(e) Wrecking contractor's annual license fee, *\$40*.

(f) A person who meets the inspector status requirements stated in § 150.181 is relieved of the requirement of annual license.

**§ 150.073 EXAMINATION FEES.**

Fees for examinations which are required as a condition to contractor licensing shall be in the amounts following, or be in the amount established as the actual cost incurred by the Building Inspector in having an outside organization prepare and grade such examinations, whichever amount shall be greater.

(A) Minimum electrical examination fee, \$150.

(B) Minimum heating and cooling examination fee, \$150.

(C) Minimum wrecking examination fee, \$150.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89)

**§ 150.075 FEE FOR TRANSFER OF BUILDING PERMIT.**

Transfer of a building permit as provided for in § 150.023 is \$40.

**§ 150.076 FEE FOR OTHER CONSTRUCTION ACTIVITY.**

If construction activity should not be adequately specified by the above sections of this subchapter, the general permit or inspection fee shall be calculated at the following rate.

- (A) Minimum fee, \$50.
- (B) General rate, \$6 per \$1,000 of total value.
- (C) Re-inspection or additional inspection fees.
  - (1) Fee per additional inspection (two included with permit), \$50 each

### **§ 150.077 FEE EXEMPTIONS.**

All governmental units are required to obtain permits for construction activity in the city as specified by § 150.015 and to allow the inspections as specified by this chapter relative to such construction activity. Fees shall be required as specified in this subchapter except for the following:

- (A) Construction activity for which a fee cannot be charged by the municipality because of federal or state law.
- (B) Construction activity accomplished by an employee of the city in the course of his governmental duties.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.078 FEES FOR SWIMMING POOL AND HOT TUB INSTALLATIONS**

- (A) In-ground swimming pools
  - (1) Fee (includes electrical permit) \$75
  - (2) Re-inspection or additional inspection fees.
    - (a) Fee per additional inspection (two included with permit), \$40 each
- (B) Above Ground pools (over 3 feet in height and/or 15 feet in diameter)

(1) Fee (includes electrical permit) \$40

(2) Re-inspection or additional inspection fees.

(a) Fee per additional inspection (one included with permit), \$40 each

( C) Hot Tubs (above or below ground)

(1) Fee (includes electrical permit) \$40

(2) Re-inspection or additional inspection fees.

(a) Fee per additional inspection (one included with permit), \$40 each

#### **§ 150.080 PUBLIC RIGHT OF WAY EXCAVATION PERMIT FEES.**

Prior to the issuance of any permit, the applicant shall pay a fee to the Clerk- Treasurer as follows:

(A) Improved streets. (Paved or unpaved streets and alleys)

(1) A minimum of \$100 for each excavation.

(2) A general rate of \$4 per square foot.

(3) Two excavations for the purpose of horizontal boring shall be considered as one excavation.

(B) Unimproved *right of ways. (Dirt and/or sod)*

(1) A minimum of \$40 for each excavation.

(2) A general rate of \$1 per square foot.

(3) Two excavations for the purpose of horizontal boring shall be considered as one excavation.

(C) Annual approved utility multiple street cut permit.

(1) An annual fee of \$500 payable January 1 of each year.

(2) The contractor shall notify the city in writing before each excavation.

(D) Re-inspection or additional inspection fees.

(1) Fee per additional inspection (one included with permit), \$50 each

#### **§150.082 TEMPORARY DUMPSTER LOCATION FEES**

(A) For dumpsters located on city streets, alleys and public right of way

(1) 30 day permit fee    \$30

### **MINIMUM CONSTRUCTION STANDARDS**

#### **§ 150.085 MINIMUM STANDARDS FOR CONSTRUCTION NOT REGULATED BY THE ADMINISTRATIVE BUILDING COUNCIL.**

Any construction activity for which rules or standards not fixed by the Indiana Department of Fire and Building Services pursuant to 675 IAC 12, amended, shall be regulated by the most recently fixed set of rules or standards of the Indiana Department of Fire and Building Services which are most reasonably applicable to that kind of structure or building equipment. The determination of what set of rules or standards are applicable shall be made by the Building Commissioner taking into account the size, method of construction, nature of materials, and ultimate use of the structure or building equipment.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

#### **§ 150.086 REQUIRED INSTALLATION OF FOOD WASTE DISPOSER.**

An electrically driven grinder capable of reducing garbage so that it can be accommodated by the sewage facilities of the City Sanitation Department shall be installed in the following dwelling units, if such dwelling has in place or available to it a connection to the sewage facilities of the City Sanitary Department:

(A) Every newly constructed dwelling unit containing a kitchen.

(B) Every dwelling unit in which a kitchen is added.

(C) Every dwelling unit where construction activity of a value in excess of \$2,000, for



which a building permit is required, is accomplished on a kitchen.

(D) Every dwelling unit where construction activity of a value in excess of \$500, for which a building permit is required, is accomplished on the plumbing system of a kitchen.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **CONDITION OF PREMISES DURING CONSTRUCTION ACTIVITY**

### **§ 150.095 PUBLIC PROPERTY; WALKWAYS; DUST CONTROL.**

Any person, partnership, or corporation carrying out construction activity shall comply with the following requirements:

(A) The use of public property shall meet the requirements of the governmental unit having jurisdiction. Building equipment and materials shall not be placed or stored on public property so as to obstruct free and convenient access to and functioning of any fire hydrant, fire or police call box, utility device, manhole, street, alley, or gutter. A protective frame shall be provided for any fire hydrant, fire or police call box, or utility device which might be damaged by construction activity. Bridges or covers shall be provided for sidewalks and manholes which might be damaged by construction activity.

(B) (1) A walkway shall be constructed and maintained on the sidewalk and alley around the site of construction activity involving the erection, construction, major alteration, or razing of any structure (except signs, grandstands, tents, air-supported structures, and amusement devices upon which persons are conveyed) which has an initial or ultimate height in excess of 15 feet and which is located (or any part of an excavation more than eight feet in depth relative to such construction activity is located) within 20 feet of the lot line, sidewalk, or street (whichever is closer to such structure or excavation). However, the Building Commissioner has the discretion to waive the requirement of placing the walkway on a showing that omission of the walkway will not significantly increase the possibility of injury to person or damage to property as a result of the construction activity on the site.

(2) The walkway may be placed further from the site on a sidewalk or within a street or alley if the governmental unit having jurisdiction gives appropriate authorization.

(3) Such walkway shall be equipped with suitable lighting devices and illumination shall be provided for the walkway at all times.

(4) Such walkway shall at all times be maintained in a clean and sanitary condition and shall be kept free from rubbish, litter, and advertising display and shall be provided with suitable solid inclined approaches.

(5) Such walkway shall be not less than four feet in width and shall have a durable wearing surface capable of supporting a live load of 200 pounds per square foot, shall be provided with a fence along the construction side, a railing along the street side and a full roof above, so as to afford maximum protection to pedestrians. The protective fence shall be no less than eight feet high above the ground and be constructed from 3/4-inch boards or plywood laid tightly together and securely fastened to four inch uprights, set not over four feet apart, with two inch by six inch bracing and girts. The posts shall be securely set and braced to prevent buckling and overturning. Openings in the fence shall be protected by doors which are normally kept closed. The protective railings shall be substantially built and when of wood shall be constructed of new material having a nominal size of at least two inches by four inches. Railings shall be at least four feet in height and when adjacent to the excavation shall be provided with a mid-rail. The protective roof shall have a clear height of eight feet above the sidewalk. The roof shall be tightly sheathed. The sheathing shall be two inch nominal wood planking or equal. Such walkways shall be maintained in place and kept in good condition for the length of time construction activity continues, after which it shall be removed within 30 days.

(C) Emission of excessive dust or particulant matter shall not occur in the course of construction activity. A sufficient supply of water shall be available at the site of construction activity in case it may be needed to put out a small fire or settle dust.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **§ 150.096 CONDITIONS FOR REMOVING STRUCTURES.**

Any person, partnership, or corporation carrying out construction activity limited to demolishing, dismantling, dismembering, razing, or removing a structure shall in addition to requirements of § 150.095 comply with the following requirements:

(A) The Building Commissioner or his authorized representative may, if reasonably necessary to insure public safety, require the licensed wrecking contractor to submit plans and a complete schedule for demolition. Where such are required, no work shall be accomplished until such plans and schedules are approved by the Building Commissioner or his authorized representative.

(B) Blasting and use of explosives shall be accomplished only by a person who has obtained a blasting permit pursuant to Chapter 93, and by special permission of and under the supervision of the Building Commissioner, the Fire Prevention Bureau of the appropriate jurisdiction, and the Division of Air Pollution Control.

(C) No open fires or other sources of flame except necessary cutting torches are permitted on the inside of the structure which is being wrecked, or in close proximity to flammable materials located outside the structure, and every reasonable precaution shall be taken to prevent the possibility of fire.

(D) Suitable provisions shall be made for the disposal of materials which are accumulated during the wrecking of a structure.

(E) The buildings, foundations, curbs, sidewalks, concrete or asphalt drives, and all appurtenances shall be removed to one foot below the ground line or one foot below subgrade elevation, whichever of the two is lower. Such removal shall also included the removal and disposal of buried or exposed tanks. Concrete slabs, under which a basement, pit, well, or cistern exists, shall be broken and removed.

(F) All rubbish and debris including any goods, merchandise, commodities, products, or materials of any kind which may have been stored within the structure being wrecked or on the property shall be removed or cleaned away, the ground leveled off, and the premises put in clean and sanitary condition; provided, however, that if the property is properly fenced and the erection of a new structure is to be commenced within 90 days, the ground need not be leveled until all such work on the premises is completed.

(G) Material used for fill or grading shall be only material that can be properly compacted in order to avoid future settlement of earth fill-in or the structure erected over such fill. No pieces of stone, lumber, boards, or other material which due to their size or character would prevent proper compaction or would cause later settlement of the surface shall be used in such fill.

(H) When a structure is wrecked and an excavation which at any point is eight or more feet below grade level is left unfilled, the fence portion of the walkway required by § 150.095(B) shall remain at the site. However, the Building Commissioner may approve a fence that does not meet the standards of § 150.095 (B) so long as it is sufficient to prevent persons, especially children, from falling into the excavation.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.097 ELECTRICAL POWER FOR ON-SITE CONSTRUCTION.**

(A) No person, partnership, or corporation shall accomplish or allow the connection, provision, or use of electrical power for on-site construction activity until after a statement of acceptable condition for temporary on-site electrical power has been attached to the temporary service equipment. Such statement shall be in the following form:

STATEMENT OF ACCEPTABLE CONDITION FOR

TEMPORARY ON-SITE ELECTRICAL POWER

Address of temporary service equipment:

The undersigned licensee hereby certifies under penalties for perjury that:

1. I am an electrical contractor licensed in accordance with Chapter 150 of the Code of

the City of Beech Grove, and

2. I have either personally accomplished or personally inspected all the above referenced electrical work accomplished in connection with the installation of the temporary service equipment, or in the alternative, I have caused such electrical work to be inspected by a responsible and competent employee who works under my direction and control, who has fully reported to me the condition of such electrical work, and

3. I am familiar with building standards and procedures applicable to electrical work accomplished in connection with the installation of temporary service equipment, and

4. I know that such electrical work has been done in compliance with all building standards and procedures, and

5. I acknowledge and understand that if such electrical work is done in violation of building standards and procedures, that under the provisions of Chapter 150 my electrical contractor's license may be suspended or revoked.

Date statement attached to temporary service equipment.

Signature:

Electrical Contractor License Number:

Typed or printed name:

(B) The provision and use of electrical power for on-site construction activity shall be subject to reasonable orders made by the Building Commissioner or his authorized representative pertaining to such matters as magnitude, duration, and method of furnishing and distributing electrical power.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.098 TEMPORARY SIGN AT SITE OF CONSTRUCTION.**

At any location where a structure, not part of or attached to any other structure, is being erected in the city, the person obtaining the building permit for that structure shall be responsible for placing and maintaining a temporary sign on the premises during construction. The sign shall state the name and address of the premises as reflected in the building permit and all building permit numbers pertaining to the construction activity accomplished on the premises shall be placed on the sign. The address information on the sign shall be clearly visible from the street. The sign required by this section shall conform to all zoning requirements.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **CONTRACTORS AND SKILLED TRADES**

### **§ 150.110 CONTRACTORS TO BE LISTED, REGISTERED.**

(A) Any person, partnership, or corporation which has entered into a contractual relationship to engage in any construction activity with another person, partnership, or corporation which holds a property interest in real estate on which construction activity is occurring must be a listed contractor under this subchapter. This requirement shall not apply, however, with reference to persons, partnerships, or corporations which are described in § 150.016(B), (D), or (E) and whose construction activity is confined to the activities described in those divisions.

(B) Registry of listings. The Clerk-Treasurer, acting on behalf of the Building Commissioner, shall maintain a registry of all persons, partnerships, and corporations which apply for listing and all persons, partnerships, and corporations which receive approval as a listed contractor.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.111 QUALIFICATIONS.**

(A) A person, partnership, or corporation shall be entitled to receive a listing as a contractor if the following requirements are met:

(1) An application form indicating the name, address, and legal business status of the contractor has been submitted to the Building Commissioner.

(2) The listing fee specified in § 150.072 has been paid.

(3) A surety bond meeting the requirements of § 150.113 has been posted and certificates of insurance meeting the requirements of § 150.114 have been submitted, unless these requirements are relieved because a person meets the inspector status requirements stated in § 150.112.

(4) The person, partnership, or corporation does not presently have a listing issued under this division currently suspended nor has it had such a listing revoked within a period of the preceding 365 days.

(5) The partnership does not presently have a partner or the corporation does not presently have an officer who has a listing under this subchapter currently suspended or who has had such a listing revoked within the preceding 365 days.

(6) The partnership does not presently have a partner or the corporation does not presently have an officer who, within the preceding 365 days, served as a partner in a partnership

or an officer in a corporation listed under this subchapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than 180 days.

(B) Unless these requirements are met a person, partnership, or corporation shall not be entitled to receive a listing as a contractor. No prerequisites other than the six listed in this section shall be imposed in determining which persons, partnerships, or corporations may be listed contractors.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.112 REQUIREMENTS FOR INSPECTOR STATUS.**

The inspector status is met by a person who is employed by the Building Commissioner in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures, provisions of this subchapter. Such a person shall not use his listing other than with respect to his employment by the city. Licensure under this section terminates by operation of law when the person is no longer employed by the Building Commissioner and does not meet the requirements of §§ 150.113 and 150.114.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.113 BOND.**

Before a listing is issued by the Building Commissioner to any person, partnership, or corporation, the Building Commissioner shall require the applicant to file a surety bond for general contractors in the amount of \$10,000, for electrical contractors in the amount of \$10,000, and for mechanical contractors (HVAC) in the amount of \$10,000. The bond shall be maintained in full force and effect for a minimum of one full calendar year, and shall be:

- (A) Issued by a surety authorized to do business in the state.
- (B) Payable to the city and an unknown third party as obligees.
- (C) Conditioned upon:

(1) The proper performance of all construction activity in accordance with building standards and procedures.

(2) Prompt payment of all fees owed the city as set forth in this chapter.

(3) Prompt payment of any loss, damage, expense, claim, demand, or judgment for damages to property of the city caused by any action, negligent or otherwise, of the contractor, his agents, or employees while engaged in any construction activity.

## **§ 150.114 INSURANCE.**

(A) Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction activity accomplished by the listed contractor or under permits obtained by the listed contractor and which runs for one calendar year and thereafter maintains such insurance in full force and effect for each listing period:

(1) A public liability and property damage insurance policy naming the listed contractor and the city as the assured, and providing also for the payment of any liability imposed by law on such listed contractor or the city in minimum amounts of \$300,000 for any occurrence relative to which there is injury or death to one or more persons, and \$100,000 for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the Building Commissioner.

(2) Workmen's compensation insurance covering the personnel employed wherever construction is accomplished by the listed contractor or on projects for which the listed contractor obtained permits. A certificate of such insurance shall be delivered to the Building Commissioner.

(B) The Building Commissioner may, however, grant relief from the time period requirements of this section by allowing a person, partnership, or corporation to secure insurance which does not run for one full calendar year.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

## **§ 150.115 APPROVAL FOR LISTING.**

Approval of a person, partnership, or corporation as a listed contractor shall be by the Building Commissioner. Upon receipt of such approval the Clerk-Treasurer shall issue the listing. The listing shall be for a one year period between January 1 and December 31 of the same year, or for the remainder thereof, whichever time period is shorter. No listing shall be issued by the Clerk-Treasurer to any person, partnership, or corporation except as provided in this subchapter.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

## **§ 150.116 LISTING NOT TRANSFERABLE.**

No listing issued under the provisions of this subchapter shall be assignable or transferable.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **§ 150.117 SUSPENSION OR REVOCATION OF LISTING.**

(A) The Building Commissioner may, pursuant to § 150.118, suspend the listing of a person for a period up to 365 days or revoke the listing of a person if one of the following is shown:

(1) The listed contractor made any materially false statement of fact on his application for listing;

(2) The listing contractor failed to post and maintain the surety bond and insurance required by § 150.113 and 150.114;

(3) The listed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships, or corporations with regard to construction activity for which listing is required;

(4) Construction activity, for which listing is required and for which the listed contractor was responsible as obtainer or transferee of the permit, was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures;

(5) The listed contractor failed to correct a violation of building standards and procedures relative to construction activity for which the listed contractor was responsible as obtainer or transferee of the permit after the Building Commissioner issued a notice of building code violation, revoked a building permit, or issued a stop-work order and violations causing any of these actions remained uncorrected for a period of ten days from the date of issuance of the building code violation, revocation of permit, or stop-work order, or in the instance where a period of ten days was not sufficient such longer period of time as was fixed by the Building Commissioner in writing.

(6) The listed contractor has consistently failed to apply for or obtain required permits for construction activity accomplished by the listed contractor or under his supervision;

(7) The listed contractor has consistently failed to timely file certificates of completion and compliance for construction activity accomplished pursuant to his listing;

(8) The listed contractor has consistently failed to give notice of availability for inspection at designated stages of construction activity as required by § 150.046;

(9) The listed contractor has attempted to conceal violations of building standards and procedures;

(10) The contractor listed under § 150.112 is not employed by the Building Commissioner and has not met the requirements of § 150.111;

(11) The listed contractor has not properly paid the fee specified by § 150.072 for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter.

(B) The Building Commissioner may suspend the listing of a partnership or corporation for



a period of up to 365 days or revoke the listing of a partnership or corporation if one of the following is shown:

A materially false statement of fact was placed on the listed contractor's application for listing by an agent of the listed contractor;

(2) The listed contractor failed to post and maintain the surety bond and insurance required by 150.113 and 150.114;

(3) Agents of the listed contractor acted fraudulently or with deceit in its relationship with other persons, partnerships, or corporations with which it dealt in connection with construction activity for which listing is required under this chapter;

(4) Construction activity for which the listed contractor was responsible as obtainer or a transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship in compliance with building standards and procedures;

(5) The listed contractor failed to correct a violation of building standards and procedures relative to construction activity for which the listed contractor was responsible as obtainer or transferee of the permit after the Building Commissioner issued a notice of building code violation, revoked a building permit or issued a stop-work order, and the violations causing any of these actions remained uncorrected for a period of ten days from the date of issuance of the building code violation, revocation of permit, or stop-work order, or in the instance where a period of ten days was not sufficient such longer period of time as was fixed by the Building Commissioner.

(6) The listed contractor has consistently failed to apply for and obtain required permits for construction activity accomplished by the listed contractor;

(7) The listed contractor has consistently failed to give notice of availability for inspection at designated stages of construction activity as required by § 150.046;

(8) The listed contractor has consistently failed to timely file certificates of completion and compliance as required for construction activity accomplished pursuant to his listing;

The listed contractor has not properly paid the fee specified by § 150.072 for a listing which has been issued;

(10) The partnership presently has a partner or the corporation presently has an officer who has a listing under this division currently suspended or who has had such a listing revoked within the preceding 365 days;

(11) The partnership presently has a partner or the corporation presently has an officer who within the preceding 365 days served as a partner in a partnership or an officer in a corporation listed under this subchapter at the time when actions related to policies or practices of the partnership or corporation provided a primary basis on which the listing of the partnership

or corporation was revoked or suspended for more than 180 days;

(12) The listed contractor has attempted to conceal violations of building standards and procedures.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.118 HEARING AND APPEAL.**

(A) The date and place for a revocation or suspension hearing shall be fixed by the Building Commissioner. At least ten days before such date a written copy of the charges, prepared by the Building Commissioner, and notice of the time and place of the hearing thereon shall be served upon the listed contractor, either by hand delivery to the charged listed person or to the partner of a charged listed partnership or officer of a charged listed corporation, or by certified mail with return receipt addressed to the listed contractor at its main place of business, as shown by the listed contractor's application for listing. The ten or more days shall run from the date such notice is mailed as shown by the postmark thereon.

(B) The listed contractor may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument, and cross-examine witnesses at such hearing. The Building Commissioner shall have the same right. The Building Commissioner may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the Building Commissioner shall make findings and enter an order in accordance with such findings, which shall not become effective until ten days after notice and a copy thereof has been served upon the listed contractor in the same manner as required for notice of hearing.

(C) On or before ten days after service of the order, the listed contractor may appeal therefrom to the Mayor by serving a notice of appeal upon the Mayor either in person or by filing it at his office, a copy thereof delivered to the Building Commissioner at his office. Unless such appeal is so taken, the order of the Building Commissioner shall be final.

(D) If so appealed, the order of the Building Commissioner shall be stayed until the appeal is heard and determined by the Mayor under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The Mayor shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing, or modifying the terms of the order of the Building Commissioner. The Mayor's order shall be final and conclusive and be binding upon both the listed contractor and the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.119 IMPROPER DISPLAY OF LISTING.**

It shall be unlawful for any person, partnership, or corporation accomplishing construction activity to use the word listed in connection with its business if such person, partnership, or corporation is not a listed contractor. Such person, partnership, or corporation shall not, for example, use the word listed on any display used for advertising or identification or on any of its business forms.

(Ord. 29-1977, passed 10-17-77)

## **ELECTRICAL CONTRACTORS**

### **§ 150.125 LICENSE REQUIRED.**

(A) (1) Licensure as an electrical contractor is required to accomplish construction activity and to install, modernize, replace, service, or repair all or any part of an electrical power distribution system. An electrical contractor shall also be entitled to install, modernize, replace, service, or repair space heating equipment or space cooling equipment using electricity as its primary source of energy, excluding work on any refrigerant cycle.

(2) Construction activity which this division allows licensed electrical contractors to carry out is hereafter referred to in this subchapter as electrical work.

(3) A person not licensed under this subchapter who is employed by a licensed electrical contractor may, however, accomplish electrical work while working under the direction of a person who is a licensed electrical contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in electrical work.

(4) A person not licensed under this subchapter may, however, accomplish electrical work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs.

(B) There shall be only one type of license approved by the Building Commissioner pursuant to this subchapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.126 ELECTRICAL EXAMINER.**

The Building Commissioner shall be responsible for carrying out the provisions of this subchapter relative to licensure of electrical contractors.

(Ord. 29-1977, passed 10-17-77)

## **§ 150.127 REGISTER FOR APPLICATIONS.**

The Clerk-Treasurer acting on behalf of the Building Commissioner shall maintain a register of all persons, partnerships, and corporations which apply for licensure and persons who apply for renewal of licensure under this subchapter.

(A) If the applicant is a person the register shall show the date of the application, the name of the applicant, the age, education, years of experience, and other qualifications of the applicant, the addresses of the places of business and the residence of the applicant, whether the application is for an initial license or renewal of a license and whether the application was rejected or approved and the date of such action.

(B) If the applicant is a partnership the register shall show the date of application, the name of the partnership, the addresses of its places of business, names of all partners and their respective residential address and whether the application was rejected or approved and the date of such action.

(C) If the applicant is a corporation the register shall show the date of application, the name of the corporation, state of incorporation, addresses of its places of business, names of all officers, and their respective residential addresses and whether the application was rejected or approved and the date of such action.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

## **§ 150.128 QUALIFICATIONS.**

(A) A person shall be entitled to receive a license as an electrical contractor (either initially or by renewal of a license) if the following requirements are met:

(1) The person:

(a) Meets the written examination requirement stated in § 150.129, and the experience requirement stated in § 150.130.

(b) Meets the equivalent examination requirement stated in § 150.131 and the experience requirement stated in § 150.130.

(c) Meets the eligibility for renewal requirement stated in § 150.132.

(2) The person does not presently have a license issued under this division suspended nor has he had such license revoked within a period of the preceding 730 days.

(3) The Building Commissioner has not, within the preceding 365 days, determined in accordance with § 150.141(A) that the person is not eligible for license renewal.

(4) The person has submitted an acceptable bond and certificates of insurance as

required by §§ 150.133 and 150.137 unless the requirement is relieved because such person either meets the partnership or corporate agent status requirement stated in § 150.133 or such person meets the inspector status requirement stated in § 150.134.

(5) The person has paid the fee specified by § 150.072.

(B) Unless these requirements are met a person shall not be entitled to an electrical contractor's license.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.129 WRITTEN EXAMINATION.**

The written examination requirement of § 150.128(A)(1) is met by a person who demonstrates his understanding of the following subject matter areas by attaining a score of at least 70% on a written examination administered by the Building Commissioner relative to electrical work for which such license is required:

(A) General knowledge of the provisions of this chapter and other ordinances of the city.

(B) General knowledge of the rules and regulations of the Indiana Department of Fire and Building Services, state and federal agencies applicable in the city.

(C) Expert knowledge about the proper, practical, and safe methods of accomplishing electrical work.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.130 EXPERIENCE.**

The experience requirement is met by a person who has had at least a total of six years experience, two of which may be educational and four of which must be practical work experience, all pertaining to electrical power distribution systems.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.131 EQUIVALENT EXAMINATION.**

The equivalent examination is met by a person who demonstrates, either orally or in writing, to the satisfaction of the Building Commissioner his familiarity with this chapter and presents evidence that is satisfactory to the Building Commissioner at one of the Building Commissioner's meetings that he currently practices the craft of an electrical contractor and that he is presently licensed in good standing as a result of his successfully completing an

examination administered by a licensure board for another state or another municipality which was then the equivalent in scope of subject matter and difficulty as the examination presently administered by the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.132 ELIGIBILITY FOR LICENSE RENEWAL.**

The eligibility for renewal requirement of § 150.128(A)(1) is met by a person who:

(A) Has held an unrevoked license under this subchapter within the preceding 730 days.

(B) Has held an unrevoked license under this subchapter within the preceding 1460 days and demonstrates to the satisfaction of the Building Commissioner that during the last two years of that period the person has been actively engaged in the city or elsewhere in construction activity pertaining to electrical power distribution systems.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.133 PARTNERSHIP OR CORPORATE AGENT STATUS.**

(A) The partnership or corporate agent status requirement of § 150.128(A)(4) is met by the person who:

(1) Is a partner of a partnership or an officer of a corporation which is licensed under this subchapter.

(2) Does not make any use of his license as an electrical contractor other than as agent of the partnership or corporation.

(B) Whenever such person has occasion to enter into a transaction or take action for which license under this subchapter is required he shall clearly state the fact he is acting as agent for an identified partnership or corporate principal.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.134 INSPECTOR STATUS.**

The inspector status requirement is met by the person who is employed by the city in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relative to electricity. Such a person shall not use his license as an electrical inspector other than with respect to his employment by the city. Licensure under this section terminates by the operation of law when the person is no longer

employed by the city and does not meet the requirements of §§ 150.136 and 150.137.

(Ord. 29-1977, passed 10-17-77)

**§ 150.135 QUALIFICATIONS FOR A PARTNERSHIP OR CORPORATION TO BE LICENSED AS AN ELECTRICAL CONTRACTOR.**

(A) A partnership or corporation shall be entitled to receive a license as an electrical contractor if the following requirements are met:

(1) At least one general partner (who is a person) of a partnership or at least one officer of a corporation holds a license under this subchapter; provided, however, that an unlicensed general partner of a partnership or an unlicensed officer of a corporation shall be deemed to fulfill the requirement of division (A)(1) if such person is prevented from meeting the requirements of § 150.128 for licensure solely because the person cannot comply with the requirements of § 150.133 because the partnership or corporation of which he is a partner or officer has submitted an application for licensure so that the licenses of the partner and partnership or officer and corporation can be approved and issued simultaneously.

(2) The partnership or corporation does not presently have a license issued under this subchapter suspended nor has it had such a license revoked within a period of the preceding 730 days.

(3) The Building Commissioner has not, within the preceding 365 days determined in accordance with § 150.141(A) that the partnership or corporation is not eligible to receive a successor license.

(4) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this subchapter presently suspended or who has had such a license revoked within the preceding 730 days or a determination made of ineligibility of licensure renewal within the preceding 365 days.

(5) The partnership does not presently have a partner or the corporation does not presently have an officer who within the preceding 365 days served as a partner in a partnership or an officer in a corporation licensed under this subchapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than one year or a determination made of ineligibility for receipt of a successor license.

(6) The partnership or corporation has submitted an acceptable bond and certificates of insurance as required by §§ 150.136 and 150.137.

(7) The partnership or corporation has paid the fee as specified by § 150.072.

(B) Unless these requirements are met a partnership or corporation shall not be entitled to an electrical contractor's license.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.136 BOND.**

Before a license is issued by the city to any person, partnership, or corporation, the Building Commissioner shall require the applicant to file a bond in the amount of \$5,000. The bond shall be maintained in full force and effect for one full calendar year (or the balance of the licensure period if it is shorter) and shall be:

- (A) Issued by a surety authorized to do business in the state.
- (B) Payable to the city and an unknown third party as obligees.
- (C) Conditioned upon:

(1) The proper performance of all electrical work and any related construction activity in accordance with building standards and procedures.

(2) Prompt payment of all fees owed to the city as set forth in this chapter.

(3) Prompt payment of any loss, damage, expense, claim, demand, or judgment for damages to property of the city caused by any action, negligent, or otherwise, of the contractor or his agents or employees while engaged in the electrical work or any related construction activity.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.137 INSURANCE.**

Insurance requirements are met if the person, partnership, or corporation secures insurance covering all electrical work and related construction activity accomplished by the licensee or under permits obtained by the licensee and which runs for the calendar year (or the balance of the licensure period if it is shorter) and thereafter maintains such insurance in full force and effect for the calendar year.

(A) A public liability and property damage insurance policy naming the licensee and the city as the assured, and providing also for the payment of any liability imposed by law on such licensee or the city in the minimum amounts of \$300,000 for any occurrence relative to which there is injury or death to one or more persons and \$100,000 for any occurrence relative to which there is damage to property. A certificate of such insurance policy shall be delivered to the Building Commissioner.

(B) Workmen's compensation insurance covering the personnel employed whenever construction activity is accomplished by the licensee or on projects for which the licensee obtained permits. A certificate of such insurance shall be delivered to the Building Commissioner.



(Ord. 29-1977, passed 10-17-77)

**§ 150.138 BUILDING COMMISSIONER'S APPROVAL REQUIRED.**

(A) Approval of a person, partnership, or corporation as an electrical contractor shall be signed by Building Commissioner. The Building Commissioner, however, may delegate to one of the city officers authority to approve applications for licensure or renewal of licensure on behalf of the Building Commissioner in instances where the applicant is a person whose eligibility for license renewal is established by § 150.132(A) or the applicant is a partnership or corporation.

(B) Upon delivery of such approval an electrical contractor's license shall be issued by the Clerk-Treasurer for a period of one year or for the remainder of the calendar year following the issuing of the license whichever time period is shorter. All licenses and renewals of the same shall expire on December 31 of each year. No license shall be issued by the Clerk-Treasurer to any person, partnership, or corporation as an electrical contractor except as provided in this subchapter.

(Ord. 29-1977, passed 10-17-77)

**§ 150.139 SUPERVISION BY LICENSEE.**

(A) All electrical work shall be accomplished under the direction and control of either:

(1) The licensed person who applied for the building permit;

(2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit; or

(3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by § 150.016 to apply for such building permit in the first instance, such licensed person or officer upon his notifying (using a form furnished by the Building Commissioner) the Building Commissioner of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

(B) The licensed person providing direction and control shall specify materials and work processes and supervise the person or persons accomplishing the electrical work.

(Ord. 29-1977, passed 10-17-77)

**§ 150.140 ELECTRICAL WORK ON ONE'S OWN PROPERTY.**

(A) A person who both owns and possesses an improved or unimproved parcel of land may personally accomplish electrical work for which a license is required by this division, without having such a license relative to a one- or two-family residential structure on such parcel, if:

(1) The nonlicensed person obtains a permit for the electrical work, if required;

(2) In the instance of electrical work for which a permit is required which poses a substantial potential health or safety hazard (as determined by the Building Commissioner by making reference to standards issued by the city) the nonlicensed person has secured, after furnishing full plans and information, the Building Commissioner's written approval of the specified work; or

(3) In the instance of electrical work for which a permit is required which if done improperly is not a potential health or safety hazard (as determined by the Building Commissioner by making reference to standards issued by the city) the nonlicensed person has secured, after furnishing full plans and information, approval in writing of the specified work from the Building Commissioner or a representative which the Mayor designates.

(B) The determination by the Building Commissioner as to whether the nonlicensed person shall be allowed to accomplish the electrical work shall be made on the basis of whether the nonlicensed person possesses sufficient knowledge and technical skill to accomplish the work in accordance with building standards and procedures.

(Ord. 29-1977, passed 10-17-77)

#### **§ 150.141 LICENSE SUSPENSION, REVOCATION, OR INELIGIBILITY.**

(A) The Building Commissioner may suspend the license of a person for a period up to 730 days, revoke the license of a person or determine on the basis of activities while licensed within the previous 365 days Is ineligible for license renewal, if one of the following is shown:

(1) The licensee made any materially false statement of fact either to the city or on his application for license or license renewal.

(2) The licensee acted fraudulently in the license examination.

(3) The licensee (but not including licensees who are exempt because of compliance with the requirements of § 150.133 or 150.134) failed to post and maintain a surety bond and insurance required by § 150.136 or § 150.137.

(4) The licensee acted fraudulently or with deceit in his business relationship with other persons, partnerships, or corporations with which he dealt in connection with electrical work.

(5) Electrical work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building

standards and procedures.

(6) The licensee failed to correct a violation of building standards and procedures relative-to electrical work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the Building Commissioner or electrical inspector issued a notice of building code violation, revoked a building permit or issued a stop-work order, and the violations causing any of these actions remained uncorrected for a period of ten days from the date of issuance of the building code violation, revocation of permit, or the stop-work order, or in the instance where a period of ten days was not sufficient, such longer period of time was fixed by the Building Commissioner or the electrical inspector in writing.

(7) The licensee has consistently failed to apply for or obtain required applicable permits for electrical work accomplished by the licensee or under his supervision.

(8) The licensee has consistently failed to timely file certificates of completion and compliance for electrical work relative to which he was the applicant for the permits or applicant representing the transferee of the permits.

(9) The licensee has consistently failed to give notice of availability for inspection at designated stages of electrical work as required by § 150.046.

(10) The licensee, excluding licensees who meet the inspector status requirement of § 150.134, has not for a period of five continuous years accomplished or supervised accomplishment of a significant amount of electrical work.

(11) The licensee qualified for licensure without meeting the bond and insurance requirements of § 150.136 and § 150.137 by meeting the inspector status requirements of § 150.134, but is no longer employed by the city and does not meet the requirements of §§ 150.36 and 150.137.

(12) The licensee qualified for licensure without meeting the requirements of §§ 150.136 and 150.37 by meeting the partnership or corporation requirements of §§ 150.133 but without presently meeting the requirements of §§ 150.136 and 150.137, either he:

(a) Is no longer a partner of a partnership or an officer of a corporation licensed under this subchapter, or

(b) Has made use of his license other than as an agent of the partnership or corporation named in his application.

(13) The licensee has not properly paid the fee specified by § 150.072 for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter.

(14) The licensee has failed to give proper supervision to electrical work in accordance with requirements of § 150.139.

(15) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

(B) The Building Commissioner may suspend the license of a partnership or corporation for a period up to 730 days, revoke the license of a partnership or corporation or determine on the basis of activities carried out while licensed within the previous 365 days that the partnership or corporation is ineligible to receive a successor license, if one of the following is shown:

(1) A materially false statement of fact was made to the Building Commissioner by an agent of the licensee or placed on the licensee's application for license.

(2) The licensee failed to post and maintain the surety bond and insurance required by §§ 150.136 and 150.137.

(3) Agents of the licensee acted fraudulently or with deceit in its relationship with other persons, partnerships, or corporations with which It dealt In connection with electrical work.

(4) Electrical work for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures.

(5) The licensee failed to correct a violation of building standards and procedure relative to electrical work which the licensee was responsible as obtainer of the permit or transferee of the permit after the Building Commissioner issued notice of a building code violation, revoked a building permit, or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten days from the date of issuance of the building code violation, revocation of permit, or stop-work order, or in the Instance where a period of ten days was not sufficient, such longer period of time as was fixed by the Building Commissioner in writing.

(6) The licensee has consistently failed to obtain required applicable permits for electrical work accomplished by the licensee.

(7) The licensee has consistently failed to give notice of availability for inspection at designated stages of electrical work as required by s 150.046.

(8) The licensee has consistently failed to timely file certificates of completion and compliance as required for electrical work accomplished pursuant to his license.

(9) The licensee has not properly paid the fee specified by s 150.072 for license which has been Issued or is delinquent in the payment of fees owed pursuant to this chapter.

(10) If a partnership, does not have a licensed person as a general partner, or if a corporation does not have a licensed person as an officer.

(11) The partnership presently has a licensed person or the corporation presently has a licensed officer who has a license under this division presently suspended or who has had such license revoked within the preceding 730 days or a determination made of ineligibility of license renewal within the preceding 365 days.

(12) The partnership presently has a partner or the corporation presently has an officer who within the previous 365 days served as a partner in a partnership or an officer in a corporation licensed under this division at the time when actions related to politics or practices of the partnership or corporation was revoked, suspended for more than 365 days or a determination made of Ineligibility for receipt of successor license.

(13) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.142 HEARING AND APPEAL.**

(A) The date and place for a revocation or a suspension hearing shall be fixed by the Building Commissioner. At least ten days before such date a written notice of the general nature of the charges, prepared by the city, and of the time and place of the hearing thereon shall be served upon the licensee either by hand delivery to the charged licensed person or to a partner of a charged partnership or an officer of a charged corporation, or by certified mail with return receipt requested addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two licensed partners or charges against a licensed corporation and its licensed corporate officer) the Building Commissioner may hear evidence relative to two or more charges at the same hearing.

(B) The licensee may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The Building Commissioner shall have the same right. The Building Commissioner may cause or allow any other relevant evidence to be introduced. On the basis of evidence presented at the hearing, the Building Commissioner shall make findings and enter an order in accordance with such findings, which shall not become effective until ten days after notice and a copy thereof has been served upon the licensee in the manner required for notice of the hearing.

(C) On or before ten days after service of the order, the licensee may appeal therefrom to the Mayor by serving a notice of appeal upon the Mayor either In person or by filing it at his office with a copy thereof delivered to the Building Commissioner at the office of the Building Commissioner. Unless such appeal is so taken, the order of the Building Commissioner shall be final.

(D) If so appealed, the order of the Building Commissioner shall be stayed until the appeal is heard and determined by the Mayor or a representative designated in writing (but not an employee of the Building Commissioner) by the Mayor under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The Mayor or his representative shall thereupon render such decisions as he finds justified and sustained by the evidence, either

affirming, reversing, or modifying the terms of the order of the Building Commissioner. The order of the Mayor or his representative shall be final and conclusive and be binding upon both the licensee and the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

## **LICENSING AND REGULATION OF HEATING AND COOLING CONTRACTORS**

### **§ 150.150 LICENSE REQUIRED.**

(A) Licensure as a heating and cooling contractor of the appropriate type is required to install, modernize, replace, service or repair all or any part of a heating system, space heating equipment, a cooling system, space cooling equipment, or refrigeration equipment.

(B) Construction activity which this subchapter allows licensed heating and cooling contractors to carry out is hereinafter referred to in this subchapter as heating and cooling work.

(C) A person not licensed under this subchapter who is employed by a licensed heating and cooling contractor may, however, accomplish heating and cooling work while working under the direction and control of a person who is a licensed heating and cooling contractor but shall not otherwise enter into or offer to engage in heating and cooling work. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed heating and cooling contractor providing direction and control over the nonlicensed person.

(D) A person not licensed under this subchapter may, however, accomplish heating and cooling work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships, or corporations engaged in the business of service and repair, however, must be licensed under this chapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.151 REGISTER OF APPLICANTS.**

The Building Commissioner shall maintain a register of all persons, partnerships, and corporations which apply for licensure and persons who apply for renewal of licensure under this subchapter.

(A) If the applicant is a person the register shall show the date of application, name of the applicant, age, education, years of experience, and other qualifications of applicant, the addresses of its places of business and residence of the applicant, type of license for which application is

made, whether the application was rejected or approved and the date of such action.

(B) If the applicant is a partnership the register shall show the date of application, name of the partnership, addresses of its places of business, names of all partners and their respective residential addresses, type of license for which application is made, and whether the application was rejected or approved and the date of such action.

(C) If the applicant is a corporation the register shall show the date of application, name of the corporation, state of incorporation, addresses of its places of business, type of license for which application is made, and whether the application was rejected or approved and the date of such action.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.152 CONTRACTOR'S QUALIFICATION.**

(A) A person shall be entitled to receive one license of the appropriate type as a heating and cooling contractor (either initially or by renewal of a license) if the following requirements are met:

(1) The person:

(a) Meets the written examination requirement stated in § 150.153(A) and the experience requirement stated in division (C) below.

(b) Meets the equivalent examination requirement stated in § 150.153(B) and the experience requirement stated in division (C) below.

(c) Meets the eligibility for renewal requirement stated in § 150.154.

(2) The person does not presently have a license issued under this subchapter suspended nor has he had such license revoked within a period of the preceding 730 days.

(3) The Building Commissioner has not, within the preceding 365 days, determined in accordance with § 150.165(A) that the person is not eligible for license renewal.

(4) The person has submitted an acceptable bond and certificates of insurance as required by § 150.159, this requirement is relieved because such person either meets the partnership or corporate agent status requirement stated in § 150.155 or such person meets the inspector status requirement stated in § 150.156.

(5) The person has paid the fee specified by § 150.114.

(B) Unless the requirements in division (A) above are met a person shall not be entitled to a heating and cooling contractors license of the appropriate type.

(C) The experience requirement is met by the person who has had at least two years of

practical work experience pertaining to heating and cooling work.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.153 WRITTEN EXAMINATION.**

(A) The written examination requirement is met by the person who demonstrates his understanding of the following subject matter in areas by attaining a score of at least 70% on a written examination administered by the Building Commissioner relative to heating and cooling work for which such license of the applicable type is required:

(1) General knowledge of the rules and regulations of the Indiana Department of Fire and Building Services, state and federal agencies applicable in the city.

(2) Expert knowledge about the proper, practical, and safe methods of accomplishing heating and cooling work.

(B) Equivalent examination. The equivalent examination requirement is met by a person who demonstrates either orally or in writing, to the satisfaction of the Building Commissioner his familiarity with this chapter and presents evidence satisfactory to the Building Commissioner at one of the Building Commissioner's meetings that he currently practices the craft of a heating and cooling contractor and that he is presently licensed in good standing as a result of his successfully completing an examination administered by a licensure board for another state or another municipality which was then the equivalent in scope of the subject matter and difficulty as the examination presently presented by the Building Commissioner for the applicable license type in the city.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.154 ELIGIBILITY FOR LICENSE RENEWAL.**

The eligibility for renewal requirement is met by a person who:

(A) Has held an unrevoked license of the same type under this subchapter within the preceding 730 days.

(B) Has held an unrevoked license of the same type under this subchapter within the preceding 1460 days (four years) and who demonstrates to the satisfaction of the Building Commissioner that during at least two years of that period the person has been actively engaged in the city or elsewhere in heating and cooling work.

(Ord. 29-1977, passed 10-17-77)



### **§ 150.155 PARTNERSHIP OR CORPORATE AGENT STATUS.**

(A) The partnership or corporate agent status requirement is met by a person who:

(1) Is a partner of a partnership or an officer of a corporation which is licensed under this division and

(2) Does not make any use of his license as a heating and cooling contractor other than as an agent of the partnership or corporation.

(B) Whenever such person has occasion to enter into a transaction or take action for which license under this subchapter is required, he shall clearly state the fact that he is acting as agent for an identified partnership or corporate principal.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.156 INSPECTOR STATUS.**

The inspector status requirement is met by a person who is currently employed by the city in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to heating and cooling work provisions of this subchapter. Such person shall not use a license as a heating and cooling contractor other than with respect to his employment by the city. Licensure under this section terminates by operation of law when the person no longer is employed by the city and does not meet the requirements of §§ 150.158 and 150.159.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.157 QUALIFICATIONS FOR A PARTNERSHIP OR CORPORATION TO BE LICENSED AS A HEATING AND COOLING CONTRACTOR.**

(A) A partnership or corporation shall be entitled to receive one license of the appropriate type as a heating and cooling contractor if the following requirements are met:

(1) At least one general partner (who is a person) of a partnership or at least one officer of a corporation holds a license of the same type under this subchapter as that relative to which the partnership or corporation has made application; provided, however, that an unlicensed general partner of a partnership or an unlicensed officer of a corporation shall be deemed to fulfill the requirements of division (A)(1) if such person is prevented from meeting the requirements of § 150.152(A) for licensure of the applicable type solely because the person can not comply with the requirements of § 150.155 because the partnership or corporation of which he is a partner or officer is not licensed under this subchapter and such partner or officer has submitted an application for licensure so that the licenses of the partner and partnership or officer and corporation can be approved and issued simultaneously.

(2) The partnership or corporation does not presently have a license issued under this subchapter suspended nor has it had such license revoked within a period of the preceding 730 days.

(3) The Building Commissioner has not, within the preceding 365 days, determined in accordance with § 150.165(B) that the partnership or corporation is not eligible to receive a successor license.

(4) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this subchapter presently suspended or who has had such a license revoked within the preceding 730 days or a determination made of ineligibility of license renewal within the preceding 365 days.

(5) The partnership does not presently have a partner or the corporation does not presently have an officer who within the preceding 365 days served as a partner in a partnership or officer in a corporation licensed under this subchapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than one year, or a determination made of ineligibility for receipt of a successor license.

(6) The partnership or corporation has submitted an acceptable bond and certificates of insurance as required by §§ 150.158 and 150.159.

(7) The partnership or corporation has paid the fee specified by § 150.072.

(B) Unless these requirements are met, a partnership or corporation shall not be entitled to a heating and cooling contractors license of the appropriate type.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.158 BOND.**

Before a license is issued by the Building Commissioner to any person, partnership, or corporation, the Building Commissioner shall require the applicant to file a surety bond in the amount of \$5,000. The bond shall be maintained in full force and effective for one full calendar year (or the balance of the licensure period if it is shorter) and shall be:

- (A) Issued by a surety authorized to do business in the state,
- (B) Payable to the city and an unknown third party as obligees,
- (C) Conditioned upon:

(1) The proper performance of all heating and cooling work and any related construction activity in accordance with building standards and procedures.

(2) Prompt payment of all fees owed the city as set forth in this chapter.

(3) Prompt payment of any loss, damage, expense, claim, demand, or judgment for damages to property of the city caused by any action, negligent, or otherwise, of the contractor, his agents, or employees while engaged in heating and cooling work or any related construction activity.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.159 INSURANCE.**

The insurance requirements are met if the person, partnership, or corporation secures insurance covering all heating and cooling work and any related construction activity accomplished by the licensee or under permits obtained by the licensee and which runs for the calendar year (or the balance of the licensure period if it is shorter) and thereafter maintains such insurance in full force and effect for the calendar year:

(A) A public liability and property damage insurance policy naming the licensee and the city as the assured, and providing also for the payment of any liability imposed by law on such licensee or the city in the minimum amounts of \$300,000 for any occurrence relative to which there is injury or death to one or more persons and \$100,000 for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the Building Commissioner.

(B) Workmen's compensation insurance covering the personnel employed whenever construction activity is accomplished by the licensee or on projects for which the licensee obtains permits. A certificate of such insurance shall be delivered to the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.160 TYPES OF LICENSES.**

There shall be ten types of licenses approved by the Building Commissioner pursuant to this subchapter:

(A) The heavy commercial (unrestricted) license authorizes the holder thereof to perform all of the kinds of heating and cooling work without limitation.

(B) The light commercial/residential license authorizes the holder thereof to perform heating and cooling work of the following kinds:

(1) Installation, modernization, replacement, service, or repair equipment, which system or equipment has a rated output not in excess of 600,000 Btuh and does not include preassembled air-conditioning condensing units which exceed a rating of 50 tons under ARI standards.

(2) Installation, modernization, replacement, service, or repair of heating systems or space heating equipment, which system or equipment has a rated input not in excess of 4,000,000 Btuh and which does not utilize a water boiler in which the rated pressure exceeds 30 pounds per square inch.

(C) The residential license authorizes the holder thereof to perform heating and cooling work of the following kinds in one- or two-family residential structures, commercial buildings of not more than one story and apartment buildings:

(1) Installation, modernization, replacement, service, or repair of cooling systems or space cooling equipment is a single phase and has a rated output of not in excess of 60,000 Btuh.

(2) Installation, modernization, replacement service, or repair of a heating system or space heating equipment, which system or equipment has a rated input of less than 2,000,000 Btuh and which does not utilize a boiler in which the rated pressure exceeds 15 pounds per square inch.

(D) The high pressure steam license authorizes the holder thereof to perform heating and cooling work of the following kind:

(1) Installation, modernization, replacement, service, or repair of heating systems or space heating equipment, which system or equipment utilizes a boiler.

(E) The refrigeration license authorizes the holder thereof to perform heating and cooling work of the following kind: Installation, modernization, replacement, service, or repair of refrigeration equipment.

(F) The heavy commercial (unrestricted) service only license authorizes the holder thereof to perform heating and cooling work limited to service and repair relative to the kinds of construction activity which the holder of a heavy commercial (unregistered) license may perform.

(G) The light commercial/residential service only license authorizes the holder thereof to perform heating and cooling work limited to service and repair relative to the kinds of construction activity which the holder of a light commercial/residential license may perform.

(H) The residential service only license authorizes the holder thereof to perform heating and cooling work limited to service and repair relative to the kinds of construction activity which the holder of a residential license may perform.

(I) The steam service only license authorizes the holder thereof to perform heating and cooling work limited to service and repair relative to the kinds of construction activity which the holder of a steam license may perform.

(J) The refrigeration service only license authorizes the holder thereof to perform heating and cooling work limited to service and repair relative to the kinds of construction activity which the holder of a refrigeration license may perform.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.161 MAYOR'S APPROVAL FOR LICENSURE.**

(A) Approval for licensure of a person, partnership, or corporation as a heating and cooling contractor of the appropriate type shall be in writing and signed by the Mayor. The Mayor may, however, delegate to one of the city's officers or the Building Commissioner authority to approve applications for licensure on behalf of the Mayor in instances where the applicant is a person whose eligibility for license renewal is established by § 150.154 or the applicant is a partnership or corporation.

(B) Upon delivery of such approval a heating and cooling contractor license of the appropriate type shall be issued by the Clerk-Treasurer for a period of one year or for the remainder of the calendar year following the issuance of the license, whichever time is shorter. All licenses and renewals of the same shall expire December 31 each year. No license shall be issued by the Clerk-Treasurer to any person, partnership, or corporation as a heating and cooling contractor except as provided in this subchapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.162 LICENSE IS PERSONAL AND NOT TRANSFERABLE.**

No license issued under this provision of this division shall be assigned or transferred.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96) Penalty, see § 150.999

### **§ 150.163 SUPERVISION BY LICENSEE.**

(A) All heating and cooling work shall be accomplished under the direction and control of either:

- (1) The licensed person who applied for the building permit;
- (2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit; or
- (3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by § 150.016 to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using a form furnished by the city) the Building Commissioner of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

The licensed person providing direction and control shall specify work processes and supervise the person or persons accomplishing the heating and cooling work. Such licensed person or a competent person responsible to him must be present at the site when any significant heating and cooling work occurs.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.164 HEATING AND COOLING WORK ON ONE'S OWN PROPERTY.**

(A) A person who both owns and possesses an improved or unimproved parcel of land may personally accomplish heating and cooling work for which a license is required by this subchapter without having such license relative to a one- or two-family residential structure on such parcel, if:

(1) The nonlicensed person obtains a building permit for heating and cooling work, if required.

(2) In the instance of heating and cooling work for which a building permit is required which poses a substantial potential health or safety hazard (as determined by the Mayor or by the Building Commissioner on behalf of the Mayor by making reference to standards issued by the Mayor) the nonlicensed person has secured, after furnishing full plans and information, the Mayor's written approval of the specified work.

(3) In the instance of heating and cooling work for which a building permit is required which, if done improperly is not a substantial potential health or safety hazard (as determined by the Mayor or by the Building Commissioner on behalf of the Mayor by making reference to standards issued by the Mayor) the nonlicensed person has secured, after furnishing full plans and information, the approval in writing of the specified work from the Building Commissioner or a representative which he designates.

(B) The determination by the Mayor or the Building Commissioner as to whether the nonlicensed person shall be allowed to accomplish heating and cooling work shall be made on the basis of whether the nonlicensed person possesses sufficient knowledge and technical skill to accomplish the work in accordance with the building standards and procedures. (Ord. 29-1977, passed 10-17-77) license renewal. The ten or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two licensed partners or charges against a licensed corporation and a licensed corporate officer), the Building Commissioner may hear evidence relative to two or more charges at the same hearing.

(B) The licensee may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The Building Commissioner shall have the same right. The Building Commissioner may cause or allow any other relevant evidence to be introduced. On the basis of evidence

presented at the hearing, the Building Commissioner shall make findings and enter an order in accordance with such findings, which shall not become effective until ten days after served upon the licensee in the manner required for notice of hearing.

(C) On or before ten days after service of the order, the licensee may appeal there from to the Mayor by serving a notice of appeal upon the Mayor either in person or by filing it at his office, with a copy thereof delivered to the Building Commissioner. Unless such appeal is so taken, the order of the Building Commissioner shall be final.

(D) If so appealed, the order of the Building Commissioner shall be stayed until the appeal is heard and determined by the Mayor or a representative designated in writing (but not an employee of the city) by the Mayor, under the procedure prescribed by statute for hearings on suspension or revocation of licenses. The Mayor or his representative shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing, or modifying the terms of the order of the Building Commissioner. The order of the Mayor or his representative shall be final and conclusive upon both the licensee and the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

## **LICENSING AND REGULATIONS OF WRECKING CONTRACTORS**

### **§ 150.175 LICENSE REQUIRED.**

(A) Licensure as a wrecking contractor of the appropriate type is required to either engage in the business, trade, or calling of demolishing, dismantling, dismembering, razing, or removing structures; provided, however, that licensure as a wrecking contractor is not required:

- (1) To wreck a structure containing less than 500 square feet of floor area, or
- (2) To wreck a one-story, one- or two-family residential structure, if:
  - (a) The wrecking is accomplished by the person who owns the structure.
  - (b) The person is a previous occupant of the structure.
  - (c) No part of the structure is located nearer than ten feet to another structure not owned by the person accomplishing the wrecking, or any street, alley, or sidewalk.
  - (d) The wrecking will not create a substantial potential health or safety hazard.
  - (e) If deemed reasonably necessary by the Building Commissioner, the person who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy in the amounts established by the Building

Commissioner (but not less than \$50,000 for personal injury or death and \$25,000 for property damage), naming the person doing the wrecking and the city as the assured.

(3) To wreck a one-story, wood frame structure; if:

(a) The wrecking is accomplished by the person who owns the structure or by permanent, full-time employees of the partnership or corporation which owns the structure.

(b) The person, partnership, or corporation which owns the premises where the structure is located is in possession of the premises where the structure is located.

(c) No part of the structure is located nearer than ten feet to another structure not owned by the person, partnership, or corporation accomplishing the wrecking or any street, alley, or sidewalk.

(d) The wrecking will not create a substantial potential health or safety hazard.

(e) If deemed reasonably necessary by the Building Commissioner, the person, partnership, or corporation who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy in amounts established by the Building Commissioner (but not less than \$50,000 for personal injury or death and \$25,000 for property damage), naming the person doing the wrecking and the city as the assured.

(B) A person not licensed under this subchapter who is employed by a licensed wrecking contractor may, however, accomplish wrecking while working under the direction and control of a person who is a licensed wrecking contractor. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed wrecking contractor providing direction and control over the nonlicensed person. Such nonlicensed person shall not enter into or offer to enter into a contractual relationship with a consumer to engage himself in wrecking.

(C) Construction activity for which this division allows licensed wrecking contractors to carry out is hereinafter referred to in this subchapter as wrecking.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **§ 150.176 APPLICANTS TO REGISTER.**

The Clerk-Treasurer acting on behalf of the Building Commissioner shall maintain a register of all persons, partnerships, and corporations which apply for licensure and persons who apply for renewal of licensure under this subchapter:

(A) If the applicant is a person the register shall show the date of the application, the name of the applicant, the age, education, years of experience, and other qualifications of the applicant, the addresses of the places of business and the residence of the applicant, the type of license for



which application is made, whether the application is for an initial license or renewal of a license and whether the application was rejected or approved, and the date of such action.

(B) If the applicant is a partnership the register shall show the date of application, the name of the partnership, the addresses of its places of business, names of all partners and their respective residential addresses, the type of license for which application is made and whether the application was rejected or approved, and the date of such action.

(C) If the applicant is a corporation the register shall show the date of application, the name of the corporation, state of incorporation, addresses of its places of business, names of all officers and their respective residential addresses, the type of license for which application is made and whether the application was rejected or approved, and the date of such action.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.177 QUALIFICATIONS.**

(A) (1) A person shall be entitled to receive one license of the appropriate type as a wrecking contractor (either initially or by renewal of a license) if the following requirements are met:

(a) The person:

1. Meets the written examination requirement stated in § 150.178(A) and the experience requirement stated in division (B) below.

2. Meets the equivalent examination requirement stated in § 150.178(B) and the experience requirement stated in division (B) below.

3. Meets the eligibility for renewal requirement stated in §§ 150.179 and 150.180.

(b) The person does not presently have a license issued under this subchapter suspended nor has he had such license revoked within a period preceding 730 days.

(c) The Building Commission has not, within the preceding 365 days, determined in accordance with § 150.189(A) that the person is not eligible for license renewal.

(d) The person has submitted an acceptable bond and certificates of insurance as required by §§ 150.183 and 150.184 unless the requirement is relieved because such person either meets the partnership or corporate agent status requirement stated in § 150.180 or such person meets the inspector status requirement stated in § 150.181.

(e) The person has paid the fee specified in § 150.074.

(2) Unless these requirements are met a person shall not be entitled to a wrecking contractor's license of the appropriate type.

(B) The experience requirement of division (A)(1)(a) is met by a person who has had at least the following number of years of practical work experience pertaining to wrecking, either in a supervisory capacity or as an operator of heavy equipment on wrecking sites:

- (1) Type A license, six years.
- (2) Type B license, four years.
- (3) Type C license, two years.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.178 WRITTEN EXAMINATION.**

(A) The written examination requirement of § 150.177(A)(1)(a) is met by a person who demonstrates his understanding of the following subject matter areas by attaining a score of at least 70% on a written examination administered by the Building Commissioner relative to wrecking for which a license of the appropriate type is required:

- (1) General knowledge of the provisions of this chapter and other relevant ordinances of the city.
- (2) General knowledge of the rules and regulations of the Indiana Department of Fire and Building Services, state and federal agencies applicable in the city.
- (3) Expert knowledge about the proper, practical, and safe methods of accomplishing wrecking.

(B) Equivalent examination. The equivalent examination requirement of § 150.177(A)(1)(a) is met by a person who demonstrates, either orally or in writing, to the satisfaction of the Building Commissioner his familiarity with this chapter and presents evidence satisfactory to the Building Commissioner at one of the Building Commissioner's meetings that he is presently licensed in good standing as a result of his successfully completing an examination administered by a licensure board for another state or another municipality which was then the equivalent in scope of the subject matter and difficulty as the examination presently administered by the Building Commissioner for the applicable license type.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.179 ELIGIBILITY FOR LICENSE RENEWAL.**

The eligibility for renewal requirement of § 150.177(A)(1)(a) is met by a person who:

- (A) Has held an unrevoked license of the same type (or any other type identified by a letter nearer the start of the alphabet) under this division within the preceding 730 days.

(B) Has held an unrevoked license of the same type (or any other type identified by a letter nearer the start of the alphabet) under this subchapter within the preceding 1460 days and demonstrates to the satisfaction of the Building Commissioner that during at least two years of that period the person has been actively engaged in the city or elsewhere in wrecking.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.180 PARTNERSHIP OR CORPORATE AGENT STATUS.**

(A) The partnership or corporate agent status requirement of § 150.177(A)(1)(d) is met by a person who:

(1) Is a partner of a partnership or an officer of a corporation which is licensed under this subchapter.

(2) Does not make any use of his license as a wrecking contractor other than as an agent of the partnership or the corporation.

(B) Whenever such person has occasion to enter into a transaction or take action for which licensure under this subchapter is required he shall clearly state the fact that he is acting as agent for an identified partnership or corporate principal.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.181 INSPECTOR STATUS.**

The inspector status requirement of § 150.177(A)(1)(d) is met by the person who is employed full time by the Building Commissioner in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to wrecking. Such a person shall not use a license as a wrecking contractor other than with respect to his employment by the city. Licensure under this section terminates by operation of law when the person is no longer employed by the city and does not meet the requirements of §§ 150.183 and 150.184.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.182 QUALIFICATIONS FOR A PARTNERSHIP OR CORPORATION TO BE LICENSED AS WRECKING CONTRACTOR.**

(A) A partnership or a corporation shall be entitled to receive one license of the appropriate type as a wrecking contractor if the following requirements are met:

(1) At least one general partner (who is a person) of a partnership or at least one officer

of a corporation holds a license of the same type (or any other type identified by a letter nearer the start of the alphabet) under this subchapter as that relative to which the partnership or corporation has made application; provided, however, that an unlicensed general partner of a partnership or an unlicensed officer of a corporation shall be deemed to fulfill the requirements of division (A)(1) if such person is prevented from meeting the requirements of § 150.177(A) for licensure of the applicable type solely because the person cannot comply with the requirements of § 150.180 because the partnership or corporation of which he is a partner or officer is not licensed under this subchapter and such partner or officer has submitted an application for licensure so that the licenses of the partner and partnership or officer and corporation can be approved and issued simultaneously.

(2) The partnership or corporation does not presently have a license issued under this subchapter suspended nor has it had such a license revoked within a period of the preceding 730 days.

(3) The Building Commissioner has not, within the preceding 365 days, determined in accordance with § 150.189(A) that the partnership or corporation is not eligible to receive a successor license.

(4) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this subchapter presently suspended or who has had such a license revoked within the preceding 730 days or a determination made of ineligibility of license renewal within the preceding 365 days.

(5) The partnership does not presently have a partner or the corporation does not presently have an officer who within the preceding 365 days served as a partner in a partnership or officer in a corporation licensed under this subchapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than one year, or a determination made of its ineligibility for receipt of a successor license.

(6) The partnership or corporation has submitted an acceptable bond and certificates of insurance as required by §§ 150.183 and 150.184.

(7) The partnership or the corporation has paid the fee specified by §§ 150.065 through 150.077.

(B) Unless these requirements are met a partnership or corporation shall not be entitled to a wrecking contractor license of the appropriate type.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.183 BOND.**

Before the license is issued by the Building Commissioner to any person, partnership, or

corporation, the Building Commissioner shall require the applicant to file a surety bond in the amount of \$30,000 in the case of a Type A license, \$20,000 in the case of a Type B license, and \$10,000 in the case of a Type C license. The bond shall be maintained in full force and effect for each period between January 1 and December 31 (or the balance of the licensure period if it is shorter) and shall be:

- (A) Issued by a surety authorized to do business in the state;
- (B) Payable to the city and an unknown third party as obligees;
- (C) Conditioned upon:

(1) The proper performance of all wrecking activity in accordance with building standards and procedures.

(2) Prompt payment of all fees owed the city as set forth in this chapter.

(3) Prompt payment of any loss, damage, expense, claim, demand, or judgment for damages to property of the city caused by any action, negligent, or otherwise, of the contractor, his agents, or employees while engaged in wrecking or any related construction activity.

(Ord. 29-1977, passed 10-17-77)

#### **§ 150.184 INSURANCE.**

The insurance requirements are met if the person, partnership, or corporation secures insurance covering all wrecking and related construction activity accomplished by the licensee or under permits obtained by the licensee and which runs for the calendar year (or the balance of the licensure period if it is shorter), and thereafter maintains such insurance in full force and effect for the calendar year:

(A) (1) A public liability and property damage insurance policy naming the licensee and the city as the assured, and providing also for the payment of any liability imposed by law on such licensee or the city in the minimum amounts of \$300,000 for any occurrence relative to which there is injury or death and \$100,000 for any occurrence relative to which there is damage to property.

(2) A certificate of such policy shall be delivered to the Building Commissioner.

(B) Workmen's compensation insurance covering the personnel employed whenever construction is accomplished by the licensee or on projects for which the licensee obtains permits. A certificate of such insurance shall be delivered to the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.185 TYPES OF LICENSE.**

There shall be three types of license approved by the Building Commissioner pursuant to this subchapter:

(A) The Type A license authorizes the holder thereof to wreck structures without limitation.

(B) The Type B license authorizes the holder thereof to wreck structures up to 75 feet in height.

(C) The Type C license authorizes the holder thereof to wreck wood frame and solid masonry structures not exceeding three stories or 35 feet in height, whichever is less.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.186 MAYOR'S APPROVAL FOR LICENSURE.**

(A) Approval for licensure of a person, partnership, or corporation as a wrecking contractor of the appropriate type shall be in writing signed by the Mayor. The Mayor may, however, delegate to one of its officers or the Building Commissioner authority to approve applications for licensure or renewal of licensure on behalf of the Mayor in instances where the applicant is a person whose eligibility for license or renewal is established by § 150.179 or the applicant is a partnership or corporation.

(B) Upon delivery of such approval a wrecking contractor's license of the appropriate type shall be issued by the Clerk-Treasurer for a period of one year or the remainder of the calendar year following the issuance of the license, whichever time is shorter. All licenses shall expire December 31 each year. No license shall be issued by the Clerk-Treasurer to any person, partnership, or corporation as a wrecking contractor except as provided in this subchapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.187 LICENSE PERSONAL AND NOT TRANSFERABLE.**

No license issued under the provisions of this subchapter shall be assigned or transferred.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.188 SUPERVISION BY LICENSEE.**

(A) All wrecking shall be accomplished under the direction and control of either:

(1) The licensed person who applied for the building permit.

(2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit.

(3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by § 150.016 to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using a form furnished by the city) the Building Commissioner of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

(B) The licensed person providing direction and control shall specify work processes and supervise the persons accomplishing the wrecking. Such licensed person or a competent person responsible to him must be present at the site when any significant wrecking occurs.

(Ord. 29-1977, passed 10-17-77)

#### **§ 150.189 LICENSE SUSPENSION, REVOCATION, OR INELIGIBILITY.**

(A) The Building Commissioner may suspend the license of a person for a period up to 730 days, revoke the license of a person or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous 365 days is ineligible for license renewal, if one of the following is shown:

(1) The licensee made any materially false statement of fact either to the Building Commissioner or on his application for license renewal.

(2) The licensee acted fraudulently in the license examination.

(3) The licensee (but not including licensees who are exempt because of compliance with the requirements of § 150.180 or § 150.181 failed to post and maintain the surety bond and insurance required by §§ 150.183 and 150.184.

(4) The licensee acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with which he dealt in connection with wrecking.

(5) Wrecking for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures.

(6) The licensee failed to correct a violation of building standards and procedures relative to wrecking for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the Building Commissioner issued a notice of a building code violation, revoked a building permit, or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten days from

the date of issuance of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten days was not sufficient, such longer period of time as was fixed by the Building Commissioner in writing.

(7) The licensee has consistently failed to apply for or obtain required applicable permits for wrecking accomplished by the licensee under his supervision.

(8) The licensee has consistently failed to give notice of availability for inspection at designated stages of wrecking as required by § 150.046.

(9) The licensee has consistently failed to timely file certificates of completion and compliance for wrecking relative to which he was the applicant for the permits or applicant representing the transferee of the permits.

(10) The licensee, excluding licensees who meet the inspector requirement of S 150.181, has not for a period of five continuous years accomplished or supervised the accomplishment of a significant amount of wrecking.

(11) The licensee qualified for licensure without meeting the bond and insurance requirements of SS 150.183 and 150.184 by meeting the inspector requirements of S 150.181 but is no longer employed by the city and does not meet the requirements of S 150. 183 and 150.184.

(12) The licensee qualified for licensure without meeting the bond and insurance requirements for §§ 150.183 and 150.184 by meeting the partnership or corporate agent requirements of § 150.180, but without meeting the requirements of §§ 150.183 and 150.184, either he:

(a) Is no longer a partner of a partnership or an officer of a corporation licensed under this division, or

(b) Has made use of his license other than as an agent of the partnership or the corporation named in his application.

(13) The licensee has not properly paid the fee specified by § 150.074 for a license which has been issued or is delinquent in other fees owed pursuant to this chapter.

(14) The licensee has failed to give proper supervision to wrecking in accordance with requirements of § 150.188.

(15) The licensee holding a Type B or Type C wrecking license has accomplished (without supervision by a licensee of the appropriate type) or supervised the accomplishment of wrecking without having the type license which is required for such construction activity.

(16) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

(B) The Building Commissioner may suspend the license of a partnership or corporation for a period up to 730 days, revoke the license of a partnership or corporation or determine on



the basis of activities carried out while licensed within the previous 365 days that the partnership or corporation is ineligible to receive a successor license, if one of the following is shown:

- (1) A materially false statement of fact was made to the Building Commissioner by an agent of the licensee or placed on the licensee's application for license.
- (2) The licensee failed to post and maintain a surety bond and insurance required by §§ 150.183 and 150.184.
- (3) An agent of the licensee acted fraudulently or with deceit in its relationship with other persons, partnerships, or corporations with which it dealt in connection with wrecking.
- (4) Wrecking for which licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures.
- (5) The licensee failed to correct a violation of building standards and procedures relative to wrecking for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the Building Commissioner issued notice of a building code violation, revoked a building permit, or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten days from the date of issuance of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten days was not sufficient, such longer period of time as was fixed by the Building Commissioner in writing.
- (6) The licensee has consistently failed to obtain required applicable permits for wrecking accomplished by the licensee.
- (7) The licensee has consistently failed to give notice of availability for inspection at designated stages of wrecking as required by § 150.046.
- (8) The licensee has consistently failed to timely file certificates of completion and compliance as required for wrecking accomplished pursuant to his license.
- (9) The licensee has not properly paid the fee specified by § 150.074 for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter.
- (10) If a partnership, does not have a licensed person as a general partner, or if a corporation does not have a licensed person as an officer.
- (11) The partnership presently has a partner or the corporation presently has an officer who has a license under this subchapter presently suspended or who has had such license revoked within the preceding 730 days or a determination made of ineligibility of license renewal within the preceding 365 days.
- (12) The partnership presently has a partner or the corporation presently has an officer who, within the previous 365 days, served as a partner in a partnership or as an officer in a

corporation licensed under this subchapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than 365 days, or a determination made of ineligibility for receipt of a successor license.

(13) Wrecking for which the licensee, holding a Type B or Type C license, is responsible as obtainer of the permit or transferee of the permit was performed without the licensee having the type license which is required.

(14) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.190 HEARING AND APPEAL.**

(A) The date and place for a revocation or suspension hearing shall be fixed by the Building Commissioner and at least ten days before such date a written notice of the general nature of the charges, prepared by the Building Commissioner, and of the time and place of the hearing thereon shall be served upon the licensee, either by hand delivery to the charged person or to a partner of a charged partnership or officer of a charged corporation, or by certified mail with return receipt requested, addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two licensed partners or charges against a licensed corporation and a corporate officer) the Building Commissioner may hear evidence relative to two or more charges at the same hearing.

(B) The licensee may appear in person or by counsel and produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The Building Commissioner shall have the same right. The Building Commissioner may cause or allow any other relevant evidence to be introduced. On the basis of evidence presented at the hearing, the Building Commissioner shall make findings and enter an order in accordance with such findings, which shall not become effective until ten days after notice and a copy thereof has been served upon the licensee, in the manner required for notice of hearing.

(C) On or before ten days after service of the order, the licensee may appeal therefrom to the Mayor by service of notice of appeal upon the Mayor either in person or by filing it at his office, with a copy thereof delivered to the Building Commissioner. Unless such appeal is so taken, the order of the Building Commissioner shall be final.

(D) If so appealed, the order of the Building Commissioner shall be stayed until the appeal is heard and determined by the Mayor or a representative designated in writing (but not an employee of the city) by the Mayor, under the procedure prescribed by statute for hearings on the

suspension or revocation of licenses. The Mayor or his representative shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing, or modifying the terms of the order of the Mayor. The order of the Mayor or his representative shall be final and conclusive and be binding upon both the licensee and upon the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

## **REGISTRATION OF PLUMBING CONTRACTORS**

### **§ 150.195 REGISTRATION OF PLUMBING CONTRACTORS.**

Any person or corporation which is licensed by the State Plumbing Commission as a plumbing contractor pursuant to Indiana Code IC25-28.5, as amended, and which performs any work within the city which it is privileged to accomplish pursuant to such license shall register with the Building Commissioner. Such registration shall be accomplished by paying a fee specified by § 150.072 and by furnishing the following information on a form supplied the Building Commissioner.

- (1) Name of business.
- (2) Legal status (whether sole proprietor, member of a partnership, or corporation).
- (3) Address of business.
- (4) The identification number of the license issued by the State Plumbing Commission.
- (5) In the instance of a corporation which is a licensed plumbing contractor, the name of all corporate officers or employees who hold a plumbing contractor's license and who are authorized by the corporation to obtain building permits on behalf of the corporation for construction activity relative to which state licensure as a plumbing contractor is required.

(B) Such registration shall expire on December 31 of each odd numbered year of registration, or at such earlier time as the person or the corporation is not licensed by the State Plumbing Commission as a plumbing contractor.

(Ord. 29-1977, passed 10-17-77)

## **SIGNS, AWNINGS, AND THE LIKE**

### **§ 150.200 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPROVED.** Approved by the Building Commissioner.

**BANNER.** Any sign of a temporary nature, made of canvas or muslin, flat to the wall, and advertising displays of more than 100 square feet in area, erected and maintained on a wall of a building or buildings.

**BUILDING COMMISSIONER.** The Building Commissioner of the city.

**ERECT.** Erect, construct, maintain, rebuild, repair, relocate, or otherwise alter.

**GROUND SIGN.** Any sign or advertising display erected for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial or reading matter, when the sign or advertising display is supported and held by uprights, braces, or other structural members placed only in or upon the ground and not attached to any part of any building.

**PROJECTING SIGN or ILLUMINATED LIGHT.** Any letter, word, model, sign, device, or representation used in the sign, device, or representation used in the nature of advertising, announcement, direction or illumination by electricity, and extending beyond the building line or the face of the wall of a building more than 18 inches. Projecting signs shall be divided for the purpose of this subchapter into the following classes:

(1) **PROJECTING SIGNS.** Those signs affixed to the building wall or structure and which extend more than 18 inches from the face of the wall.

(2) **FLAT ELECTRIC SIGNS.** Those signs attached in a rigid manner, lying parallel to and in the same plane as the wall and which extend more than 12 inches from the face of the wall.

**ROOF SIGN.** Any sign erected upon the roof of any building.

**SIGN.** Advertising displays, banners, ground signs, projecting signs, roof signs, and wall signs.

**WALL SIGN.** Any sign, bulletin, or poster erected on or in a plane parallel with the facing of a building wall and may be affixed to the front, rear or side wall of any building.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89)

## **§ 150.201 ADVERTISING ON CERTAIN STRUCTURES.**

Advertising displays may be placed upon wooden sidewalk sheds, toolhouses, or contractors' offices erected as an adjunct to the construction of a building or structure by contractors or construction companies, or by any person expecting to occupy the building or structure being constructed, upon the written approval of the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.202 BANNERS.**

(A) Every banner shall be erected, constructed, and maintained in a manner which does not create a fire hazard or interfere with the operation of the Fire Department.

(B) A banner shall advertise only wares, goods, or merchandise sold by the owner or the occupant within the building and may be erected and maintained for a period of 60 days after obtaining a permit thereof.

(C) Muslin advertising displays or banners for transient shows or circuses may be posted after application to the Building Commissioner and after compliance with the provisions of this subchapter for banners and advertising displays.

(D) Except by special permission of the Building Commissioner, it shall be unlawful to erect, maintain, or suspend any banner or sign or advertising display across any street or avenue, or to maintain a banner as an advertising display after the expiration of the 60-day period, and the illegal maintenance thereof shall constitute a separate offense for each day thereafter.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.203 GROUND SIGNS.**

(A) It shall be unlawful for any person to erect, maintain, or construct any ground sign upon any lot or premises, or in any district, in such manner that any portion of the ground sign is nearer to the line of any public highway than the existing building line, as established pursuant to any provision of this chapter or land restrictions, or by any zoning ordinance now effective or hereafter ordained, or nearer than four feet to the side property line of the lot on which such sign is erected, except as otherwise provided in this chapter for real estate signs. No ground sign facing the corner of intersecting streets shall be erected on an angle of more than 45 degrees or less than 30 degrees with either of the streets, except by special permission of the Building Commissioner.

(B) No ground sign constructed entirely of wood shall be at any point over 15 feet above the ground level, but when the facing of a ground sign is constructed entirely of sheet metal, except the supports, braces, battens, ornamental molding, platform, and decorative latticework which may be of wooden material, it may be erected to a height of not exceeding 40 feet above the ground level. Lighting reflectors may project six feet beyond the building line, but in no case shall the reflectors be more than six feet from the sign which they are designed to illuminate.

(C) Every ground sign shall have an open space of not less than two nor more than nine feet between the lower edge of the sign and the ground level, which space may be filled in with

decorative latticework of light wooden construction. Every ground sign shall be stoutly constructed, anchored, and maintained in a secure and substantial manner.

(D) Any person occupying any lot or premises on which there is situated a ground sign shall be subject to the same duties and responsibilities as the owner of the lot and premises, with respect to keeping the premises adjoining such sign clean, sanitary, inoffensive, lawful, and free and clear of all obnoxious substances and unsightly conditions.

(E) No ground signboard construction of wood may be erected in Fire Zone 1.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.204 PROJECTING SIGNS.**

(A) Every projecting sign must be constructed and braced to withstand a horizontal wind pressure as required by Indiana Code for the superficial area exposed. Every projecting sign shall be securely attached to the building wall by iron or metal bolts, anchors, supports, chains, stranded chains, or steel rods.

(B) Signs projecting from the building wall may be extended within two feet, six inches of the curbline, but in no case shall such sign extend more than seven feet from or beyond the face of the building or property line, and no projecting sign shall be, at its lowest point, less than nine feet above the sidewalk level. However, on streets having sidewalks five feet or less in width, projecting signs may be erected attached to a building or structure and permitted to extend to an imaginary line projecting perpendicularly from the curb, with the lowest point of such sign no less than 14 feet above the sidewalk level.

(C) No projecting sign shall be erected to a greater height than 80 feet above the curb level of an adjacent street or above the cornice of any building which is three stories or more in height.

(D) All projecting signs erected, constructed, or maintained shall be constructed entirely of noncombustible material, approved for the purpose by the Building Commissioner.

(E) No projecting sign for which a permit is required by this chapter, and which is now or may be erected hereafter, within the fire limits, shall be illuminated other than by electricity.

(F) Noncombustible advertising displays, models, letter work, sign devices, or representations used in the nature of advertising, announcement, or direction may be hung to marquees; provided, however, such sign shall be at least nine feet above the sidewalk level and no such advertising display shall extend beyond or outside of the lines of the marquees.

(G) No projecting sign shall be erected hereafter when the area of one face of such sign shall exceed 300 square feet.

(H) Turnbuckles shall be placed in all chains and guy wires supporting projecting signs weighing 200 pounds or more, except in cases where turnbuckles are dispensed with by special

permission of the Building Commissioner.

(I) Projecting signs shall be supported as follows:

(1) The dead load of projecting signs may be supported with chains or guy wires, the working stress of which chains or guy wires shall not exceed one-fifth of the ultimate strength of such chains or guy wires. The net cross-sectional area of the supporting chains or guy wires shall not be less than 1/4-inch in diameter. Chains or guy wires supporting the dead load of any such sign shall be erected or maintained at an angle not less than 30 degrees with the horizontal. Supporting chains or cables may be used for the resistance of wind pressure, and the working stress of such supporting chains or cables shall be designed so that it will not exceed one-fifth of the ultimate breaking strength of the chains or cables. The least cross-sectional diameter of the chains or cables shall not be less than 1/4-inch. Supporting chains or cables resisting wind pressure shall be erected or maintained at an angle of 45 degrees or more than the face of the sign that the chains or cables are supporting. In no case shall there be less than two chains or cables designed to resist the dead load and two chains or cables on each side to resist the live load of any projecting sign having 20 square feet in one facial area. Chains or cables resisting a wind pressure on any side of a projecting sign shall not be more than eight feet apart.

(2) All supporting chains or guy wires, where used either for the resistance of live or dead loads shall be secured by a bolt or expansion screw that will develop the strength of the supporting chain or cable, with a minimum half-inch bolt or lag screw secured by an expansion shield or other method approved by the Building Commissioner.

(3) Chains or guy wires used to support the live load or dead loads of projecting signs, erected or maintained at an angle of more than 45 degrees, may be fastened to masonry walls with expansion bolts or by machine screws in iron supports. Where the supporting chains or cables must be fastened to walls made of wood, the supporting or anchor bolts shall go through the wall and be fastened securely on the other side.

(4) No staples or nails shall be used to secure any projecting sign or display to any building or structure, unless the sign or display weight is less than one pound.

(5) Stiff-arms, compression members or members in flexure may be used to support either the live load or the dead load of a projecting sign, but the effective or unsupported length of the main compression members of any sign or stiff-arm shall not exceed 120 times the least radius of gyration, and for the secondary members of 200 times the least radius of gyration.

(6) In any projecting sign or advertising display, the extreme fiber stress of the steel to be used shall not exceed 18,000 pounds per square inch, and for wood the extreme fiber stress shall not exceed 1,200 pounds per square inch of any grade lumber.

(7) All projecting signs weighing over 30 pounds shall have at least one dead load, head lift guy attached thereto, as provided by this section.

(8) All projecting signs weighing over 150 pounds shall have at least two dead load,

head lift guys attached thereto, as provided in this section.

(9) In no case shall any advertising display support be attached to a parapet wall.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89; Am. Ord. 4-1996, passed 4-15-96) Penalty, see § 150.999

## **§ 150.205 ROOF SIGNS.**

(A) No sign shall be placed upon the roof of any building so as to prevent the free passage from one part of the roof to any other part thereof or so as to interfere with the openings in the roof; and no sign that is placed upon the roof of any building shall project beyond the outer edge of the wall of such building in any direction. All roof signs shall be so constructed as to leave a clear space of not less than four feet between the roof level and the lowest part of the sign. Every roof sign shall be set back at least three feet from the face of any side, front or rear wall; and, if the sign is illuminated, overhead lighting reflectors may project six feet beyond the building line, but in no case shall the reflector be more than six feet from the sign which it is designed to illuminate.

(B) All roof signs shall be entirely of incombustible material, including the uprights, supports and braces thereof, except ornamental molding and battens behind the steel facings and decorative latticework may be of wooden construction. All roof signs shall be constructed as to withstand a wind pressure of not less than 30 pounds per square foot of superficial area subject to such pressures, and when erected upon a building, the roof of which is not constructed of fireproof material, all bearing plates of the sign shall bear directly or indirectly upon the masonry walls thereof or upon steel girders or metal columns which are of sufficient strength to withstand the live and dead load stresses of the roof sign.

(C) No roof sign having a tight, closed or solid surface shall be over 29 feet above the roof level at any point; and no roof sign with a tight, closed, or solid surface shall be erected on fireproof buildings to a height of not exceeding 75 feet above the roof level and upon nonfireproof buildings to a height not exceeding 50 feet above the roof level. The solid portions of such structures shall not exceed 40% of the superficial area thereof. All such signs which are erected on the roof of a fireproof building shall be thoroughly secured to the building upon which they are installed, erected, or constructed by iron or metal anchors, bolts, supports, chains, stranded cables, steel rods, or braces. All roof signs erected on nonfireproof buildings shall be so erected that the live and dead load stresses shall not in any way affect the building, but the sign shall be carried on steel girders and columns that will resist any stresses due to the wind pressure and load of the signs. The sign shall be thoroughly secured and anchored by iron or metal anchors, bolts, supports, chains, standard cables, steel rods, or braces.

(D) Every roof sign and all the supports, braces, guys, and anchors thereof shall be kept in repair, and unless galvanized or noncorroding material is used, the structural members shall be thoroughly and properly painted at least once every two years.



(E) The Administrator may order the removal of roof signs that are not maintained in accordance with this section.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.206 WALL SIGNS.**

(A) A wall sign may be placed upon the front, rear, or side wall of any building. However, such wall sign shall not extend beyond the building line more than 18 inches and shall be safely and adequately attached to the building wall by means of iron or metal anchors, bolts, or expansion screws of not less than five-eighths of an inch in diameter. No wooden plugs or anchorage with wood in connections or nails shall be considered sufficient for proper anchorage.

(B) If a wall sign is illuminated, overhead lighting reflectors may project six feet from the face of the bulletin or sign. All reflectors extending over the sidewalk shall be secured and safely anchored. No wall sign shall be so erected as to cover the doors and windows of any building in common use or otherwise prevent free ingress to or egress from the building or any fire escape.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89) Penalty, see § 150.999

### **§ 150.207 WIRING.**

All wiring and electrical apparatus in electric signs, of whatever character, shall be installed in accordance with the following rules:

(A) Every electrical sign shall be constructed so as to secure ample strength and rigidity, and shall have the receptacles so designed as to afford permanent and reliable means to prevent possible turning. The electrical signs shall be designed and constructed so that terminals will be at least 1/2-inch from each other and from the metal of the sign, except that in open work this distance shall be increased to one inch. Electrical signs shall be of weatherproof construction and so constructed as to enclose all terminals and wiring except the supply leads. Transformers, unless of the weatherproof type, cutouts, flashers, and other similar devices shall be placed in a separate, completely enclosed, accessible weatherproof box or cabinet made of metal not less than the thickness of the sign itself, or enclosed in approved cutout boxes or cabinets. Each compartment shall have suitable provisions for drainage through one or more holes not less than one-quarter of an inch in diameter. Miniature receptacles will not be approved for use in outdoor advertising displays. In every electrical sign, the wiring shall be neatly run and made mechanically secure and all connections shall be thoroughly soldered and all exposed parts treated to prevent corrosion. Where sign wiring passes through walls or partitions within the sign itself, the wiring shall be protected by standard bushings. In signs where receptacles maintain the wire one inch from any surface, the receptacles may be placed as much as 12 inches apart without any other support for the wire. Where the receptacles are more than one foot apart and less than two feet apart, one additional noncombustible, nonabsorptive insulator shall be

placed halfway between each two adjacent receptacles to maintain the wire in position. Except as specified above, wires shall be kept at least 2-1/2 inches apart for voltage up to 300 and four inches apart for voltages over 300. Wires on the outside of the body of the sign shall be in standard conduits, with all fittings of approved weatherproof type.

(B) Signs constructed with separate letters on metal screens or other supported structures, and all signs, whether permanent or temporary, whose sections are widely separated from each other shall be completely wired in conduit except when, in the opinion of the Building Commissioner, other methods may be used, but when they are exposed to the weather, the boxes shall be of cast metal or hot galvanized sheet metal. Cabinets, cutout boxes, and fittings shall be provided with threaded connections for the reception of the conduits which enter them. Junction boxes shall be gasketed and made watertight with a conduit arranged for drainage. Locknuts and bushings will not be approved for conduit work when they are exposed to the weather.

(C) Leads from the electrical sign shall pass through the walls of the sign and also through either standard metal conduit and armored cable, or one or more standard, noncombustible, nonabsorbing bushing. Main feeding signs shall be calculated for a capacity of the total connected load, figuring at least ten watts for each receptacle. Exterior signs may be connected to interior lighting circuits when the total load does not exceed 660 watts, but no sign may be connected to a show window circuit. Outside signs shall be controlled by accessible switches which shall cut off entirely all wires to the sign. All metal electric signs shall be thoroughly grounded.

(D) All electrically illuminated signs shall bear the approving label of any nationally recognized testing laboratory.

(E) When any sign is illuminated, the electrical work shall be done by a licensed electrician.

(F) Signs cannot be wired with BX, but must be wired with conduit.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.208 GLASS IN SIGNS.**

(A) Ornamental or plain flat glass shall not be permitted to be hung from any canopy which extends over a public highway within the city, unless such glass is supported at all times around the entire edge by a substantial metal supporting rib approved by the Building Commissioner; and such glass shall be limited to 100 square inches in area within any one set of metal supporting ribs.

(B) Exposed glass in any sign shall be permitted only when the area within any one set of metal ribs is not greater than 100 square inches for each and every piece of exposed glass. The Building Commissioner may approve larger areas of exposed glass when wire glass, or its equivalent, or 1/4-inch wire mesh in front of the glass is used, but in no case shall the exposed

area of the wire glass or the wire mesh be greater than eight square feet.

(C) All metal supporting ribs in any sign shall extend over and cover at least 1/4-inch of the portion of the surface of the glass that is to be exposed.

(D) In case a picture or fancy display is to be used in an exposed area of any sign, not more than two open spaces of not exceeding 150 square inches each may be permitted in one sign.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.209 OBSTRUCTING FIRE ESCAPE WITH SIGN.**

In no case may a fire escape be removed or obstructed for the erection of any advertising display whatsoever, or for any other cause, without the written consent of the Building Commissioner, upon written application supported by an affidavit showing that the fire escape is no longer necessary for the public safety, the intention of which for which it was constructed, and that the conditions of occupancy are to remain the same thereafter. The written application and affidavit shall remain in the records of the Building Commissioner.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.210 NAME OF SIGN CONTRACTOR TO BE SHOWN.**

Every sign erected shall be plainly marked with the name of the person erecting the sign.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.211 OBSCENE ADVERTISING PROHIBITED.**

No advertising of immoral, obscene, seditious, or unlawful character shall be posted, painted, or displayed upon any advertising display or any other structure whatsoever within the city.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.212 (RESERVED).**

### **§ 150.213 REMOVAL OF UNLAWFUL SIGNS OR DISPLAYS.**

In case any sign or display shall be erected or maintained in violation of any of the provisions of this subchapter, the Building Commissioner shall notify, by registered mail, the owner or the lessee thereof either to alter the sign so as to comply with this subchapter, and to secure the

necessary permit therefor, or forthwith to remove the sign. If the order is not complied with within ten days after mailing such notice, the Building Commissioner may remove the sign at the expense of the owner or lessee thereof, or of the owner or occupant of the building.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

## **STANDARDS, REGULATIONS FOR AWNINGS, MARQUEES, AND THE LIKE**

### **§ 150.214 DEFINITIONS.**

(A) For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AWNING.*** A rooflike shelter carried by a supporting frame or arms attached to a building and so arranged that the shelter and frame may be folded or rolled up to the face of the building to which it is attached.

***MARQUEE.*** An overhanging flat rooflike protection or covering of rigid material and construction.

***PERMANENT AWNING.*** A sloping rooflike protection of lightweight, rigid construction supported from a building without posts and used for the outside protection of a door, window, or other opening.

***SUPPORTED CANOPY.*** A covering of canvas or other combustible material used solely for temporary shelter for a door or walk and carried by a frame supported by the ground or sidewalk.

***SUSPENDED CANOPY.*** A covering of canvas or other combustible material rigidly supported by a metal frame attached to a building and suspended from the building solely for shelter or for protection.

***VENETIAN AWNING.*** An awning, shutter, or louver of metal, wood, or other rigid material fabricated into sheets, strips, or slats somewhat similar to a venetian blind, erected to shade or form an outside protection to a window, door, or other building opening.

(B) Any construction erected primarily for shade or protection from the elements which projects into any public area or is liable to endanger persons using public streets or alleys, and which is not mentioned or defined specifically herein or about which there is any question shall be classified by the Building Commissioner.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.215 PERMIT REQUIRED.**

No suspended canopy, permanent awning, or marquee shall be added to, altered, or erected over the streets or alleys until a permit has been secured therefor from the Building Commissioner.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.216 APPLICABILITY OF REGULATIONS.**

The regulations in this subchapter shall apply to all construction and maintenance of awnings, permanent awnings, venetian awnings, suspended awnings, suspended canopies, supported canopies, and marquees.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.217 AWNINGS.**

(A) Awnings over public areas shall be arranged without posts and shall provide a clearance of not less than seven feet from the sidewalk to the lowest point of the framework. No part of such awning cover, including any fringe, apron, skirt, valance, or drop, shall be less than seven feet above the surface of the sidewalk immediately below when the awning is lowered for use. No awning less than 13 feet above the street, alley, or sidewalk shall be closer to the vertical plane of the curb than two feet, and in no case shall any awning project from the face of the building more than eight feet. All awnings shall be covered with substantial material.

(B) All fixtures, such as lateral arms, center supports, gears and pin ends, shall be fastened to steel backing, where available, by drilling and bolting through from the back when possible, or by drilling, tapping, and fastening with not less than 3/8-inch machine bolts; where wood backing only is available, bolt through from the back, wherever possible, using large washers under the heads of the bolts, otherwise use lag screws from the front at least four inches long. When anchorage is to be made in brick, stone, or terra-cotta, approved expansion bolts shall be used. Lock washers shall be used on all bolts.

(C) Every awning shall be rolled or folded against the building except when serving as a protection from the sun, rain, snow, or other inclement weather.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.218 FABRIC-COVERED AWNINGS.**

(A) (1) For fabric-covered awnings, when using steel rollers, no center supports shall be

necessary on awnings under 20 feet; over 20 feet center supports shall be spaced as follows:

Awning Length	Number of Supports Required
20 to 30 feet	1
30 to 40 feet	2
40 to 60 feet	3

(2) One additional center support shall be required for each additional 15 feet or fraction thereof.

(B) On fabric-covered awnings having an extension of four feet or more from the point of fastening on the building, 3/4-inch, inside diameter, galvanized pipe extension arms shall be used. All extension bars shall be galvanized and shall not be less than 5/8-inch in diameter. Two arms shall be used for awnings not over 20 feet in length. On awnings over 20 feet, a center arm must be provided for each additional eight feet or fraction thereof, added to the length of the awning.

(C) (1) Fabric-covered awnings suspended on lateral arms shall require the following number of arms:

Awning Length	Number of Arms Required
0 to 22 feet	2
22 to 30 feet	3
30 to 40 feet	4

(2) One additional arm for each ten feet or fraction thereof thereafter; wherever possible an even number of lateral arms shall be used.

(D) Front bars shall be galvanized one-inch, inside diameter, pipe or grade A clear fir or comparable timber dressed to size two inches by three inches, with the corners properly leveled.

(E) Roller awnings shall be operated by self-locking, steel cut, worm-type gear fixtures; roller sprocket wheels and link chains shall not be permitted.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.219 VENETIAN AWNINGS.**

(A) No awning, shutter, or louver of metal, wood, or other rigid material shall be erected or

maintained in such a way that it will impede the entrance into the building of members of the fire force, or in such a manner that it will bar the way of persons seeking to escape from fire or panic in a building; and no shutter or louver of this type shall be placed in any opening giving access to a fire escape or other intended means of escape. No fixed frame shall be placed on any window or door opening in an assembly hall or public hallway in an apartment or hotel building.

(B) No venetian awning, shutter, or louver of metal, wood, or other rigid material weighing over one pound per square foot shall be attached to the wood jambs, frame, or other wood members of a building, frame building excepted, when the building is within ten feet of public property.

(C) All venetian awnings erected above the first story shall be equipped with at least one safety chain securely fastened to the awning and frame.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

#### **§ 150.220 APPROVAL OF CERTAIN AWNING DESIGNS.**

The design, construction, and erection details of all awnings other than those specifically provided for in this subchapter, shall be submitted to the Building Commissioner for approval before any construction work is started.

(Ord. 29-1977, passed 10-17-77)

#### **§ 150.221 SUSPENDED CANOPIES.**

(A) Suspended canopies may extend over public sidewalks; provided, however, a suspended canopy not over ten feet in width, measured parallel to the building, may extend a distance not to exceed 12 feet, but in no case shall the outer edge of the canopy extend closer to the vertical plane of the curb than two feet nor shall it come within two feet of the property line, extended toward the curb.

(B) All suspended canopies shall be securely and rigidly supported throughout by metal framework and maintained so that no part of the framework of such canopy shall be less than eight feet above the surface of the sidewalk immediately below and no part of the canopy covering, including any fringe, apron, skirt, valance or drop, shall be less than seven feet above the surface of the sidewalk immediately below.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

#### **§ 150.222 SUPPORTED CANOPIES.**

(A) A supported canopy may be erected for a period of not to exceed seven days when

approved by the Building Commissioner, if the fee therefor has been paid and the permit secured; provided, however, a supported canopy may be erected for a period not to exceed 24 hours and no permit or fee will be required.

(B) All supported canopies shall be adequately supported and braced and shall be safely maintained and well-lighted at night. The abutting property owners shall save the city harmless from all claims of every kind or nature arising out of the erection, use, and dismantling of a supporting canopy over public property.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.223 MARQUEES.**

Marquees extending over public property shall have their main framework and support of noncombustible material and shall be designed by a structural engineer and approved by the Building Commissioner. Marquees shall have a clearance of at least ten feet above public property, shall not extend closer to the vertical plane of the face of the curb than two feet, nor shall they come within two feet of the adjoining side property line, extended toward the curb. Marquees extending not further than two feet from the front building line may have a clearance above public property of not less than eight feet and, except in Fire Zone 1, may be built of combustible materials; marquees may also extend to the side property line. The roofs of all marquees shall be so drained as not to discharge water upon the public sidewalk.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.224 PERMANENT AWNINGS.**

Permanent awnings which extend over public property shall be of rigid construction of either combustible or noncombustible material, so designed that the roof portion shall be partly open to insure release of air pressure built up under the awning. All parts of the roof shall have a slope of not less than 15 degrees with the horizontal. The structure shall be braced and securely fastened with bolts or lag screws to the building to which it is attached. The method of construction and attachment shall be approved by the Building Commissioner. No part of any permanent awning shall be closer than seven feet from the face of the building to which it is attached. No awning of this description within 13 feet of the walkway shall be closer than two feet from the vertical plane of the curb.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.225 ADVERTISING.**

No awning, permanent awning, suspended canopy, or supported canopy shall have upon it



any advertising whatsoever except the owner's name or the street number.

(Ord. 29-1977, passed 10-17-77) Penalty, see § 150.999

### **§ 150.226 CONTRACTOR'S NAME TO APPEAR ON CANOPY OR AWNING.**

Every awning, permanent awning, suspended canopy, and supported canopy erected over any sidewalk shall bear the name and address, on a tag or stencil not exceeding 36 inches, of the person erecting or installing the same.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.227 CANOPIES NOT TO INTERFERE WITH FIRE ESCAPES OR UTILITIES.**

Suspended or supported canopies, permanent awnings, or marquees shall not interfere with fire escapes or with public utilities.

(Ord. 29-1977, passed 10-17-77)

## **SIGN PERMITS**

### **§ 150.235 WHEN REQUIRED.**

(A) No sign shall be erected by any person without first obtaining a permit therefor.

(B) No sign erected shall be altered, rebuilt or relocated without being altered, rebuilt, or relocated so as to comply with the requirements of this chapter and without a permit therefor having been first obtained.

(C) A permit shall not, however, be required in the following cases:

(1) Real estate signs advertising real estate for sale or for rent, provided such signs do not exceed 25 square feet in area;

(2) Banners or other temporary advertising displays of less than 100 square feet in area, not erected over a public highway;

(3) The painting of an advertising display over any wall or window;

(4) Advertising displays less than 20 square feet maintained flat against a wall of a sidewalk shed, toolhouse or contractor's office, and where not otherwise in violation of this chapter.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89) Penalty, see § 150.999

### **§ 150.236 APPLICATION.**

No permit required by this subchapter shall be issued until an application therefor has been filed with and approved by the Building Commissioner, showing the plans and specifications, if required, of the proposed sign, including the dimensions, materials, and details of construction and a full compliance with all the requirements of this chapter relating to the structure.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.237 FEES.**

No permit required by this subchapter shall be issued until the applicant therefor shall have paid the fee for the permit as required by §§ 150.245 through 150.247.

(Ord. 29-1977, passed 10-17-77)

## **SIGN INSPECTION FEES**

### **§ 150.245 PERMIT FEES FOR THE ERECTION OF SIGNS AND ADVERTISING DISPLAYS.**

The fees to be charged for the erection of all signs or advertising displays shall be as follows:

(A) Ground signs, projecting signs and roof signs:

- (1) Minimum fee, \$60.
- (2) General rate, \$1 per square foot of gross area of display.

(B) Wall signs, flat electric signs, banners and all other signs not listed in division (A) above:

- (1) Minimum fee, \$30.
- (2) General rate, \$1 per square foot of gross area of display.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89)

### **§ 150.246 PERMIT FEES FOR MARQUEES AND AWNINGS OVER PUBLIC PROPERTY.**

(A) Minimum fee, \$35.

(B) General rate, \$10 per 100 square feet.

(Ord. 29-1977, passed 10-17-77; Am. Ord. 2-1989, passed 5-15-89)

#### **§ 150.247 (RESERVED).**

#### **§ 150.248 CONDITIONS OF LICENSE.**

In granting any license under §§ 150.202 through 150.248, the Building Commissioner may attach such reasonable conditions to the license, including but not limited to insurance coverage, as he determines to be in the best interest of the public health, safety, and welfare.

(Ord. 10-1986, passed 8-4-86)

### **ADMINISTRATION, ENFORCEMENT**

#### **§ 150.255 ADMINISTRATION, TERRITORIAL APPLICATION.**

(A) The Building Commissioner of the city shall administer and enforce the provisions of this chapter.

(B) This chapter shall be applicable throughout the territorial limits of the city.

(Ord. 29-1977, passed 10-17-77)

#### ***Statutory reference:***

*Inspection of buildings authorized, see IC 36-7-2-3*

#### **§ 150.256 FAILURE TO FILE A PROPER CERTIFICATE OF COMPLETION AND COMPLIANCE.**

Any person, partnership, or corporation which, being required to do so, fails to file with the Building Commissioner a certificate of completion and compliance in accordance with §§ 150.035 through 150.037 or 150.048(B)(2) of this chapter or who files a certificate of completion and compliance which is false in material respect shall not be eligible to subsequently obtain a building permit until a proper certificate of completion and compliance is filed. This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.257 AUTHORITY TO WITHHOLD PERMITS.**

Whenever a person, partnership, or corporation which is either an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds and permit fees owed pursuant to § 150.021 to the Building Commissioner's office pursuant to this chapter or has failed to maintain the bond and insurance requirements of this chapter, the Building Commissioner is authorized to withhold the issuance of subsequently requested permits until such time that the debt is satisfied or the bond and insurance requirements are satisfied.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.258 REVOCATION OF PERMITS.**

(A) The Building Commissioner may revoke a building permit where the application, plans, supporting documents or other information required by this chapter reflect either:

- (1) A false statement or misrepresentation as to a material fact;
- (2) Lack of compliance with building standards and procedures;
- (3) A failure to comply with the requirements of §§ 150.016, 150.017, or 150.021;
- (4) Failure of contractor to maintain the surety bond or insurance required as a condition to his licensure or listing;
- (5) Failure of contractor to maintain the insurance required by § 150.017 as a prerequisite for obtaining a building permit for demolition or removal of a structure in excess of 75 feet in height.

(B) This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.259 FEES FOR PERMITS OBTAINED AFTER COMMENCEMENT OF WORK.**

If work for which a permit is required by this chapter has been commenced by the obtainer without compliance with the provisions of § 150.015 the permit fee shall be double the applicable amount stated in §§ 150.065 through 150.077; and if work for which a permit is required is completed or substantially completed by the obtainer without compliance with the provisions of § 150.015, the permit fee shall be ten time the applicable amounts stated in §§

150.065 through 150.077; provided, that the maximum fee incurred under this section shall be \$300 plus the amount of the normal fee for the permit. This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.260 STOP-WORK ORDERS.**

(A) Whenever the Building Commissioner or his authorized representative discovers the existence of any of the circumstances listed below, he is empowered to issue an order requiring the suspension of the pertinent construction activity. The stop-work order shall be in writing and shall state to which construction activity it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed.

(1) Construction activity is proceeding in an unsafe manner including, by way of example and not of limitation, in violation of any standard set forth in this chapter or any state standard pertaining to safety during construction.

(2) Construction activity occurring in violation of building standards and procedures or in such a manner that if construction is allowed to proceed, there is a reasonable probability it will be substantially difficult to correct the violation.

(3) Construction activity has been accomplished in violation of building standards and procedures and a period of time which is one half the time period in which construction could be completed, but no longer than 15 calendar days has elapsed since written notice of the violation or noncompliance was either posted on the property in a conspicuous place or given to the person doing the construction, without the violation or noncompliance being corrected.

(4) Construction activity for which a building permit is required is proceeding without a building permit being in force. In such an instance, the stop-work order shall indicate that the effect of this order terminates if the required building permit is obtained.

(5) Construction activity for which a building permit was issued more than 30 days earlier is proceeding without there being in force applicable permits and approvals required by governmental units (including, but not limited to, Department of Public Safety, Department of Public Works, Department of Transportation, Health and Hospital Corporation of Marion County, State Board of Health, State Department of Natural Resources, State Highway Department) for compliance with standards for air quality, drainage, flood control, fire safety, vehicular access, and waste treatment and disposal on the real estate on which the structure is located. In such an instance, the stop-work order shall indicate that the order is applicable to all construction activity allowed by the building permit and that the effect of the order terminates if the required permits

and approvals are obtained.

(6) Construction activity is occurring for which a certificate of appropriateness from the State Historical Preservation Commission pursuant to IC 36-7-11.1-1 et seq. without a certificate of appropriateness being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates if the required certificate of appropriateness is obtained.

(B) This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.261 ORDER FORBIDDING OCCUPANCY.**

(A) The Building Commissioner or his authorized representative is empowered to issue an order forbidding the occupancy of any structure or part of any structure, if:

(1) The structure or applicable part of the structure is unoccupied.

(2) Some construction activity for which a building permit is required has been accomplished on the structure or applicable part of the structure within the previous 180 days.

(3) Construction activity on the structure or applicable part of the structure is not yet completed or has occurred in violation of applicable building standards and procedures.

(4) The stage of completion or nature of violation is such that occupation of the structure or applicable part of the structure would pose a significant threat to the health or safety of persons. The order forbidding occupancy shall be in writing specifying whether it is applicable to the entire structure or to only a part of the structure in a conspicuous place and, if conveniently possible, shall be given to the owner of the property or his agent and to any person doing work on the premises. The order forbidding occupancy shall state the conditions under which the structure or part of the structure may be occupied.

(B) This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

(Ord. 29-1977, passed 10-17-77)

### **§ 150.262 FORFEITURE OF BONDS.**

(A) Actions for the forfeiture of bonds can be commenced in two ways:

(1) The Building Commissioner may deliver the bond of a contractor to the City Attorney who may initiate proceedings to forfeit a bond:

(a) As a penalty whenever any listing or license issued pursuant to this chapter is suspended or revoked.

(b) As a penalty for repeated code violations by a contractor, his agents, or employees.

(c) To indemnify the city against any loss, damage, or expense sustained by the city by reason of the conduct of the contractor, his agents, or employees.

(d) To secure payment of any fees owed to the city pursuant to this chapter which have become delinquent, after reasonable notice has been given to the contractor of the delinquency.

(2) A person, partnership, or corporation which holds a property interest in real estate on which construction activity has occurred may, through counsel, bring an action against the bond for expenses necessary to complete construction activity or correct code deficiencies therein after written notice of the code deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to complete or correct performance. If such a person, partnership, or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses (including attorney fees based on actual time expended) determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action, unless the court in its discretion shall determine that such an award of attorneys fees would be inappropriate.

(B) Upon forfeiture of this bond or any part thereof, the person, partnership, or corporation so penalized shall be required to replenish, maintain, and satisfy the statutory amount required by applicable provision of this chapter.

(Ord. 29-1977, passed 10-17-77)

***Statutory reference:***

*City authorized to impose bonds, see IC 36-7-2-4*

**§ 150.263 CIVIL ACTION.**

(A) The city may initiate a civil action in a court of competent jurisdiction to restrain any person, partnership, or corporation from violating a provision of this chapter or any building standard or procedure. The purposes for which injunctive relief may be obtained shall include, but not be limited to:

(1) Preventing a person, partnership, or corporation which is not licensed as an electrical contractor, heating and cooling contractor, or wrecking contractor, is not a registered plumbing contractor or is not a listed contractor from engaging in construction activity for which such licensure registration or listing is required by this chapter.

- (2) Enforcing the provisions of a stop-work order issued pursuant to § 150.260.
  - (3) Enforcing the provisions of an order forbidding occupancy issued pursuant to § 150.261.
  - (4) Preventing work in violation of a building standard or procedure.
  - (5) Requiring the reconstruction of any structure or building equipment, or part thereof, which was constructed in violation of building standards or procedures.
  - (6) Preventing use of a tent enclosing more than 1,500 square feet, air-supported structure enclosing more than 1,500 square feet, or amusement device upon which persons are conveyed, which does not comply with standards stated in § 150.057.
- (B) This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.
- (Ord. 29-1977, passed 10-17-77)

## **UNSAFE BUILDINGS**

### **§ 150.270 TITLE.**

Under the provisions of IC 36-7-9, there is hereby established the City Unsafe Building Subchapter.

(Ord. 1-1988, passed 5-2-88)

### **§ 150.271 ADOPTION OF RULES BY REFERENCE.**

IC 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the City Unsafe Building Subchapter. All proceedings within the city for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this subchapter. In the event the provisions of this subchapter conflict with the provisions of IC 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.

(Ord. 1-1988, passed 5-2-88)

### **§ 150.272 DEFINITIONS.**

The description of an unsafe building contained in IC 36-7-9-4 is hereby supplemented to provide minimum standards for building conditions or maintenance in the city by adding the



following definition:

***UNSAFE BUILDING.*** Any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

(A) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(B) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(C) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.

(D) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

(E) 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.

(F) 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 for any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.

(G) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(H) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(I) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, or 50% damage or deterioration of its nonsupporting members, enclosing or outside wall or coverings.

(J) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.

(K) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the city, or any law or ordinance of this state or the city relating to the condition, location, or structure of buildings.

(L) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any nonsupporting part, member, or portion less than 50%, or in any supporting part, member, or portion less than 60% of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

(M) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the County Health and Hospital Corporation to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(N) Whenever a building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the Fire Chief to be a fire hazard.

(O) Whenever any portion of a building or structure remains on site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

The definition of ***SUBSTANTIAL PROPERTY INTEREST*** set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

(Ord. 1-1988, passed 5-2-88)

### **§ 150.273 PUBLIC NUISANCE; ENFORCEMENT.**

(A) Any premises which fail to meet the minimum standards set forth herein after inspection by the Building Commissioner or are determined to be unsafe as defined in § 150.272 shall be deemed a public nuisance and constitute a violation of the city Code of Ordinances.

(B) Any building which has remained vacant, or boarded, for a period of one year or more shall be deemed a public nuisance and constitute a violation of the city Code of Ordinances. This subsection applies whether the boarding was ordered under IC 36-7-9-5, or Section 537.7 and 537.10 of the Revised Code of the Consolidated City and County.

(C) The owner of any premises or building deemed a public nuisance pursuant to this section shall be subject to remedial action under IC 36-7-9-1 et seq., and shall be abated by

rehabilitation, demolition, or removal.

(D) Each date the violation continues constitutes a separate violation.

(E) A building deemed a public nuisance pursuant to subsection (B) above, and the premises on which it is located, shall be presumed to be abandoned. If there is a failure to rebut this presumption during the course of an enforcement proceeding, then the court shall, upon request, order the premises forfeited, with title and interest to vest in the plaintiff City of Beech Grove.

(Ord. 1-1988, passed 5-2-88; Am. Ord. 1-1997, passed 5-5-97)

### **§ 150.274 REMEDIAL ACTION; ENFORCEMENT.**

(A) The Building Commissioner, as chief administrative officer of the City Building Department, shall be authorized to administer and to proceed under the provisions of this chapter or IC 36-7-9-5 in ordering the repair or removal of the buildings found to be unsafe as specified therein or as specified hereafter.

(B) Whenever in the building regulations of the city or the City Unsafe Building Subchapter 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 city, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by this subchapter have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, or the power to require conditions not prescribed by this subchapter, or the power to act in an arbitrary or discretionary manner.

(C) Orders or portions of orders issued by the city under IC 36-7-9-5 requiring an owner to bring his premises into compliance with the standards set forth herein shall be complied with by the time specified in the order, or as extended by the hearing authority acting under IC 36-7-9-6. However, an order, other than an order requiring immediate boarding, shall provide the owner at least 33 days from the mailing of the order to comply or to prepare for an administrative hearing.

(D) Failure of an owner to comply within the time specified in the order shall constitute a violation of the code. Each day that the violation continues constitutes a separate offense and upon conviction thereof shall be punishable by fines not exceeding \$500 for each violation.

(Ord. 1-1988, passed 5-2-88; Am. Ord. 1-1997, passed 5-5-97)

### **§ 150.275 WORKMANSHIP.**

All work for the reconstruction, 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 provisions of the building laws, as defined in IC 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Building Commissioner of the city.

(Ord. 1-1988, passed 5-2-88)

#### **§ 150.276 UNSAFE BUILDING FUND.**

An Unsafe Building Fund is hereby established in the operating budget of the city in accordance with the provisions of IC 36-7-9-14.

(Ord. 1-1988, passed 5-2-88)

#### **§ 150.277 HISTORIC PRESERVATION.**

The construction, reconstruction, alteration or demolition of any structure or portion thereof which may be required by the provisions of these standards shall be done in accordance with IC 36-7-11.1 et seq., "Historic Preservation in Marion County," and with the plans, bylaws and rules of the Indianapolis Historic Preservation Commission.

(Ord. 1-1997, passed 5-5-97)

### **FIRE PREVENTION AND BUILDING SAFETY REGULATIONS**

#### **§ 150.280 PURPOSE.**

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

(Ord. 3-1988, passed 5-16-88)

#### **§ 150.281 SCOPE.**

The provisions of this subchapter apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrial building systems or mobile structures certified under IC 22-15-4, in the city.

(Ord. 3-1988, passed 5-16-88)

### **§ 150.282 ADOPTION OF RULES BY REFERENCE.**

(A) Building rules of the State Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the State Administrative Code are hereby incorporated by reference in this subchapter and shall include later amendments to those Articles as the same are published in the State Register of the State Administrative Code with effective dates as fixed therein. Refer to § 150.002 for a complete list of codes and rules.

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

(Ord. 3-1988, passed 5-16-88; Am. Ord. 4-1996, passed 4-15-96)

### **§ 150.283 AUTHORITY.**

The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this subchapter. Whenever in this subchapter it is provided that anything must be done to the approval or subject to the direction of the Building Commissioner or any other officer of the city, this shall be construed to give such officer only the discretion of determining whether this subchapter has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this subchapter shall be, or power to require conditions not prescribed by ordinances or to enforce this subchapter in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under IC 22-13-2-7(b).

(Ord. 3-1988, passed 5-16-88)

### **§ 150.284 APPLICATION FOR PERMITS.**

No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. 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.

(Ord. 3-1988, passed 5-16-88)

### **§ 150.285 PERMIT REQUIRED.**

(A) A permit shall be obtained before beginning construction, alteration, or repair of any building or structure, the cost of which exceeds \$500, using forms furnished by the Building

Commissioner, and all fees required by the Building Code shall be paid to the city.

(B) 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 ordinance.

(Ord. 3-1988, passed 5-16-88)

### **§ 150.286 REVIEW OF PERMIT 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 the Building 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 the structure, flood damage, and (3) uses construction methods and practices that will minimize flood damage.

(Ord. 3-1988, passed 5-16-88)

### **§ 150.287 INSPECTIONS.**

(A) After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of the Building Code 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 in the Building Code.

(B) The Chief of the Fire Department, or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection, and alarm systems and shall provide reports of such inspection to the Building Commissioner.

(Ord. 3-1988, passed 5-16-88)

**§ 150.288 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 city to perform any duty imposed upon him by the Building Code.

(Ord. 3-1988, passed 5-16-88)

**§ 150.289 STOP ORDER.**

Whenever any work is being done contrary to the provisions of the Building 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.

(Ord. 3-1988, passed 5-16-88)

**§ 150.290 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy for any building or structure constructed after the adoption of the Building Code shall be issued unless such building or structure was constructed in compliance with the provisions of the Building 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.

(Ord. 3-1988, passed 5-16-88) Penalty, see § 150.999

**§ 150.291 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.

(Ord. 3-1988, passed 5-16-88)

**§ 150.292 RIGHT OF APPEAL.**

All persons shall have the right to appeal any order of the Building Commissioner first

through the Board of Public Works of the city and then to the State Fire Prevention and Building Safety Commission in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.

(Ord. 3-1988, passed 5-16-88)

### **§ 150.293 REMEDIES.**

The Building Commissioner shall in the name of the city bring actions in the Municipal or Superior Courts of the county, 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 the Building Code.

(Ord. 3-1988, passed 5-16-88)

### **§ 150.294 VIOLATIONS.**

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, 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 city or cause or permit the same to be done, contrary to or in violation of the provisions of the Building Code.

(Ord. 3-1988, passed 5-16-88) Penalty, see § 150.999

### **§ 150.999 GENERAL PENALTY.**

(A) Any person, partnership, or corporation violating any provision of this chapter for which another penalty is not otherwise provided or any building standard or procedure thereof shall be guilty of a punishable offense and may be subject to a fine in any sum not exceeding \$1,000. This penalty shall in no way limit the operation of special penalties for specific provisions of this chapter, nor shall such special penalties in any way limit the operation of this general penalty.

(Ord. 29-1977, passed 10-17-77)

(B) No person, firm, or corporation, whether as owner, lessee, sublessee, 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, contrary to or in violation of any of the provisions of §§ 150.270 through 150.276 or any order issued by the Building Commissioner. Any person violating the provisions of §§ 150.270 through 150.276 or IC 36-7-9-28 shall commit a Class C infraction for each day such violation continues.

(Ord. 1-1988, passed 5-2-88)



(C) If any person, firm, or corporation shall violate any of the provisions of §§ 150.280 through 150.294, or shall do any act prohibited therein, 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 §§ 150.280 through 150.294 for each such violation, failure, or refusal, such person, firm, or corporation shall be fined in any sum not less than \$50 nor more than \$100. Each day of such unlawful activity as is prohibited by the first sentence of this subsection shall constitute a separate offense.

(Ord. 3-1988, passed 5-16-88)