

## Huntington, IN Code of Ordinances

### **CHAPTER 150: BUILDING CODE**

#### Section

#### *General Provisions*

- 150.01 Scope
- 150.02 Effective date
- 150.03 Authority
- 150.04 Adoption of rules by reference
- 150.05 Application for permits; records
- 150.06 Permit fee schedule
- 150.07 Building inspections
- 150.08 Certificate of occupancy

#### *Electrical Code*

- 150.10 Electrical Inspector; powers and duties
- 150.11 Electrical contractors; license required; exemption
- 150.12 License classifications
- 150.13 Application for electrical license; reciprocity; examination of applicants
- 150.14 Board of Electrical Examiners established; meetings
- 150.15 Issuance of license; fees; renewal
- 150.16 License to be available at job site
- 150.17 Electrical permit required
- 150.18 Permit required for installation, repair of electrical devices or wiring
- 150.19 Standards of installation
- 150.20 Permit application, issuance
- 150.21 Permit fee schedule
- 150.22 Electrical inspections
- 150.23 Periodic reinspections
- 150.24 Condemnation of electrical installation, right to appeal
- 150.25 Liability
- 150.26 Enforcement; revocation of license

#### *Plumbing Code*

- 150.40 Definitions
- 150.41 Plumbing Inspector
- 150.43 State Plumbing Code adopted
- 150.44 License required; exemption
- 150.45 Permit for plumbing work required
- 150.46 Application for permits
- 150.47 Permit fees
- 150.48 Plumbing inspections

#### *Fence Code*

- 150.50 Definitions
- 150.51 Application for fence permits
- 150.53 Standards of installation
- 150.54 Disputes concerning boundaries

## Huntington, IN Code of Ordinances

### *Demolition of Structures*

- 150.60 Definitions
- 150.61 Permit required; form; application; fee
- 150.62 Permit requirements
- 150.63 Demolition requirements
- 150.64 Authority of Building Commissioner
- 150.65 Demolition of historic structures
- 150.66 Permit fee exemptions
- 150.67 Deposit of permit fees and penalties

### *Unsafe Buildings*

- 150.70 Unsafe Building Law
- 150.71 Availability of state law
- 150.72 Enforcement and hearing authorities

### **Access to Property**

- 150.80 Access to property; inspections
- 150.81 Emergency measures
- 150.91 Violations
- 150.98 Appeals of administrative decisions
  
- 150.99 Penalty

## **GENERAL PROVISIONS**

### **§ 150.01 SCOPE.**

The provisions of this chapter apply to the construction, reconstruction, erection, alteration, use, moving, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4 or regulated lifting devices as defined in IC 22-12-1-22, in the jurisdiction of the City of Huntington.

### **§ 150.02 EFFECTIVE DATE.**

This chapter shall be in full force and effect from and after its adoption, approval by the State Fire Prevention and Building Safety Commission, and publication as required by law.

### **§ 150.03 AUTHORITY.**

(A) The Community Development & Redevelopment Department (hereinafter referred to as Department) is hereby authorized and directed to administer and enforce all of the provisions of this chapter and the Building Commissioner (as Building Commissioner, Electrical Inspector, and Plumbing Inspector) shall act on behalf of the Department for these purposes. The Building Commissioner, Electrical Inspector, and Plumbing Inspector may designate persons to act on his/her behalf with the full authority granted herein.

(B) The Building Commissioner shall not engage in, or have a pecuniary interest in, any business of building construction, either directly or indirectly, which operates in the jurisdiction of the Building Commissioner.

(C) Any variance from the adopted building rules is subject to approval under IC 22-13-2-7(B).

### **§ 150.04 ADOPTION OF RULES BY REFERENCE.**

## Huntington, IN Code of Ordinances

(A) Building rules of the State Fire Prevention and Building Safety Commission as set out in the following articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

- (1) Article 13 - Building Codes.
- (2) Article 14 - Indiana Residential Code.
- (3) Article 16 - Indiana Plumbing Code.
- (4) Article 17 - Indiana Electrical Code.
- (5) Article 18 - Indiana Mechanical Codes.
- (6) Article 19 - Indiana Energy Conservation Code.
- (7) Article 20 - Indiana Swimming Pool Code.
- (8) Article 22 - Indiana Fire Code.
- (9) Article 25 - Indiana Fuel Gas Code.
- (10) Article 28 – NFPA Standards.

(B) Two copies of those rules as enumerated in division (A)(1) - (10) above are on file in the office of the City Clerk-Treasurer for public inspection. Copies are also on file with the Department. All of those copies are available at their respective locations for reference, examination, and copying.

### **§ 150.05 APPLICATION FOR PERMITS; RECORDS.**

(A) A building permit shall be obtained for:

- (1) Construction of new residential dwelling units and non-residential buildings.
- (2) Construction of additions to new residential dwelling units and non-residential buildings including, but not limited to, rooms, porches, decks, or enclosure of existing structures.
- (3) Location or construction of accessory structures to residential dwelling units or non-residential buildings including, but not limited to, garages, carports, sheds, storage buildings, or satellite dishes.
- (4) Replacement of any existing structure which, if new, would require a building permit under this section.
- (5) Construction of new roof projections or structural changes to a roof.
- (6) Location of a manufactured home.
- (7) Work which requires state design release, including but not limited to, interior commercial renovation.
- (8) Construction or erection of an in-ground swimming pool.
- (9) Construction or erection of an on-ground swimming pool that is:
  - (a) Capable of a water depth greater than 42 inches; or
  - (b) Located inside a residence, regardless of water depth, whether or not served by an electrical circuit.

(B) All applications for building permits shall be filed with the Department on forms provided by the department, with at least one set of plans and specifications showing and describing the work to be done. The plans and specifications shall include all items necessary for the Department to determine compliance of the proposed work with applicable land use and building regulations, including:

(1) A site plan of the property upon which, or to which, the building or structure shall be constructed, placed, reconstructed, erected, moved or altered showing all property line dimensions; streets, alleys, and other rights-of-way; recorded easements; utility and telephone lines (both overhead or underground); legal drains or open ditches; existing and proposed buildings and structures; all setback lines; height, width, and depth of the proposed building or structure; parking areas; and landscaping when required by city ordinances;

(2) Building floor plans, showing the location of all walls, electrical outlets, plumbing fixtures, doors, windows;

(3) Any additional information requested by the Department which relates to compliance review.

(C) No building permit shall be issued for any building or structure which requires a Construction Design

## Huntington, IN Code of Ordinances

Release by the Indiana Department of Homeland Security (IDHS) – Fire and Building Safety Division until a copy of the approved design release, along with a full set of state stamped building plans, are submitted to the Department.

(D) The Department shall endeavor to review, and make a determination on, all applications within 5 business days of filing. The review period may extend beyond said time where circumstances require additional review.

(E) Upon receipt of the completed permit application with required state approvals and releases, payment of permit fees as required by this chapter, and if the proposed project otherwise conforms to applicable law, a building permit shall be issued in the name of the applicant. The applicant shall then be provided a building permit card authorizing the work to commence, and to be utilized by the Building Commissioner to record completed inspections. The building permit card shall be prominently posted on the property at all times, protected from the elements, and no inspection shall be completed in the absence of such posting.

(F) A permit, when issued, shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the approval of the Building Commissioner.

(G) The Department shall keep a record of all permits issued within the jurisdiction.

(H) If the work described in the building permit has not been fully completed within two years from the date of issuance, the permit shall expire. Further work shall not proceed unless a new permit is obtained.

### § 150.06 PERMIT FEE SCHEDULE.

(A) All applicants for building permits shall, prior to the issuance of such permit, pay fees in such amounts as are specified below:

(1) Residential:

(a) New one family dwelling	\$0.04 per square foot of gross floor area, or \$80, whichever is greater
(b) New two family dwelling	Per unit = \$0.04 per square foot of gross floor area, or \$80, whichever is greater
(c) New multi family dwelling	Per Unit = \$0.04 per square foot of gross floor area, or \$80, whichever is greater
(d) Residential additions	\$0.03 per square foot of gross floor area, or \$60, whichever is greater
(e) Location of a manufactured home	\$60
(f) Structural change to roof	\$25
(g) Deck, carport, satellite dish, open porch, enclose existing structure	\$30
(h) Re-inspection fee	\$20

(2) Commercial, industrial, or institutional:

(a) New commercial, industrial or institutional	0 - 1,000 square feet of gross floor area - \$100 1,001 - 5,000 square feet of gross floor area - \$150 5,001 - 10,000 square feet of gross floor area - \$200 Over 10,000 square feet of gross floor area - \$200 plus \$0.02 per square foot of gross floor area over 10,000
(b) Commercial, industrial or	0 - 1,000 square feet of gross floor area - \$100

## Huntington, IN Code of Ordinances

institutional additions, renovations  
or alterations

1,001 - 5,000 square feet of gross floor area - \$150  
5,001 - 10,000 square feet of gross floor area - \$200  
Over 10,000 square feet of gross floor area - \$200 plus \$0.02 per  
square feet of gross floor area over 10,000

(c) Structural change to roof	\$30
(d) Deck, carport, satellite dish, open porch enclose existing structure	\$30
(e) Re-inspection fee	\$20
(3) Accessory buildings:	
(a) Accessory structures on permanent foundation	\$30
(b) Accessory structures not on a permanent foundation	\$20
(c) Structural change to roof	\$30
(d) Re-inspection fee	\$20
(e) In-ground swimming pools	\$50
(f) On-ground swimming pools	\$30

(B) Should any work which requires a permit commence prior to the permit being issued, a penalty of twice the regular permit fee shall be assessed. Violations of this section are in addition to other remedies and penalties herein provided.

### § 150.07 BUILDING INSPECTIONS.

(A) The Building Commissioner shall be responsible for the completion of all required inspections which shall be indicated on the building permit card.

(B) The permittee shall contact the Department and schedule an inspection when work, for which an inspection is required or requested by the Building Commissioner, is complete, and such notice shall be given as follows:

(1) Four hours prior to the earliest time an inspection is requested for footers, foundations or concrete slabs.

(2) For all other inspections, notice must be provided not less than 24 hours before an inspection is requested.

(C) The Department shall endeavor to schedule all inspections as requested; however, priority is given to inspections which involve an immediate life safety issue and on a first call-in basis.

(D) If a footer, foundation or slab inspection has not been completed within one hour of the time set for inspection by the Department, the permittee may pour concrete and continue work on the footer, foundation or slab provided the work has been completed in compliance with applicable law.

(E) The Department may assess a re-inspection fee for the following. The re-inspection fee shall be paid prior to a re-inspection being scheduled.

(1) Requested footer, foundation, or slab inspection not cancelled at least one hour prior to the earliest scheduled time requested for an inspection;

(2) Other requested inspections not cancelled at least three hours prior to the earliest scheduled time

## Huntington, IN Code of Ordinances

requested for an inspection;

(3) Work not completed by the time requested for inspection; or

(4) Work not in compliance with applicable codes.

(F) The Building Commissioner shall note the passing of each inspection, or the deficiencies and/or corrective work required, on the permit card at the time of inspection. A rework is completed and must pass inspection prior to any additional work being completed which would affect the completion of the required inspection.

### **§ 150.08 CERTIFICATE OF OCCUPANCY.**

(A) No change or expansion of use, or of occupancy, of any existing or newly constructed building or structure shall take place without a certificate of occupancy issued by the Department. This provision shall not apply to changes in occupancy that relate only to ownership or possession rights and do not otherwise affect usage, but does apply to changes in leasable tenant spaces.

(B) A temporary certificate of occupancy may be issued for a period not exceeding six months upon a determination by the Building Commissioner that a need exists and there is no immediate danger to the public health, safety, and welfare. The Building Commissioner may impose reasonable conditions as a part of the temporary approval. Reasonable conditions shall include only those requirements of applicable law which have not been completed by the permittee and/or property owner when a certificate of occupancy is requested.

(C) If a building permit has been issued in connection with a change covered by this chapter, no additional fee shall be assessed for the certificate of occupancy. If no permit is required for the change, no fee shall be assessed for the certificate of occupancy. Should a change which requires a certificate of occupancy occur without a certificate of occupancy being issued, the Department may assess a penalty of \$15.

(D) No certificate of occupancy shall be issued except after compliance with all applicable state and local law as determined by the Building Commissioner after required inspections.

## **ELECTRICAL CODE**

### **§ 150.10 ELECTRICAL INSPECTOR; POWERS AND DUTIES.**

(A) The Building Commissioner shall serve as Electrical Inspector for the city to enforce and administer state and local law relating to electrical work.

(B) The Electrical Inspector shall not engage in, or have a pecuniary interest in, any business of electrical contracting, either directly or indirectly, which operates in the jurisdiction of the Electrical Inspector.

### **§ 150.11 ELECTRICAL CONTRACTORS; LICENSE REQUIRED; EXEMPTION.**

(A) No person, firm, or corporation shall engage in the business of installing, or altering within the city, or in connection with city-owned property outside of the city, any electrical wiring, devices, or equipment when such installation or alteration work requires a permit, unless such person, or a person employed within the firm or corporation, shall have received an electrical contractor's license and certificate thereof.

(B) The Huntington Countywide Department of Community Development, on behalf of the Board of Electrical Examiners, shall be responsible for the issuance of electrical contractor's licenses which shall be valid within all of Huntington County, including the jurisdiction of the city of Huntington.

### **§ 150.12 LICENSE CLASSIFICATIONS.**

Four classes of license shall be issued by the Board of Electrical Examiners: Class I - Master Electrician; Class II - Residential Electrician; Class III - Journeyman Electrician; and Class IV - Residential Journeyman Electrician.

## Huntington, IN Code of Ordinances

(A) A Class I Master Electrician License shall entitle the license holder to install, repair, alter, add to or change any electrical wires, fixtures, appliances, apparatus, raceways, conduit, or any part thereof which generates, transmits, transforms, or utilizes electrical energy in any form for light, heat, power, or communications. A Master Electrician may secure permits for the installation or alteration of any electrical wiring, devices or equipment. The holder of such a license may either do the work or employ a Class III journeyman. If a Class I Contractor employs a non-license holder for the purpose of installing or altering electrical devices or equipment, the non-license holder shall require the direct on-the-job supervision of a Class I Contractor or a Class III Journeyman at all times when the non-licensed holder is at work. Any individual who makes application for a Class I license must have worked for a period of at least two years as a Journeyman Class III and have worked a minimum of 4,000 hours.

(B) A Class II Residential Electrician shall entitle the license holder to install, repair, alter, add to or change any electrical wires, fixtures, appliances, apparatus, raceways, conduit, or any part thereof which generates, transmits, transforms, or utilizes electrical energy in any form for light, heat, power or communications in one-, two- or three-family residences only. A Residential Electrician may secure permits for the installation or alteration of any electrical wiring, devices, or equipment in one-, two-, or three-family residences only. The holder of such a license may either do the work or employ a Class III or Class IV Journeyman. If a Class II Contractor employs a non-license holder for the purpose of installing or altering electrical wiring, devices, or equipment, the non-license holder shall require the direct on-the-job supervision of a Class II Contractor or Class III or Class IV Journeyman at all times when the non-license holder is at work. Any individual who makes application for a Class II Residential Electrician must have worked for a period of at least two years as a Journeyman Class III or Journeyman Class IV and have worked a minimum of 4,000 hours.

(C) A Class III Journeyman Electrician shall entitle the license holder to undertake the work of installing, or altering electrical wiring, devices, and equipment in the employ of a Class I or Class II Electrician. Any individual who makes application for a Journeyman's license must show written proof of having worked full-time as an apprentice electrician, or in an equivalent position, for a period of two years or 4,000 hours.

(D) A Class IV Residential Journeyman Electrician License shall entitle the license holder to undertake the work of installing or altering electrical wiring, devices, and equipment in a one-, two-, or three-family residence in the employ of a Class I or Class II Electrician. Any individual who makes application for a Residential Journeyman's license must show written proof of having worked full-time as an apprentice electrician, or in an equivalent position, for a period of two years or 4,000 hours.

### **§ 150.13 APPLICATION FOR ELECTRICAL LICENSE; RECIPROCITY; EXAMINATION OF APPLICANTS.**

(A) Application for an electrical license shall be made to the Board of Electrical Examiners on a form provided by the Huntington Countywide Department of Community Development. The application shall be accompanied by written proof of required experience acceptable to the Board of Electrical Examiners. Paycheck stubs, payroll records, and/or other electrical licenses held by the applicant shall be acceptable written proof of experience.

(B) Reciprocity.

(1) Any applicant who holds a current foreign electrical license wherein the Prometric Electrical Exam was taken to obtain the license, or wherein a comparable exam was taken to obtain the license, may be exempt from the requirement of taking the license examination as required in division (C). Any interpretation of whether a foreign license examination qualifies for reciprocity shall be made by the Board of Electrical Examiners. A record of those foreign licenses or examinations excepted for reciprocity shall be maintained by the Huntington Countywide Department of Community Development.

(2) Any applicant who holds a foreign license which is accepted for reciprocity shall submit the required proof of experience to the Board of Electrical Examiners as required in division (A).

## Huntington, IN Code of Ordinances

(3) If a foreign license qualifies for reciprocity, all license fees for the issuance of a comparable license under this section shall be due and payable in the same manner as all other such licenses.

### (C) Examination.

(1) Application for a license shall include a \$50 fee paid to the Huntington Countywide Department of Community Development. Once the fee is paid, the application will be reviewed by the Board of Electrical Examiners to determine if the qualifications required to obtain the license requested have been met. If met, the Huntington Countywide Department of Community Development will certify the applicant as eligible to take the applicable Prometric Electrical Examination.

(2) License Examination shall be administered by Prometric, and all applicable examination fees shall be paid Prometric.

## **§ 150.14 BOARD OF ELECTRICAL EXAMINERS ESTABLISHED; MEETINGS.**

### (A) Establishment.

(1) There is hereby established a Board of Electrical Examiners which shall consist of the following members:

(a) Huntington County Electrical inspector;

(b) Two Class I, Class II, or Class III contractors, one appointed by the Mayor and one appointed by the Huntington County Board of Commissioners; and

(c) Two citizen members, one appointed by the Mayor and one appointed by the Huntington County Board of Commissioners.

(2) Appointments shall serve at the pleasure of the Mayor and the Board of County Commissioners, as the case may be, and shall be for a term of one year. Appointed Board members may be removed by the appointing authority with or without cause.

(3) Board members, excepting the Electrical Inspector, shall receive the sum of \$50 per year as reimbursement of expenses for attending meetings.

### (B) Meetings.

(1) For the purpose of reviewing applications, grading examinations, and conducting general business, the Board will meet as needed in the Huntington Countywide Department of Community Development office.

(2) The Huntington County Electrical Inspector may call special meetings of the Board for the purpose of examining applicants for licenses or transacting other business.

(3) Three members of the Board of Electrical Examiners present at any meeting shall constitute a quorum, and a majority vote of members present shall be required for official action.

## **§ 150.15 ISSUANCE OF LICENSE; FEES; RENEWAL.**

(A) Upon proper application and successful completion of the examination, an appropriate certificate of license shall be issued to the applicant by the Board of Electrical Examiners. The certificate shall be valid until January 1 of the following year. The examination fee includes the cost of the license for the year in which the first certificate of license was issued. If the license was issued due to reciprocity, the license fee for the year of issuance shall be \$20.

(B) (1) Each certificate of license, and any renewal, shall be valid for a period of one year and shall expire on the first day of January each year. Any license may be renewed by written request to the Huntington Countywide Department of Community Development by the licensee at any time within 30 days from the date of expiration. No electrical permits will be issued to, or on account of, any electrical contractor with an expired license.

(2) The annual renewal fee for any license issued shall be \$20.

(3) A penalty of \$25 may be assessed for any renewal requested and issued after expiration. No license shall be renewed without re-examination if the license has been expired for more than two years.

## Huntington, IN Code of Ordinances

(C) All Class I and Class II contractors shall provide a certificate of liability insurance for a minimum of \$100,000. No permit will be issued without a certificate of insurance on file with the Huntington Countywide Department of Community Development which states a policy term that includes the expected work period for the permit.

(D) No license or certificate issued in accordance with the provisions of this section shall be assignable or transferable.

### **§ 150.16 LICENSE TO BE AVAILABLE AT JOB SITE.**

An appropriate certificate of license shall be available for inspection on each job site by the Electrical Inspector. The Electrical Inspector may issue a STOP WORK ORDER on a job site until the certificate is made available to the Electrical Inspector for inspection.

### **§ 150.17 ELECTRICAL PERMIT REQUIRED.**

An electrical permit shall be obtained for:

- (A) Construction of new residential dwelling units and non- residential buildings;
- (B) Installation of any electrical wiring within a new addition or accessory structure;
- (C) Upgrade of service, installation of new service entrance conductor, or relocation of service entrance conductor;
- (D) Temporary service connection; and
- (E) Connection of service to a manufactured or mobile home; and
- (F) Replacement of service panel.

### **§ 150.18 PERMIT REQUIRED FOR INSTALLATION, REPAIR OF ELECTRICAL DEVICES OR WIRING.**

(A) No electric wiring, devices, appliances, or equipment for the transmission, distribution, or utilization of electrical energy for any purpose shall be installed within or on any building or structure nor shall any alteration or addition be made in any such existing electric wiring, devices, appliances, or equipment without first securing a permit from the Electrical Inspector, except as stated in the following divisions.

(B) No permit shall be required for minor repair work, for the replacement of lamps, or for the connection of portable devices to suitable receptacles which have been permanently installed.

(C) No permit shall be required for the installation of wiring, devices, appliances, and equipment for the operation of signals or the transmission of intelligence, where such wiring, devices, appliances, or equipment operate at a voltage not exceeding 50 between conductors, and do not include generating or transforming equipment capable of supplying more than 50 watts of energy, or maintenance work in factories or industrial plants.

(D) No permit shall be required for the installation, maintenance, or alteration of electric wiring, devices, appliances, and equipment to be installed by or for an electric public service corporation for the use of such corporation in the generation, transmission, distribution, or metering of electric energy or for the use of such corporation in the operation of signals for the transmission of intelligence.

### **§ 150.19 STANDARDS OF INSTALLATION.**

(A) All installations shall be in strict conformity with the provisions of this subchapter, the statutes of the State of Indiana, and the regulations contained in the Indiana Electrical Code (675 IAC Article 17).

(B) When electrical materials that may hereafter come upon the market as an improvement over certain materials that may be referred to in this code are used, evidence that such materials have been technically approved and received recognition generally by the architects and engineers shall constitute a prima facie case of compliance with the requirements of this subchapter.

## Huntington, IN Code of Ordinances

(C) All material, devices, appliances, and equipment which conform to the standards of Underwriters Laboratories, Inc., as approved by the American Standards Association and other safety standards approved by the American Standards Association shall constitute a prima facie case of compliance with the requirements of this subchapter in that respect, except where such materials, devices, appliances, and equipment have been disapproved or prohibited for installation or use by the statutes of the State of Indiana, or by orders issued under the authority of such statutes. The maker's trademark or other identification symbol shall be placed on all electrical material, devices, appliances, and equipment used or installed pursuant to this subchapter.

### § 150.20 PERMIT APPLICATION, ISSUANCE.

(A) All applications for electrical permits shall be filed with the Department on forms provided by the Department. The application shall be accompanied by such plans, specifications, and schedules as may be necessary to determine compliance with applicable law.

(B) No permit for the installation or alteration of any electric wiring, devices, or equipment shall be issued to any person, firm, or corporation unless such person, or a person employed within the firm or corporation, is the holder of a license entitled to secure permits for and to execute the work described in the application for the permit. Application for Electrical Permits shall be signed by the individual who holds the license. The license holder may submit to the Department a signed affidavit listing those individuals authorized to sign an application in their behalf.

(C) Upon receipt of the completed application, and payment of permit fees as required, and if the proposed project otherwise conforms to applicable law, an electrical permit shall be issued in the name of the applicant.

(D) A permit when issued shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the written approval of the Electrical Inspector.

(E) If the work described in the electrical permit has not been fully completed within two years of the date of issuance, the permit shall expire. Further work shall not proceed unless a new permit is obtained.

### § 150.21 PERMIT FEE SCHEDULE.

(A) All applicants for electrical permits shall, upon the issuance of such permit, pay fees in such amounts as are specified below:

(1) Residential:

(a) New one family dwelling	\$50
(b) New two-family dwelling	Per unit \$50
(c) New multi-family dwelling	Per unit \$50
(d) Connection of service to a manufactured or mobile home	\$20
(e) Additions or accessory structure	\$20
(f) Upgrade; new service; relocation of service; alteration to service	\$20
(g) Re-inspection fee	\$20

(2) Commercial, industrial, or institutional:

(a) New commercial, industrial or institutional	0 - 1,000 square feet of gross floor area - \$100
	1,001 - 5,000 square feet of gross floor are - \$150
	5,001 - 10,000 square feet of gross floor area - \$200
	Over 10,000 square feet of gross floor area -

## Huntington, IN Code of Ordinances

	\$200 plus \$0.02 per square foot of gross floor area over 10,000
(b) Additions or accessory structures	0 - 1,000 square feet of gross floor area- \$100 1,001 - 5,000 square feet of gross floor area - \$150 5,001 - 10,000 square feet of gross floor area - \$200 Over 10,000 square feet of gross floor area- \$200 plus \$0.02 per square foot of gross floor area over 10,000
(c) Upgrade; new service relocation of service	\$35
(d) Re-inspection fee	\$20

(B) Should any work which requires a permit commence prior to the permit being issued, a penalty of twice the regular permit fee shall be assessed. Violations of this section are in addition to other remedies and penalties herein provided.

### **§ 150.22 ELECTRICAL INSPECTIONS.**

(A) The Electrical Inspector shall be responsible for the completion of all required inspections which shall be indicated on the permit card.

(B) The permittee shall notify the Department and request inspection when work, for which an inspection is required or requested by the Electrical Inspector, is complete, and such notice shall be given the day before an inspection is requested.

(C) The Department shall endeavor to schedule all inspections as requested; however, priority is given to inspections which involve an immediate life safety issue and on a first call-in bases.

(D) When any part of a wiring installation is to be hidden from view by permanent placement of parts of the building, no parts of the wiring installation shall be concealed until they have been inspected by the Electrical Inspector. On large installations, the person, firm or corporation installing the wiring may request the Electrical Inspector to complete periodic inspections of the work to allow the concealment of electrical work which has passed inspection.

(E) If the Department does not complete an inspection on the day set for inspection, work may continue on the specific area for which an inspection was requested provided the work to be inspected has been completed in compliance with applicable law.

(F) The Electrical Inspector shall note the passing of each inspection, or the deficiencies and/or corrective work required, on the building permit card at the time of inspection. A reinspection shall be requested by the permittee once corrective work is completed and must pass inspection prior to any additional work being completed which would require a separate inspection. An approval sticker will be placed on all electrical equipment needing hook-up by the applicable electric utility company which has passed inspection. No service connection is permitted without an inspection sticker or approval from the Electrical Inspector.

### **§ 150.23 PERIODIC REINSPECTIONS.**

The Electrical Inspector shall endeavor periodically to make a thorough reinspection of the installation of all electric wiring, devices, appliances, and equipment now installed or that may hereafter be installed within the city, and within the scope of this subchapter, should the Electrical Inspector have the opportunity to do so. When the installation of such wiring, devices, and equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the same shall be notified in writing and

## Huntington, IN Code of Ordinances

make the necessary repairs or changes required to place such electrical wiring, devices, appliances, and equipment in safe condition within a period not to exceed 30 days depending upon the nature of the work involved and the extent of the hazards existing.

### **§ 150.24 CONDEMNATION OF ELECTRICAL INSTALLATION; RIGHT TO APPEAL.**

(A) It shall be unlawful for any person, firm, or corporation to make connection from a source of supply of electrical energy to any electric wiring, devices, appliances, or equipment which has been disconnected or ordered disconnected by the Electrical Inspector.

The Electrical Inspector or an authorized agent, in cases of emergency, shall be the only individuals authorized to order a reconnection of power. If an emergency connection is made on a Saturday, Sunday, or legal holiday such connection shall be reported to the Electrical Inspector as soon as possible for inspection.

(B) When the Electrical Inspector condemns all or part of any electrical installation the owner may, within five days after receiving written notice from the Electrical Inspector, file a petition in writing for review of the action of the Electrical Inspector with the Board of Electrical Examiners, upon receipt of which the Board shall at once proceed to determine whether the electrical installation complies with this subchapter and within five days make a decision in accordance with its findings.

### **§ 150.25 LIABILITY.**

This subchapter shall not be construed to relieve from or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, or installing any electric wiring, devices, appliances, or equipment for damages to person or property caused by a defect therein, nor shall the city assume any such liability by reason of the inspection authorized herein, or certificate of approval issued as herein provided or the license and certificate issued as herein provided.

### **§ 150.26 ENFORCEMENT; REVOCATION OF LICENSE.**

The Electrical Inspector may issue an order requiring action relative to any electrical work, and may revoke an electrical license upon a determination that the license holder willfully or repeatedly violated any applicable state or local law relating to electrical work.

## PLUMBING CODE

### **§ 150.40 DEFINITIONS.**

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

"FIXTURE." Any water closet, lavatory, bathtub, shower, floor drain, laundry tub, refrigerator drain, drinking fountain, sink, and similar appliances.

"MAINTENANCE PLUMBING." Any plumbing work done in a maintenance type situation such as factory, motel, or industrial work by an employee of the establishment.

"PLUMBER." A person, firm, or corporation engaged in the business of plumbing.

"PLUMBING." The art and science of installing in buildings the plumbing fixtures, piping, and all other appliances and appurtenances for the supply of water to plumbing fixtures and removing liquid- and water-carried soil and waste.

### **§ 150.41 PLUMBING INSPECTOR.**

(A) The Building Commissioner shall serve as Plumbing Inspector for the city to enforce and administer state and local law relating to plumbing work.

## Huntington, IN Code of Ordinances

(B) The Plumbing Inspector shall not engage in, or have a pecuniary interest in, any business of plumbing contracting, either directly or indirectly, which operates in the jurisdiction of the Plumbing Inspector.  
(Ord. 12-C-91, passed 7-25-91)

### **§ 150.43 STATE PLUMBING CODE ADOPTED.**

The Indiana Plumbing Code (675 IAC Article 16) as adopted, amended and currently enforced by the State of Indiana, as they are now promulgated and in force, and revisions thereto are hereby accepted and adopted as the minimum requirements for the installation of all plumbing within the jurisdiction of the city, in the type of buildings as set forth therein.

### **§ 150.44 LICENSE REQUIRED; EXEMPTION.**

(A) It shall be unlawful for any person, firm, or corporation to operate as a plumbing contractor in the city without having first obtained an Indiana State Plumbing Contractors license.

(B) No permit for plumbing work shall be issued to any person, firm, or corporation unless such person, or a person employed with the firm or corporation, holds an Indiana State Plumbing Contractors license and provides proof of same to the Department.

(C) Nothing in these rules and regulations shall be construed to prevent a person who owns and occupies a single or two-family residence from securing a plumbing permit, when required by § 150.45, for work in the residence or in other buildings located on the property where the residence is located.

### **§ 150.45 PERMIT FOR PLUMBING WORK REQUIRED.**

A plumbing permit shall be obtained for:

- (A) Construction of new residential dwelling units and non-residential buildings; and
- (B) Installation of plumbing lines to an addition or accessory structure.

### **§ 150.46 APPLICATION FOR PERMITS.**

(A) All application for plumbing permits shall be filed with the Department on forms provided by the Department. The application shall be accompanied by such plans, specifications, and information as may be necessary to determine whether the installation as described will be in conformity with applicable law.

(B) Applications for plumbing permits shall be signed by the individual who holds the Plumbing Contractors License. The license holder may submit to the Department a signed affidavit listing those individuals authorized to sign an application on their behalf.

(C) Upon receipt of the completed application, and payment of permit fees as required, and if the proposed project otherwise conforms to applicable law, a plumbing permit shall be issued in the name of the applicant.

(D) A permit, when issued, shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the approval of the Plumbing Inspector.

(E) If the work described in the plumbing permit has not been fully completed within two years of the date of issuance, the permit shall expire. Further work shall not proceed unless a new permit is obtained.

### **§ 150.47 PERMIT FEES.**

(A) All applicants for electrical permits shall, upon the issuance of such permit, pay fees in such amounts as are specified below:

(1) Residential:

- |                               |               |
|-------------------------------|---------------|
| (a) New one family dwelling   | \$35          |
| (b) New two-family dwelling   | Per unit \$35 |
| (c) New multi-family dwelling | Per unit \$35 |

## Huntington, IN Code of Ordinances

(d) Additions or accessory structure	\$20
(e) Re-inspection fee	\$20
(2) Commercial, industrial, or institutional:	
(a) New commercial, industrial or institutional; additions or accessory structures	0 - 1,000 square feet of gross floor area - \$30 1,000 - 5,000 square feet of gross floor area - \$40 5,001 - 10,000 square feet of gross floor area - \$50 Over 10,000 square feet of gross floor area - \$50 plus \$0.01 per square foot of gross floor area over 10,000
(b) Re-inspection fee	\$20

(B) Should any work which requires a permit commence prior to the permit being issued, a penalty of twice the regular permit fee shall be assessed. Violations of this section are in addition to other remedies and penalties herein provided.

### § 150.48 PLUMBING INSPECTIONS.

(A) The Plumbing Inspector shall be responsible for the completion of all required inspections which shall be indicated on the permit card.

(B) The permittee shall contact the Department and schedule an inspection when work, for which an inspection is required or requested by the Plumbing Inspector, is complete, and such notice shall be given not less than 24 hours before an inspection is requested.

(C) The Department shall endeavor to schedule all inspections as requested however, priority is given to inspections which involve an immediate life safety issue and on a first call-in basis.

(D) When any part of a plumbing installation is to be hidden from view by the permanent placement of parts of the building, no parts of the plumbing installation shall be concealed until they have been inspected by the Plumbing Inspector. On large installations the person, firm or corporation installing the plumbing may request the Plumbing Inspector to complete periodic inspections of the work to allow the concealment of plumbing work which has passed inspection.

(E) The Department may assess a re-inspection fee for requested inspections, not cancelled at least three hours prior to the earliest scheduled time requested for an inspection, where work is not completed by the time requested for inspection, or for work not in compliance with applicable law.

(F) The Plumbing Inspector shall note the passing of each inspection, or the deficiencies and/or corrective work required, on the permit card at the time of inspection. A re-inspection shall be requested by the permittee once corrective work is completed and must pass inspection prior to any additional work being completed which would require a separate inspection.

## FENCE CODE

### § 150.50 DEFINITIONS.

For the purposes of this subchapter, the following terms shall have the following meanings:

“DECORATIVE FENCE.” Any fence constructed of boards or similar material no greater than three inches in width, with the spacing between those boards or pieces of material being no less than three inches. This term shall also include wire and chain-link fencing which do not contain privacy slats.

## Huntington, IN Code of Ordinances

“FENCE.” Any above grade construction and/or growing vegetation, which constitutes a material barrier to ingress and egress, marks a boundary, or encloses or screens land.

“PRIVACY FENCE.” Any fence constructed of boards or similar material, with the spacing between those boards or pieces of material being less than three inches

### § 150.51 APPLICATION FOR FENCE PERMITS.

(A) All applications for fence permits shall be filed with the Department on forms provided by the Department, with one set of plans and specifications showing and describing the work to be done. The plans and specifications shall include all items necessary for the Department to determine compliance of the proposed work with applicable land use and building regulations, including

(1) A site plan of the property upon which the fence shall be constructed, placed, reconstructed, erected, moved or altered showing all property lines; the location of all buildings and structures; streets, alleys, and other rights-of-way; location and size of the proposed fence; recorded easements; utility and telephone lines (both overhead or underground); legal drains or open ditches; and any additional information deemed necessary to review the application.

(B) The fee for a fence permit shall be \$0.

(C) Any work which requires a permit that commences prior to said permit being issued is a violation of this section and is subject to the penalties provided herein.

### § 150.52 STANDARDS OF INSTALLATION.

(A) All installations of fencing shall be in strict conformity with the following:

(1) Be located entirely within the property lines of the subject property. Where a fence jointly erected by more than one property owner and is proposed to continue across property lines, a post shall be set on the property line;

(2) Not have any attachments visible from off of the subject property, excepting to reasonably address a valid safety concern;

(3) Not be electrically charged or have spikes, razor wire, or similarly dangerous components. Without limiting or otherwise affecting the generality of the foregoing, barbed wire fencing is allowed only on property zoned agricultural or industrial;

(4) No fence shall be installed within a recorded easement without written approval from the easement holder(s). However, under no circumstances shall a fence be permitted within a surface drainage easement

(5) All fences shall be set back a minimum of three feet from the closest right-of-way boundary of an alley;

(6) On a corner lot, no fence shall be placed in such a manner as to impede vision from a right-of-way intersection;

(7) No privacy fence exceeding three feet in height shall be permitted within a radius of seven feet from the intersection of any rights-of-way;

(8) No privacy fence shall be placed in the required front yard zoning setback, as specified in §158, with a height greater than three feet measured from grade, unless said fence is in-line with the leading edge of the foundation of a legally established primary structure;

(9) No decorative fence shall be placed in the required front yard zoning setback, as specified in §158, with a height greater than four feet measured from grade;

(10) Subject to the provisions contained herein, fences are permitted in the required site and rear yard setbacks as specified in §158 up to the following heights:

(a) Eight feet above grade for properties within industrial zoning districts;

(b) Seven feet above grade for properties of all other zoning districts.

## Huntington, IN Code of Ordinances

### § 150.53 DISPUTES CONCERNING BOUNDARIES.

(A) Any civil dispute concerning legal property boundaries shall be resolved at the expense of the property owners. The city shall not be responsible for determining or establishing legal lot lines

## DEMOLITION OF STRUCTURES

### § 150.60 DEFINITIONS.

For the purposes of this subchapter, the following terms shall have the following meanings.

“APPLICANT.” Any individual, company, corporation or other entity that wishes to demolish an entire structure within the city.

“BUILDING COMMISSIONER.” The individual, or his or her designee, as defined by §150.03.

“DEMOLITION.” Includes any activity intended to disassemble, dismantle, dismember or raze the exterior of any structure. “DEMOLITION” shall not be construed to prevent or hinder the ordinary maintenance and repair of any exterior architectural feature that does not involve a change in its appearance or design, nor to prevent the necessary alterations required in the interest of public safety to remedy an unsafe or dangerous condition.

“DEPARTMENT.” The Community Development & Redevelopment Department.

“FENCE.” An artificially constructed barrier that is at least four feet in height, of any material or combination of materials, and erected to enclose, screen or separate areas.

“HISTORIC STRUCTURE.” Any structure located at an address designated as a local single historic district or within a locally designated historic district as regulated by §153.

“PERMIT.” A written document provided by the Department, which evidences permission being granted to demolish a structure after compliance with all application and permit requirements. All permits issued shall be in the form adopted by the Department for that purpose.

“STRUCTURE.” A primary or accessory building on a permanent foundation, with a footprint greater than 200 square feet in size, unless otherwise deemed by the Department not to meet the aforementioned criteria.

### § 150.61 PERMIT REQUIRED; FORM; APPLICATION; FEE.

(A) Permit required. No person shall demolish any structure without first obtaining a permit from the Department.

(B) Form. The application and the permit shall be in a form adopted by the Department.

(C) Application and permit fee.

(1) Unless otherwise exempt under § 150.66, each applicant shall pay a permit fee in the amount of:

- (a) Five cents per square foot of the structure to be demolished with respect to residential structures; and
- (b) Three cents per square foot of the structure to be demolished with respect to commercial or industrial structures.

(2) The permit fee shall be payable upon submission of an application to the Department.

(3) Provided, however, that in no event shall the fee exceed \$500 for residential structures or \$300 for commercial structures.

### § 150.62 PERMIT REQUIREMENTS.

The department shall issue a permit to each applicant upon finding all of the following requirements:

(A) Proof that all outstanding real property taxes and assessments have been paid;

(B) Proof that the owner or applicant notified all utilities having service connections to the structure, and that all such utilities have been removed, sealed, plugged or disconnected in a satisfactory manner;

## Huntington, IN Code of Ordinances

(C) Written acknowledgment from the City Engineering Department that applicant has obtained all necessary permits for the inspection of abandoned and/or vacated water and sewer lines;

(D) The applicant states the intended final destination for all demolition debris, if materials are to be removed from the demolition site;

(E) If required by the Building Commissioner, applicant has obtained the required certificate of insurance in excess of the minimum coverage amount set forth by the city or the Department;

(F) The applicant has paid all fees associated with each of the foregoing.

### **§ 150.63 DEMOLITION REQUIREMENTS.**

The demolition of every structure shall be performed in accordance with each of the following requirements:

(A) The permit shall be displayed on the site in a manner which is clearly visible to the public at all times until the demolition has been completed;

(B) A fence shall be erected around the demolition area, especially surrounding open basements or other potentially dangerous areas, to secure the site throughout the demolition process and ensure public safety. If feasible, the entire demolition site shall have a fence erected around it at all times.

(C) Compliance with any erosion control regulations set forth by the City Engineering Department, if applicable;

(D) The Demolition site shall be maintained free from all unsafe or hazardous conditions, including but not limited to, restoration of established grades, the erection of necessary retaining walls, and adequate removal of dust and debris;

(E) The demolition of a structure shall be completed within 30 days from the date the permit is issued, including the removal of the foundation and restoration to grade, unless the Department grants a permit extension; and

(F) Upon demolition of a structure, applicant shall provide the Department with backfill and compaction information, including but not limited to, compaction specifications for any soil alterations.

### **§ 150.64 AUTHORITY OF BUILDING COMMISSIONER.**

(A) The Building Commissioner shall have the authority to stop demolition of a structure or revoke a permit in the event that demolition is not performed in accordance with the provisions of this chapter, or is performed in a reckless or careless manner.

(B) When a stop work order is issued, demolition shall not resume without the prior approval of the Building Commissioner.

### **§ 150.65 DEMOLITION OF HISTORIC STRUCTURES.**

(A) Prior to granting a permit, an application for demolition of a Historic Structure shall comply with all of the general requirements listed in §150.60 through §150.64, as well as receive a certificate of appropriateness from the Huntington Historic Review Board pursuant to IC 36-7-11-14 and §153.20 through §153.23.

### **§ 150.66 PERMIT FEE EXEMPTIONS.**

(A) An applicant who presents written notice from the Building Commissioner that demolition is required immediately due to emergency conditions, such as the structure poses a danger to life, health or property, is exempt from paying the permit fee, and shall be issued a permit upon a showing of compliance with § 150.62; or

(B) The city, its agent, or designee, is exempt from paying the permit fee prior to the demolition of a structure, and shall be issued a permit upon a showing of compliance with § 150.62(B), (C), (D) and (E).

(C) Notwithstanding any exemption from paying the permit fee granted under this section, no applicant shall be exempt from compliance with the requirements contained in §§ 150.60 through 150.65, inclusive.

## Huntington, IN Code of Ordinances

### § 150.67 DEPOSIT OF PERMIT FEES AND PENALTIES.

All permit fees collected pursuant to § 150.61(C) and any penalties collected for violations of §§ 150.60 through 150.66 shall be deposited into the city's Unsafe Building Structure Fund.

## UNSAFE BUILDINGS

### § 150.70 UNSAFE BUILDING LAW.

(A) Under the provisions of IC 36-7-9, there is hereby established the Huntington Unsafe Building Law.

(B) IC 36-7-9-1 through IC 36-7-9-28 is hereby incorporated by reference. All proceedings within the jurisdiction of the city for the inspection, repair, demolition, and removal of unsafe buildings shall be governed by that law and the provisions of this section. In the event the provisions of this section conflict with the provisions of IC 36-7-9-1 through 36-7-9-29, then the provisions of the state statute shall control.

(C) All buildings or portions thereof within the city which are determined after inspection by the Building Commissioner to be unsafe as defined in this section are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

(D) The Building Commissioner shall be authorized to administer and to proceed under the provisions of this section in ordering the inspection, repair, demolition, or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(E) Wherever in the building regulations of the city or the Huntington Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or authorized agent, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by this section have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

(F) The description of an unsafe building contained in IC 36-7-9-4 is hereby supplemented to provide minimum standards for building condition 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:

(1) 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.

(2) 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.

(3) 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.

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.

(5) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(6) 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, fastened in place so as to be

## Huntington, IN Code of Ordinances

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.

(7) Whenever any portion thereof has cracked, 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.

(8) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(10) Whenever the exterior walls or other vertical structural member 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.

(11) 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 non-supporting members, enclosing or outside walls or coverings.

(12) Whenever any building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become an attractive nuisance to children, or freely accessible to persons for the purpose of committing unlawful acts.

(13) 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 of any law or ordinance of this state relating to the condition, location or structure of buildings.

(14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than 66% of the strength, fire-resistant qualities or characteristics, or 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.

(15) 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 Sanitarian to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(16) Whenever any building or structure, because of dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the fire chief, or appointed designee, to be a fire hazard.

(17) Whenever any portion of a building or structure remains on a 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.

(G) The definition of "KNOWN OR RECORDED SUBSTANTIAL PROPERTY INTEREST" set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

(H) All work for the reconstruction, repair, or demolition of buildings for 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 section or orders issued pursuant to this section by the City Building Commissioner.

(I) 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.

(J) 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

## Huntington, IN Code of Ordinances

premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this section or any order issued by the Building Commissioner. Violations of this section are subject to the penalties provided for in § 150.99.

### **§ 150.71 AVAILABILITY OF STATE LAW.**

The Department shall maintain a current copy of 675 IAC on file in the Department office.

### **§ 150.72 ENFORCEMENT AND HEARING AUTHORITIES.**

The Community Development and Redevelopment Department is hereby authorized to administer this subchapter and the Chief Administrative Officer of the Department is the Building Commissioner. The Board of Public Works and Safety is the hearing authority relative to this subchapter.

## ACCESS TO PROPERTY

### **§ 150.80 ACCESS TO PROPERTY; INSPECTIONS.**

(A) The Building Commissioner, Electrical Inspector, and Plumbing Inspector, and designated persons acting on their behalf, may inspect any building, structure, or lot in the city at any reasonable time for the purpose of inspection, or for administering and enforcing applicable law, relating to the subject matter of this chapter.

(B) By making applications for permits as provided in this chapter, the applicants certify that the applicant is acting for her/ him/itself and as agent for the property owner to receive notice as to matters relating to the project, and relating to access to the project site for the purposes referred to herein. Any permit issued by the Department also grants full access rights to Department representatives to any person of the project for purposes relating to inspection, administration, and enforcement and requires the permittee and property owner to cooperate and do all things necessary to allow access as requested by the Department.

### **§ 150.81 EMERGENCY MEASURES.**

The Building Commissioner, Electrical Inspector, and Plumbing Inspector, and designated persons acting on their behalf, shall have the authority to order and implement the following emergency measures necessary for safety to persons or property:

- (A) Disconnection of electrical service, water service, gas service, and other utility service.
- (B) Evacuation of a building or premises due to an unsafe condition(s) relative to the building(s) or premises.
- (C) The securing of an unsafe building or unsafe premises.
- (D) Demolition of a structure damaged as a result of structure failure, fire, wind, flood or any other casualty.

### **§ 150.91 VIOLATIONS.**

(A) No person, firm, or corporation, whether as owner, lessee, sub-lessee, occupant, contractor, subcontractor, or licensee shall erect, construct, reconstruct, enlarge, expand, alter, move, convert, use, occupy, or maintain any building or structure in the city, or cause or permit the same to exist or to be done, contrary to or in violation of any condition imposed by the Department, any provision of this chapter, or any other applicable law.

(B) Upon a violation set forth in division (A), the Department may impose any one or all of the following remedies:

(1) A STOP WORK ORDER whereby all work on the building or structure shall cease at the time of posting. A written STOP WORK ORDER shall be posted prominently on the building, structure, or otherwise at the project site, and state thereon the reasons for the STOP WORK ORDER. The Department shall attempt to

## Huntington, IN Code of Ordinances

notify the permittee, property owner, contractor, and other appropriate individuals as to what action is necessary to release the STOP WORK ORDER. A time limitation, not to exceed 90 days, shall be indicated on the STOP WORK ORDER when posted and shall be included on the notice sent to the appropriate individual. All corrective work or action necessary to release the STOP WORK ORDER shall be completed within the stated time limitation. Failure to adhere to this time limitation is a violation of this chapter and is subject to the fines and penalties as outlined in § 150.99.

(2) A revocation of a certificate of occupancy or any permit issued under this chapter after giving notice in the manner described in subdivision (1) and upon a determination by the Department that a permit or certificate of occupancy has been issued upon false, incorrect, or misleading information, or upon a material or repeated violation of applicable law, or, as to temporary permits and certificates of occupancy, a failure to strictly adhere to any condition of the temporary permit or certificate imposed by the Department.

(3) Impose fines and penalties as provided in § 150.99.

(4) Any other remedy or penalty provided for herein, or by other applicable law.

### **§ 150.98 APPEALS OF ADMINISTRATIVE DECISIONS.**

(A) Any determination or decision made by the Department, Board of Electrical Examiners, Building Commissioner, Plumbing Inspector, and/or Electrical Inspector, or their respective designee, is subject to review as provided for in this section and applicable state law.

(B) Except as required by Indiana Law, no person, firm, or corporation shall be entitled to a review of an administrative decision under this chapter unless a written request for review is received by the Department within ten days following the date of the decision, or posting or notice thereof if posting or notice is required by this chapter. The request must describe the decision to be reviewed and the relief requested.

(C) Upon receipt of any request for review, the Department shall issue a notice of review to all interested parties containing the name(s) of the person(s) aggrieved by the administrative decision; a description of the decision to be reviewed; and a statement of the time and place of a hearing before the city Board of Public Works and Safety, not earlier than five days from the issuance of the notice, wherein aggrieved persons are entitled to appear with or without legal counsel, present evidence, cross examine opposing witnesses, and present arguments in opposition to the administrative decision.

(D) At any hearing before the City Board of Public Works and Safety to review any administrative decision, the hearing authority shall make findings of fact and affirm, rescind, or modify the administrative decision. If, at a hearing to review an administrative decision, a person, firm, or corporation aggrieved by the decision requests an additional period of time to accomplish any action required by the decision, and shows good cause for the request to be granted, the hearing authority may grant the request.

(E) (1) Any final action taken by the City Board of Public Works and Safety, except as provided in subdivision (2), is subject to review by the Huntington Circuit or Superior Court on request of any person who has a substantial property interest relating to the property affected by the administrative decision, or any person otherwise directly affected by the decision. A person requesting judicial review must file a verified complaint with the appropriate court within ten days after the date final action was taken by the hearing authority. A judicial review is an action de novo and the court may affirm, modify, or reverse the action taken by the hearing authority.

(2) Mandatory or permissive review of an order of any political subdivision relating to this chapter to the State Fire Prevention and Building Safety Commission shall be made in accordance with IC 22-13-2-7 and IC 4-21.5-3-7.

### **§ 150.99 PENALTY.**

(A) The following fines shall be imposed for each violation of §150, except a Stop Work Order:

## Huntington, IN Code of Ordinances

<u>First Violation</u>	<u>Second Violation</u>	<u>Third Violation</u>	<u>Subsequent Violation</u>
\$250.00	\$500.00	\$1,000.00	\$1,000.00

(B) The following fines shall be imposed for each violation of a Stop Work Order:

<u>First Violation</u>	<u>Second Violation</u>	<u>Third Violation</u>	<u>Subsequent Violation</u>
\$500.00	\$1,000.00	\$1,500.00	\$1,500.00

(C) The fines and penalties provided for in this section shall be in addition to all other remedies and penalties provided for herein and by law, and except where otherwise provided, every day any violation continues shall constitute a separate violation.