

**SHELBYVILLE BUILDING COMMISSION
SHELBYVILLE CITY HALL
COMMON COUNCIL CHAMBERS**

DATE: October 10, 2018

TIME: 11:30 a.m.

CALL TO ORDER:

ROLL CALL:

READING OF THE MINUTES AND APPROVAL: August 8, 2018

OLD BUSINESS:

1. Status of James Jolliff's electrical license application
2. Building Code Update - 152.05, Adoption of Codes by reference

NEW BUSINESS:

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

SHELBYVILLE BUILDING COMMISSION
MEETING MINUTES
October 10, 2018

Members Present: Tony Nicholson, Gary Keppel, Joe Runnebohm, David Rush, Jim Marshall

Members Absent: Josh Hornberger, Matt Wortman

Staff Present: Bryant Niehoff, Adam Rude, Chris Hext, Rod Miller, Troy Merrick, Lisa Loveless

Guests Present: None

Approval of Minutes: Tony Nicholson motioned to accept the minutes from the August 8, 2018 regular meeting and Joe Runnebohm seconded the motion. Voice vote passed 5 - 0.

Old Business:

1. *Status of James Jolliff's electrical license application* - Bryant Niehoff explained to the board that it was brought to our attention that Mr. Jolliff's Prometric application was rejected due to our staff's failure to include the sponsor code on the application. Bryant asked the board to extend Mr. Jolliff's deadline until December for that reason. After some discussion, David Rush made a motion to allow the extension and Tony Nicholson seconded the motion. Voice vote passed 5 - 0.
2. *Building Code Update - 1505, Adoption of Codes by reference* - Bryant distributed the the board a sample ordinance and a summary of proposed building code amendments that he's been working on. Bryant discussed the proposed changes and answered questions, asking the board to continue giving him feedback if they have any once they've had more time to review.

New Business: None

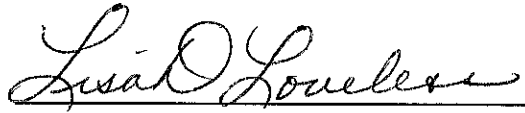
Miscellaneous Business: None

Adjournment: Jim Marshall motioned to adjourn the meeting and Tony Nicholson seconded the motion.

Meeting adjourned



Gary Keppel, Chairman



Lisa Loveless, Secretary



Summary of Proposed Building Code Amendments

In general, the update is prompted due to revisions in Indiana State Statute and the Administrative Code since 2010 when most of the latest revisions were made to our current ordinance. See below for a summary of some of the proposed revisions:

1. (C) The Building Commissioner is hereby authorized and directed to administer and enforce orders issued under IC 22-12-7. (page 2)
2. (B) Pursuant to I.C. 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices. (page 2)
3. Adoption of Building Codes by Reference - removed subsections and replaced with the appropriate Articles in Title 675 of the Administrative Code (pages 2 & 3)
4. 152.09 - Cross referenced Flood Hazard Area Standards (page 5)
5. Further explained stop work order process in 152.13 (page 6)
6. 152.14 - Cross referenced UDO with issuance of a Certificate of Occupancy
7. 152.16 - referenced IC 36-1-6-9 authorizing local jurisdictions to appoint an appeals body (page 7)
8. 152.52 - referenced state statute with definitions for Class I and Class II structures (page 12)
9. 154.02 - referenced appropriate Article of Title 675 for Plumbing Code (page 15)
10. 155.01 - referenced appropriate Article of Title 675 for Electrical Code (page 16)

ORDINANCE NO. 18-XXXX

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SHELBYVILLE, INDIANA, AMENDING TITLE XV, CHAPTER 152: "BUILDING CODE", CHAPTER 154: "PLUMBING CODE", AND CHAPTER 155: "ELECTRICAL CODE" OF THE CITY CODE OF ORDINANCES

WHEREAS, the Building Code of the City of Shelbyville, Indiana should be updated to reflect current policies and practices regarding regulation of the construction, alteration, equipment use, occupancy, and location of buildings and structures; and incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-2-9;

WHEREAS, the City of Shelbyville has an existing Building Code that regulates construction, alteration, equipment use, occupancy, and location of buildings and structures within its jurisdictional areas;

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Shelbyville, Indiana as follows:

1. That Title XV, Chapter 152 is amended to read as follows:

§ 152.01 TITLE.

This chapter and all ordinances supplemental or amendatory hereto shall be known as the Building Code of the City of Shelbyville, Indiana, may be cited as such and will be referred to herein as "this code".

('81 Code, § 152.01) (Ord. 1926, passed 5-2-88)

§ 152.02 PURPOSE.

The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

('81 Code, § 152.02) (Ord. 1926, passed 5-2-88)

§ 152.03 AUTHORITY.

(A) The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code.

(B) Whenever in this code it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the city, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinance.

~~—(b) Safety Code for Health Care Facilities (repealed).~~

(5) Article 18 – Indiana Mechanical Codes.

~~—(a) Indiana Mechanical Code (675 IAC 18-1.3).~~

(6) Article 19 – Indiana Energy Conservation Codes.

~~—(a) Indiana Energy Conservation Code (675 IAC 19-3).~~

~~—(b) Modifications to the Model Energy Code (675 IAC 19-3)~~

(7) Articles 20 – Indiana Swimming Pool Codes.

~~—(a) Indiana Swimming Pool Codes (675 IAC 20-1.1).~~

(8) Articles 22 – Indiana Fire Code.

(9) Articles 25 – Indiana Fuel Gas Code.

(10) Articles 28 – NFPA Standards.

(B) Two (2) copies of the above rules incorporated by reference ~~adopted building rules, codes and standards~~ are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4 ~~City Building Commissioner~~.

(81 Code, § 152.05) (Ord. 1926, passed 5-2-88)

§ 152.06 PERMIT REQUIRED; APPLICATION.

(A) *Permit required.* A permit shall be obtained before beginning construction, alteration, or making structural repairs to any building or structure, and all fees required by this code shall be paid in the Building Department prior to any work being started. For the purpose of this section, ordinary repairs are nonstructural repairs, and do not include addition to, alteration of, or replacement or relocation of sewer, drainage, electrical wiring or mechanical or other work for which a permit is required by this code.

(B) *Application.*

(1) No building permit shall be issued for the foregoing purposes unless the application for a permit is accompanied by one set of construction plans; and a plot plan of the proposed location showing the actual dimensions and shape of the lot to be built upon, the size and the location of any existing structures, the location of the proposed structure from the property lines, and any easements or rights-of-way. The application shall include any other information that may be required by the Building Commissioner to ensure compliance with this code. In addition, a copy of the design release pursuant to I.C. 22-15-3-1 shall be provided to the Building Department before the issuance of a permit for construction of a Class I structure covered by such design release.

(2) The issuance of a building permit shall, in no case, be construed as waiving any provisions of this code or any other requirement dictated in this title.

(C) No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection.

(D) Where additional inspections are required due to failure of the permit holder to have work ready for inspection at a designated stage of construction or the work was deemed sub-standard, the Building Inspector shall have the power to assess a reinspection fee as prescribed by the "Permit Fee Schedule". Reinspection fees shall be paid to the Building Department prior to receiving any further inspections or a certificate of occupancy.

(E) The Building Commissioner shall submit an annual report to the City Council, which shall include the number of permits and licenses/registrations issued by the department for the year.

(81 Code, § 152.08) (Ord. 1926, passed 5-2-88; Am. Ord. 92-2086, passed 11-2-92; Am. Ord. 99-2349, passed 12-6-99; Am. Ord. 05-2551, passed 11-21-05; Am. Ord. 10-2658, passed 10-18-10) Penalty, see § 152.99

§ 152.09 REVIEW OF APPLICATION.

Prior to the issuance of any building permit, the Building Commissioner shall:

(A) Review all building permit applications to determine full compliance with the provisions of this code;

(B) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding;

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair uses construction materials and utility equipment that are resistant to flood damage and uses construction methods and practices that will minimize flood damage; and

(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) is protected against flood damage; is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage; and uses construction methods and practices that will minimize flood damage.

(81 Code, § 152.09) (Ord. 1926, passed 5-2-88) Flood Hazard Area Standards, See § 159.30

§ 152.10 INSPECTIONS.

After issuance of any building permit, the Building Inspector shall make inspections for the work being done as defined on the building permit to ensure full compliance with the provisions of this code and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to re-inspection fees as prescribed by this code.

(Ord. 10-2658, passed 10-18-10)

§ 152.11 CHIEF OF FIRE DEPARTMENT TO ASSIST.

by the Building Commissioner. Certificates of occupancy shall also be issued in accordance with Article 9, Section 9.14 of the Shelbyville Unified Development Ordinance.

(81 Code, § 152.14) (Ord. 1926, passed 5-2-88) Penalty, see § 152.99

§ 152.15 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.

(81 Code, § 152.15) (Ord. 1926, passed 5-2-88) Penalty, see § 152.99

§ 152.16 RIGHT OF APPEAL.

(A) *General right of appeal.* All persons shall have the right to appeal the Building Commissioner's decision, first through the Board of Public Works and Safety in accordance with I.C. 36-1-6-9, and then to the State Fire Prevention and Building Safety Commission in accordance with the provisions of I.C. 22-13-2-7 and 4-21.5-3-7.

(B) *Appeals procedure.* The appeal must be filed with the City Clerk-Treasurer in writing within ten days of receiving notice and shall contain the following to be deemed proper and timely:

- (1) Name, address and phone number of person(s) appealing;
- (2) Specific details of the decision being challenged and details of why the appellant believes the decision was improper; and
- (3) A copy of any and all correspondence from the city that is applicable to the matter.

(81 Code, § 152.16) (Ord. 1926, passed 5-2-88; Am. Ord. 98-2300, passed 7-20-98; Am. Ord. 00-2379, passed 12-19-00; Am. Ord. 09-2626, passed 2-16-09)

§ 152.17 BUILDING COMMISSION.

(A) *Creation of Commission.*

(1) There is hereby created the Shelbyville Building Commission. The Commission shall consist of seven voting members and two nonvoting members. The Mayor shall appoint the seven voting members, each to serve a term of four years. The Building Commissioner, or his or her designee and a representative of the Shelbyville Fire Department shall serve as the nonvoting members of the Commission.

- (2) The appointed members of the Commission must include the following:
 - (a) One building contractor who is registered with the Building Department;
 - (b) One electrical contractor who is the holder of a Class I license;
 - (c) One plumbing contractor who is registered with the Building Department;

Before any home, building or structure shall be moved within the city, a permit must be secured from the Board of Public Works and Safety. In order to assure this permit, the person or company seeking to move the building shall submit the following documents and information.

(A) Proof of insurance.

(B) Written approval or authorization from the utility companies, or notification from the utility companies that they will have personnel on hand to manage the movement of necessary utility services.

(C) Written approval from the Chief of Police. In order to secure the approval of the Chief of Police, the person must submit the following information to the Chief of Police:

(1) A detailed map showing the route of travel;

(2) An assurance that the moving service has provided for security personnel necessary based on the route of travel, to assure that there are adequate uniformed security people to handle traffic-control and public safety of the general population during the actual moving process;

(3) A description of the equipment and personnel to be used in this moving process; and

(4) An assurance that the contractor shall be responsible for all expenses with respect to providing the security during the moving process.

(D) Written authorization from the Street Commissioner. In order to secure the written permission from the Street Commissioner, the contractor must furnish the Street Commissioner the following information:

(1) A detailed map showing his route of travel;

(2) A detailed description of what, if any, trees, poles, or other objects or obstructions must be removed or moved in order to allow for the moving of said structure; and

(3) An assurance that the contractor shall be responsible for all expenses incurred either by the city or by others in order to move or remove necessary obstructions to the moving of the structure.

(81 Code, § 152.25) (Ord. 1927, passed 5-2-88) Penalty, see § 152.99

BUILDING CONTRACTOR REGISTRATION

§ 152.35 BUILDING CONTRACTOR REGISTRATION REQUIRED; ANNUAL RENEWAL.

(A) It shall be unlawful for a building contractor to obtain a building permit without first having registered as required by this section.

(B) Annual renewal of registration shall be required of building contractors for each year they wish to obtain permits.

(81 Code, § 152.26) (Ord. 99-2348, passed 12-6-99; Am. Ord. 01-2400, passed 6-18-01)

§ 152.36 DEFINITIONS.

(A) *Application and forms.* All forms required by this section shall be made available in the Office of the Building Department and shall be kept on file in that office. Every application for registration or renewal thereof, as required by this section, shall be filed with the Building Department. Such registrations shall be reviewed by the Building Department as to their content and applicability and shall be reviewed on an annual basis.

(B) *Building contractor's registration.* All building contractor's registration fees shall be paid to the Building Department upon review of the completed registration application form, and a written receipt for payment of the fee shall be given.

(C) *Term of registration.* All registrations received under this section shall be for a term of one year, and shall expire on December 31 of the year of issuance.

(D) *Proof of coverage.*

(1) All applicants shall provide proof of general liability insurance in the form of a certificate of insurance that shows the expiration date of the coverage.

(2) Individual contractors, or those persons exempt by law from providing Workers Compensation Insurance shall also be exempt from this requirement. However, those persons who are exempt shall provide a sworn statement to that fact at the time of making application.

(E) *Surety bond.* Each applicant for registration must also provide a surety bond payable to the city in the penal sum as indicated in the Permit Fee Schedule, conditioned upon faithful completion and compliance with all building codes and ordinances as they relate to work performed by the applicant, and agreeing to pay all damages, costs and expenses caused by the applicant through failure with such provisions. The surety bond shall have an actual expiration date listed on it.

(F) *Right of appeal.* In the event a building contractor's registration is revoked or suspended by the Building Commissioner, the building contractor shall have the right to appeal the Building Commissioner's action to the Building Commission and if unsatisfied with the decision of the Building Commission, to the Board of Public Works and Safety, in accordance with I.C. 36-7-8-9.

('81 Code, § 152.30) (Ord. 99-2348, passed 12-6-99; Am. Ord. 02-2430, passed 5-20-02; Am. Ord. 10-2658, passed 10-18-10)

§ 152.40 NATURE OF INTEREST CONFERRED BY PERMIT.

All building contractor's registrations issued under this section shall be accepted as a privilege to do business in the city.

('81 Code, § 152.31) (Ord. 99-2348, passed 12-6-99)

§ 152.41 NONTRANSFERABILITY.

All building contractor's registrations issued under this section are nontransferable.

('81 Code, § 152.32) (Ord. 99-2348, passed 12-6-99)

§ 152.42 REGULATIONS SUPPLEMENTAL.

(B) An HVAC contractor performing work under a mechanical systems permit, which was obtained by a homeowner in which the homeowner is listed as the contractor, is considered a sub-contractor and still subject to the requirements of this subchapter.

(Ord. 03-2482, passed 12-1-03)

§ 152.54 REGULATIONS.

(A) Any person or business engaging in the activities as defined in this subchapter shall be construed as doing business as a mechanical systems contractor.

(B) It shall be the duty of all HVAC contractors to comply with all of the promulgated rules of the Indiana Fire Prevention and Building Safety Commission, the Indiana Mechanical and Fuel Gas Codes (current editions) and ordinances adopted by the city relating to new construction, alterations, repairs and remodeling.

(C) Failure to comply with all applicable local, state and federal laws and regulations shall be grounds for suspension or revocation of a registration issued under this subchapter, and may be grounds for refusal to renew an application for an HVAC contractor's registration.

(D) In the event an HVAC contractor's registration is suspended, revoked or not renewed annually, any permit issued under the contractor's registration shall become void.

(Ord. 03-2482, passed 12-1-03) Penalty, see § 152.99

§ 152.55 REGISTRATION PROCESS.

(A) Application and forms. All forms required by this section shall be made available in the Office of the Building Commissioner and shall be kept on file in that office. Every application for registration or renewal as required by this section shall be filed with the Building Department. The registrations shall be reviewed by the Building Commissioner as to their content and applicability and shall be reviewed on an annual basis.

(B) HVAC contractors' registration. All HVAC contractors' registration fees shall be paid to the Building Department upon review and approval of the completed registration application form, and a written receipt for payment of the fee shall be given.

(C) Term of registration. All registrations received under this section shall be for a term of one year, and shall expire on December 31 of the year of issuance.

(D) *Proof of coverage.* All applicants shall provide proof of liability insurance in the form of a certificate of insurance.

(E) *Surety bond.* Each applicant for registration must also provide a surety bond payable to the city in the penal sum as indicated in the Permit Fee Schedule, conditioned upon faithful completion and compliance with all building codes and ordinances as they relate to work performed by the applicant, and agreeing to pay all damages, costs and expenses caused by the applicant through failure with such provisions. The surety bond shall have an actual expiration date listed on it.

The registration procedure set forth in this subchapter is supplemental to all other regulations set forth in this code. In the event of conflict, these regulations shall supersede all others.

(Ord. 03-2482, passed 12-1-03)

§ 152.97 REMEDIES.

The Building Commissioner shall, in the name of the city, bring actions in the County Circuit and Superior Courts for mandatory and injunctive relief in the enforcement of, and to secure compliance with any order or orders, and by the Building Commissioner, and such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code.

('81 Code, § 152.97) (Ord. 1926, passed 5-2-88)

§ 152.98 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 this code.

('81 Code, § 152.98) (Ord. 1926, passed 5-2-88) Penalty, see § 152.99

§ 152.99 PENALTY.

(A) If any person, firm or corporation shall violate any of the provisions of this chapter, 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 provisions of this chapter for such violation, failure or refusal, such person, firm or corporation shall be fined in a sum not less than \$50 nor more than \$500. Each day of such unlawful activity shall constitute a separate offense.

(Ord. 1926, passed 5-2-88)

(B) Any person or contractor attempting to move any home, building or structure without first securing permits required in § 152.25 shall be subject to a fine of \$5,000 for any incident of moving without proper authorization.

('81 Code, § 152.99) (Ord. 1927, passed 5-2-88)

2. That Title XV, Chapter 154, Section 154.02 is amended to read as follows:

§ 154.02 ADOPTION OF PLUMBING REGULATIONS.

The plumbing rules and regulations ~~adopted by the Administrative Building Council of Indiana~~ established in Title 675, Article 16 of the Indiana Administrative Code, as amended from time to time, are accepted and adopted as the minimum requirements for the installation of all plumbing with the city.

Passed by the Common Council of the City of Shelbyville, Indiana, on the first reading this ____ day of _____, 2017.

VOTE: Ayes _____ Nays _____

PRESIDING OFFICER:

Tom DeBaun, Mayor

ATTEST:

Frank Zerr, Clerk-Treasurer

Passed by the Common Council of the City of Shelbyville, Indiana, on the second reading this ____ day of _____, 2017.

VOTE: Ayes _____ Nays _____

PRESIDING OFFICER:

Tom DeBaun, Mayor