Dearborn County and Town of St. Leon Building Ordinances

Alvin Werner
Director
Dearborn County Building Commission

[Editor’s Note — At a Road School separate session of the Indiana County Commissioners, Alvin Werner presented two building ordinances. The first ordinance (Ordinance No. 3-1980) provides codes for building construction in Dearborn County, Indiana. The Dearborn County Commissioners approved the ordinance in 1980.

The second ordinance (Ordinance No. 1984-1) provides codes for building construction in the Town of St. Leon, Dearborn County, Indiana and was approved by the Board of Trustees, Town of St. Leon, in April 1984.]

Dearborn County Building Ordinance 3-1980

An ordinance creating a department of buildings and the office of building commissioner, adopting building, heating, ventilation, air conditioning, electrical, plumbing, sanitation codes and energy conservation rules and regulations and regulating the construction, alteration, use and occupancy, location and maintenance of all buildings and structures and their appurtenances in Dearborn County; providing for the issuance of permits therefore, and providing penalties for the violation thereof; repealing all ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Board of Commissioners of Dearborn County, Indiana:

SECTION 1 — TITLE

This ordinance and all ordinances, and all ordinances supplemental or amendatory thereto shall be known as the “Building Codes of Dearborn County, Indiana”, may be cited as such, and will be referred to as “Building Code”.

SECTION 2 — PURPOSE

The purpose of the ordinance is to provide for the safety, health and public welfare through structural strength and stability, means of egress, adequate sanitation, plumbing, light and ventilation, and protection of life and property from fire and hazard incident to design, construction, alteration, and for the removal or demolition of buildings and structures in the unincorporated areas of the county (and any city or town so designated as hereinafter provided).
SECTION 3 — SCOPE

All buildings and construction work exclusive of one-family dwellings, duplex houses, private garages, sheds, farm accessory buildings and barns shall conform to the rules and regulations of the Administrative Building Council of the State of Indiana; construction and structural remodeling or repair of one-family dwellings, duplexes and accessory buildings or structures for the same, shall conform to this Building Code or by the ordinance, which standard shall not be less than the rules and regulations of the Administrative Building Council of the State of Indiana; the provisions of this code apply to the construction, repair, use, occupancy and maintenance and additions to all buildings and structures other than fences in Dearborn County, State of Indiana.

SECTION 4 — AUTHORITY

The Building Commissioner, his inspectors, agents or deputies, if any, is hereby authorized and directed to administer and enforce all the provisions of the Building Code; and further administer and enforce all City or Town Codes within Dearborn County, who so designate such by appropriate ordinance or resolution as provided by law (17-2-72-9).

SECTION 5 — PRIVATE HOME EXEMPTION

Nothing in this ordinance shall be construed to apply to private home building by private individuals to be used or is being used for their own occupancy.

SECTION 6 — ENTRY

Upon presentation of proper credentials, the Building Commissioner, or his duly authorized representatives, may enter any building, structure, or premises at reasonable times in the County of Dearborn or any Town or City within said county as shall designate by ordinance or resolution to participate herein.

SECTION 7 — VIOLATIONS

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, use, occupy or maintain any building or structure, other than fences, in Dearborn County, or cause or permit the same to be done, contrary to or in violation of the provisions of this ordinance.

SECTION 8 — RIGHT OF APPEAL

All persons shall have the right of appeal of the Building Commission decision, first through the Board of Commissioners of Dearborn County, or the common council of a city or board of trustees of a town, electing to come under the provision hereof, as the case may be, and then through the Executive Committee of the Administrative Building Coun-
cil of Indiana in accordance with the provisions of IC 22-11-1-21. The initial appeal from the Building Commissioner shall require a written fifteen (15) day notice be given. The notice shall concisely state the grievance.

SECTION 9 — ADOPTION OF REGULATIONS BY REFERENCE

A. The following rules, regulations and codes are hereby adopted by reference as the rules and regulations governing the construction, addition, alteration, repair, relocation and use of buildings and structures in Dearborn County.


(5) One and Two Family Dwelling Code of Indiana, (660 IAC 3-1) originally published as (4 IR 916) which identifies, amends and incorporates therein the One and Two Family Dwelling Code, 1979 Edition.


B. Copies of this Code and rules, regulations, and codes adopted herein by reference are on file as required by law in the office of the Dearborn County Building Commissioner.

SECTION 10 — PERMIT REQUIRED

A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which exceeds One Thousand Dollars ($1,000.00), using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner and all fees provided herein shall be paid to the Treasurer of Dearborn County.
SECTION 11 — PLANS

No permits shall be issued for the foregoing purposes unless the application for such permit is accompanied by a plat or sketch of the proposed location showing lot boundaries and by plans and specifications showing the work to be done. Plans may be prepared and filed by persons other than registered architects or engineers for construction of buildings or alterations having less than thirty thousand (30,000) cubic feet. All plans for building construction under the authority of the Administrative Building Council of the State of Indiana must also be filed with the Administrative Building Council who will issue an approved Certificate of Compliance, under the provisions of IC 22-11-1-12. In all such cases under the Administrative Building Council, no local permits shall be issued hereunder until a copy of the Release for Construction from the Administrative Building Council is received by the Building Commissioner.

SECTION 12 — OTHER ORDINANCES

All work done under any permit issued hereunder shall be in full compliance with all other ordinances and fees pertaining thereto in addition to the fees for permits as hereinafter set forth.

SECTION 13 — FEES AND REQUIRED INSPECTIONS

Permits required by Section 10 hereof shall be issued upon prior payment of inspection fees according to the following schedule:

<table>
<thead>
<tr>
<th>Type of Construction</th>
<th>Required Inspections</th>
<th>Single Inspection Fee</th>
<th>Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or 2 Family Dwelling, detached Apartments, Hotels, Motels, (unit) ea. unit</td>
<td>4</td>
<td>$15.00</td>
<td>$60.00</td>
</tr>
<tr>
<td>Business, Commercial, Public</td>
<td>6</td>
<td>15.00</td>
<td>90.00</td>
</tr>
<tr>
<td>Educational, Institutional, Church</td>
<td>6</td>
<td>15.00</td>
<td>90.00</td>
</tr>
<tr>
<td>Industrial, Warehouse, Bulk Storage</td>
<td>4</td>
<td>15.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Mobile Homes, Temporary Structures</td>
<td>1</td>
<td>15.00</td>
<td>15.00</td>
</tr>
<tr>
<td>Accessory Buildings (residential use)</td>
<td>1</td>
<td>15.00</td>
<td>15.00</td>
</tr>
<tr>
<td>Additions/Alterations (all occupancies)</td>
<td>2</td>
<td>15.00</td>
<td>30.00</td>
</tr>
</tbody>
</table>
The minimum permit fee for any permit shall be $15.00. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the number of required inspections by fifty percent (50%). The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspections are required due to failure of the permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall have the power to assess a reinspection fee of $10.00 for each such additional inspection. Reinspection fees shall be paid to the Treasurer of Dearborn County prior to the issuance of a Certificate of Occupancy. The Building Commissioner shall submit an annual report to the Board of County Commissioners of Dearborn County which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

SECTION 14 — REVIEW OF APPLICATIONS AND INSPECTIONS

Prior to the issuance of any building permit hereunder, the Building Commissioner shall review all building permit applications to determine full and complete compliance with this and other applicable ordinances. After the issuance of any building permit the Building Commissioner shall make such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of applicable ordinances and the terms of the permit.

SECTION 15 — STOP ORDER

Whenever any work is being done contrary to the provisions of the ordinance, the Building Commissioner may order the work stopped by a notice in writing served on any persons engaged in doing or causing such work to be done, or if unable to obtain such personal notice, by affixing such notice to the premises.

SECTION 16 — INTERPRETATION

Whenever building regulations provide that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer, such shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with, and no such provision shall be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require
conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminating manner.

SECTION 17 — CERTIFICATE OF OCCUPANCY

No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this ordinance.

SECTION 18 — STANDARDS

All work in 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.

SECTION 19 — REMEDIES

The Building Commissioner shall bring action for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner.

SECTION 20 — PENALTIES

If any person, firm or corporation shall violate any provisions of this ordinance, or shall do any act prohibited herein, 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 orders given by the Building Commissioner, for each such violation, failure or refusal, such person, firm or corporation, shall be fined in a sum not less than Twenty-Five Dollars ($25.00), nor more than One Hundred Dollars ($100.00). Each day of such unlawful activity shall constitute a separate offense.

SECTION 21 — SEPARABILITY

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any section, subsection, clause or phrase to be unconstitutional, void or uneffective for any cause shall not affect any other section, subsection, sentence or part thereof.

SECTION 22 — EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its adoption, approval by the Administrative Building Council of Indiana, and publication as required by law. All former ordinances in conflict herewith are hereby repealed.

Passed by the Board of Commissioners of Dearborn County July 7, 1980.
TOWN OF ST. LEON BUILDING ORDINANCE NO. 1984-1

An ordinance regulating the construction, alteration, repair, location and use of buildings and structures in the Town of St. Leon, Indiana; providing for the issuance of permits therefor; providing penalties for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Board of Trustees, Town of St. Leon, Dearborn County, Indiana, as follows:

SECTION 1 — TITLE

This ordinance, and all ordinance supplemental or amendatory hereto, shall be known as the “Building Code of the Town of St. Leon, Indiana”, may be cited as such, and will be referred to herein as “Building Code”.

SECTION 2 — PURPOSE

The purpose of the ordinance is to provide for the safety, health and public welfare through structural strength and stability, means of egress, adequate sanitation, plumbing, light and ventilation, and protection of life and property from fire and hazard incident to design, construction, alteration, and for the removal or demolition of buildings and structures in the Town of St. Leon.

SECTION 3 — SCOPE

All buildings and construction work exclusive of one-family dwellings, duplex houses, private garages, sheds, farm accessory buildings and barns shall conform to the rules and regulations of the Administrative Building Council of the State of Indiana; construction and structural remodeling or repair of one-family dwellings, duplexes and accessory buildings or structures for the same, shall conform to the Building Code, which standard shall not be less than the rules and regulations of the Administrative Building Council of the State of Indiana; the provisions of the Code apply to the construction, repair, use, occupancy and maintenance and additions to all buildings and structures other than fences in the Town of St. Leon.

SECTION 4 — AUTHORITY

The Building Commissioner of Dearborn County, hereinafter referred to as Building Commissioner, his inspectors, agents or deputies, if any, are hereby authorized and directed to administer and enforce all of the provisions of this Code. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such
provision shall be construed as giving any officer discretionary powers as to what such regulations, codes or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.

SECTION 5 — ENTRY

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the Town of St. Leon to perform any duty imposed upon him by this Code.

SECTION 6 — ADOPTION OF REGULATIONS BY REFERENCE

(A) The following rules, regulations and codes are hereby adopted by reference as the rules and regulations covering the construction and alteration of the buildings and structures in the Town of St. Leon, Indiana, which rules are hereby incorporated in their current adopted and published edition with the State of Indiana.


(2) Indiana Electrical Rules, incorporating the National Electrical Code.

(3) Indiana Plumbing Rules, incorporating the Uniform Plumbing Code.

(4) Indiana Mechanical Rules, incorporating the Uniform Mechanical Code.

(5) One and Two Family Dwelling Code of Indiana, which incorporates the One and Two Family Dwelling Code.


(7) Indiana Swimming Pool Rules.

(8) Indiana Standard for the Permanent Installation of Manufactured Homes.

(B) Two copies of this Code and rules, regulations, and codes adopted herein by reference are on file as required by law in the office of the Clerk-Treasurer, Town of St. Leon.

SECTION 7 — PERMITTED REQUIRED

A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which construction, alteration or repair exceeds One Thousand Dollars ($1,000.00), or the size of which construction exceeds one hundred ninety-one (191) square feet. The permit shall be obtained by using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner, and all fees provided for herein shall be paid to the Dearborn County Building Commissioner.
SECTION 8 — APPLICATION FOR PERMITS

No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. Plans may be prepared and filed by persons other than registered architects or engineers for construction of buildings or alterations having less than thirty thousand (30,000) cubic feet. All plans for building construction under the authority of the Administrative Building Council of the State of Indiana must also be filed with said Council. No local permits shall be issued hereunder until a copy of a Release for Construction from the State Building Commissioner is received by the Building Commissioner.

SECTION 9 — REVIEW OF APPLICATION

Prior to the issuance of any building permit hereunder, the Building Commissioner shall review all building permit applications to determine full compliance with the provisions of this and other applicable ordinances.

SECTION 10 — OTHER ORDINANCES

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances.

SECTION 11 — INSPECTIONS

After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this Code.

SECTION 12 — STOP ORDER

Whenever any work is being done contrary to the provisions of this Code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, or if unable to obtain such personal notice, by affixing such notice to the premises. Any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

SECTION 13 — CERTIFICATE OF OCCUPANCY

No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued
unless such building or structure was erected, altered or repaired in com-
pliance with the provisions of this ordinance.

SECTION 14 — STANDARDS

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.

SECTION 15 — VIOLATIONS

It shall be unlawful for any persons, firm or corporation, whether
as owner, lessee, sub-lessee, or occupant to erect, construct, enlarge, alter,
repair, improve, remove, convert, demolish, equip, use, occupy or main-
tain any building or structure, other than fences, in the Town of St. Leon,
or cause or permit the same to be done, contrary to or in violation of
the provisions of this Code.

SECTION 16 — RIGHT OF APPEAL

All persons shall have the right to appeal the Building Commissioner’s
decision first through the Board of Trustees, Town of St. Leon, and then
to the Administrative Building Council of Indiana, in accordance with
the provisions of IC 22-11-1-16 or IC 22-11-1-21.5 as applicable. The
initial appeal from the decision of the Building Commissioner shall re-
quire a written fifteen (15) day notice be given to the governmental enti-
ty to which appeal is made. The notice shall concisely state the grievance.

SECTION 17 — REMEDIES

The Building Commissioner shall in the name of the Town of St.
Leon bring actions in the Circuit Court of Dearborn County, Indiana,
for mandatory and injunctive relief in the enforcement of and to secure
compliance with any order or orders made by the Building Commissioner,
and any such action for mandatory or injunctive relief may be joined
with an action to recover the penalties provided for in the ordinance.

SECTION 18 — PENALTIES

If any person, firm or corporation shall violate any of the provisions
of this ordinance, or shall do any act prohibited herein, or shall fail to
perform any duty lawfully enjoined, within the time prescribed by the
Building Commissioner, or shall fail, neglect, or refuse to obey any lawful
order given by the Building Commissioner in connection with the provi-
sions of this ordinance, for each such violation, failure or refusal, such
person, firm or corporation shall be fined in any sum not less than twenty-
five ($25.00) dollars nor more than one hundred ($100.00) dollars. Each
day of such unlawful activity as is prohibited by the first sentence of this
section shall constitute a separate offense.
**SECTION 19 — SEVERABILITY**

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any section, subsection, clause or phrase to be unconstitutional, void or ineffective for any cause shall not affect any other section, subsection, sentence or part thereof.

**SECTION 20 — EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its adoption, approval by the Administrative Building Council of Indiana, and publication as required by law.

Ordinance adopted April 2, 1984 at St. Leon, Indiana.

**FEES AND REQUIRED INSPECTIONS**

<table>
<thead>
<tr>
<th>Required</th>
<th>Inspection Fee</th>
<th>Total Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or 2 Family Dwelling, detached Apartments, Hotels, Motels, Nursing Homes — Each Unit or Bedroom</td>
<td>4</td>
<td>$20.00</td>
</tr>
<tr>
<td>Business, Commercial, Educational</td>
<td>3</td>
<td>$20.00</td>
</tr>
<tr>
<td>Church</td>
<td>6</td>
<td>$20.00</td>
</tr>
<tr>
<td>Warehouse-Industrial, Bulk Storage</td>
<td>4</td>
<td>$20.00</td>
</tr>
<tr>
<td>Mobile Homes-Temporary Structures</td>
<td>1</td>
<td>$20.00</td>
</tr>
<tr>
<td>Accessory Buildings-(Residential Use)</td>
<td>1</td>
<td>$20.00</td>
</tr>
<tr>
<td>Additions, Alterations</td>
<td>3</td>
<td>$20.00</td>
</tr>
<tr>
<td>Swimming Pools-In-ground</td>
<td>3</td>
<td>$20.00</td>
</tr>
<tr>
<td>Above-ground</td>
<td>1</td>
<td>$20.00</td>
</tr>
<tr>
<td>Foundation Release (Special Processing Fee)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Re-Inspection Fee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**EXCEPTION:** Building Official may decrease number of inspections in multiple units if footer and foundation are in common building.