



**Code of Ordinances**  
CITY OF AUBURN





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Building Code

CHAPTER  
**151**

**AUBURN**



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## 151.01 SHORT TITLE

This chapter and all ordinances supplemental or amendatory thereto shall be known as the Building Code of the City of Auburn, Indiana.

## 151.02 PURPOSE AND SCOPE

### A. Purpose

The purpose of this chapter is to establish minimum standards for the design, construction, installation and inspection of structures and appurtenances thereto, within the jurisdiction of the City of Auburn, in order to protect public health, safety and welfare. Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Building Ordinance and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under IC 22-15-4. Pursuant to IC 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

### B. Scope

The regulations in this chapter apply to any work for which a site improvement permit is authorized to be issued pursuant to the requirements in this chapter.

## 151.03 AUTHORITY

The Administrator of the Department of Building, Planning and Development is authorized and directed to administer and enforce the provisions of this chapter. The Administrator is hereby authorized and directed to administer and enforce the following:

- A. All of the provisions of this Building Ordinance.
- B. Variances granted in accordance with IC 22-13-2-11.
- C. Orders issued under IC 22-12-7.

## 151.04 CONSTRUCTION STANDARDS

A. Pursuant to IC 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.

- 1. Article 13 – Building Codes
  - a. Fire and Building Safety Standards.
  - b. Indiana Building Code.
  - c. Appendix C of the Indiana Building Code (IBC)
- 2. Article 14 – Indiana Residential Code
- 3. Article 16 – Indiana Plumbing Code
- 4. Article 17 – Indiana Electrical Code
- 5. Article 18 – Indiana Mechanical Code
- 6. Article 19 – Indiana Energy Conservation Code
- 7. Article 20 – Indiana Swimming Pool Code
- 8. Article 22 – Indiana Fire Code
- 9. Article 24 – Migrant Day Care Nursery Fire Safety Code



10. Article 25 – Indiana Fuel Gas Code

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

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

C. LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE

- 1. Pursuant to IC 22-12-1-22(b) (12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:
  - a. Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
  - b. Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
  - c. Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
  - d. Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
  - e. Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

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

**151.05 OTHER REGULATIONS AND CHANGES**

A. Other regulations

These regulations are established in addition to the requirements of any other local, state or federal regulation pertaining to work covered by this chapter.

B. Changes

All references in this chapter to rules, regulations and codes shall be interpreted to mean the most recently adopted version thereof, including any supplements, amendments or replacements.

**151.06 DEFINITIONS**

The following definitions shall apply throughout this chapter:

- ACCESSORY STRUCTURE



A detached structure with a separate means of egress and not more than three stories high housing a use that is incidental to the principal use with which the structure is associated. Examples of accessory structures include but are not limited to garages, carports, swimming pools, sheds, decks.

- ADMINISTRATOR  
The Administrator of the Department of Building, Planning and Development of the city, or the Administrator's designated representative.
- BALCONY, Exterior  
An exterior floor projecting from and supported by a structure without additional independent supports.
- BUILDING  
Any structure used or intended for supporting or sheltering any use or occupancy.
- BUILDING PERMIT See "SITE IMPROVEMENT PERMIT."
- CITY  
The employees, commissions and agents of the City of Auburn, Indiana.
- CITY BUILDING INSPECTOR  
The person or persons appointed by the city to conduct inspections as necessary under the direction of the Administrator, in order to ensure compliance with the provisions of this chapter. The term includes "Building Inspector" and "Inspector."
- CLASS 1 STRUCTURE, pursuant to IC 22-12-1-4 has the following definition:
  1. "Class 1 structure" means any part of the following:
    - a. A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
      - i. The public.
      - ii. Three (3) or more tenants.
      - iii. One (1) or more persons who act as the employees of another.
    2. A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
    3. Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (f).
    4. Subsection (a) (1) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:
      - a. are intended to be or are used or leased by the owner of the unit; and
      - b. are not completely separated from each other by an unimproved space.
    5. Subsection (a) (1) does not include a building or structure that:
      - a. is intended to be or is used only for an agricultural purpose on the land where it is located; and
      - b. is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.
    6. Subsection (a) (1) does not include a Class 2 structure.
    7. Subsection (a) (1) does not include a vehicular bridge.
    8. Subsection (a) (1) does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:



- a. the structure; or
  - b. mechanical or electrical equipment located within and affixed to the structure.
- 9. Pursuant to IC 22-12-1-24, structure includes swimming pool.
- CLASS 2 STRUCTURE, pursuant to IC 22-12-1-5, has the following definition:
  - 1. “Class 2 structure” means any part of the following:
    - a. A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.
    - b. An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.
  - 2. Subsection (a) does not include a vehicular bridge.
  - 3. Pursuant to IC 22-12-1-24, structure includes swimming pool.
- CONSTRUCTION, pursuant to IC 22-12-1-7, means any of the following:
  - 1. Fabrication of any part of an industrialized building system or mobile structure for use at another site.
  - 2. Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.
  - 3. Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.
  - 4. Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.
  - 5. Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.
- CONSTRUCTION DESIGN RELEASE  
Authorization of the State of Indiana issued pursuant to IC 22-15-3 to proceed with site improvements on a Class 1 structure. The term includes “Release.”
- DECK  
An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.
- DEPARTMENT  
The Department of Building, Planning and Development of the City of Auburn, Indiana.
- DETACHED BUILDING  
A building which has no wall or roof in common with another building.
- DWELLING  
Any building which contains one or more dwelling units that are used, intended or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied, for living purposes.
- DWELLING UNIT  
A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- ELECTRIC SERVICE



The connection of City of Auburn electric service to a structure, including but not limited to wires, meters, conduit and related devices that extend from the city's electric distribution lines to the service disconnect on the structure to be served.

- EXTERIOR AT-GRADE FLOOR SYSTEM

An exterior slab floor system made of concrete, asphalt, brick, stone or other hard surface material supported directly by the ground beneath the slab, where the finished floor elevation is at-grade, and that is open to the air on at least one (1) side. The term includes "Landing," "Patio," "Slab" and "Stoop."

- FOUNDATION PERMIT

A limited-purpose site improvement permit issued prior to a full site improvement permit, approving only the construction of the foundation for a structure as follows;

A foundation permit shall allow work to grade level only which may include slab on grade and underground mechanical, electrical, and plumbing work, but does not allow work on more than one (1) floor below grade level. As an exception, any continuous structural member, such as a pole, may extend from its footing below grade to its intended height above grade.

- INDUSTRIALIZED BUILDING

pursuant to IC 22-12-1-14, means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

- JURISDICTION

Those lands within the incorporated city (Includes the corporation limits and any areas assigned), excluding properly exempted by this chapter.

- LANDING See "EXTERIOR AT-GRADE FLOOR SYSTEM."

- MANUFACTURED HOME

Pursuant to IC 22-12-1-16 has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 2003. This definition is as follows:

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this 42 U.S.C. 5401 et seq. and except that such term shall not include any self-propelled recreational vehicle.

- MOBILE STRUCTURE, pursuant to IC 22-12-1-17, has the following definition:

1. "Mobile structure", means any part of a fabricated unit that is designed to be:
  - a. towed on its own chassis; and
  - b. connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.
2. The term includes the following:





- a. Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.
- b. Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

The term does not include "Recreational Vehicle."

- "MODULAR HOME" See "INDUSTRIALIZED BUILDING"
- PATIO See "EXTERIOR AT-GRADE FLOOR SYSTEM."
- PERMANENT FOUNDATION  
A structural support system for a building which:
  1. Transfers loads imposed by the building to the earth;
  2. Has a lower surface placed below the frost line as defined by 675 IAC 13 and 675 IAC 14.
- PERMANENT SWIMMING POOL  
Any swimming pool that is constructed in the ground or in a building in such a manner that the pool cannot be readily disassembled for storage or transport.
- PERMIT See "SITE IMPROVEMENT PERMIT."

## PERSON

Pursuant to IC 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

- RECREATIONAL VEHICLE (RV)  
A vehicle or portable structure with or without motive power, designed to be used for temporary sleeping and human habitation, which is either:
  1. A vehicle licensed for travel on roads and identified by the manufacturer as a travel trailer, recreational vehicle or motor home; or
  2. A structure designed to be mounted on or towed behind a vehicle for travel on roads.
- RELEASE See "CONSTRUCTION DESIGN RELEASE"
- SEAL OF ACCEPTANCE  
A seal of certification which has been affixed to a structure, and which was:
  1. Issued by the office of the State Building Commissioner pursuant to 675 IAC 15-1, certifying that the construction of an industrialized building system or mobile structure is in compliance with the design release to manufacture; or
  2. Issued by the U. S. Department of Housing and Urban Development (H.U.D.), certifying that the construction of a manufactured home is in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.
- SITE IMPROVEMENT PERMIT  
A permit issued by the department authorizing work on improved or unimproved property. The term includes "Permit" and "Building Permit."
- SLAB See "EXTERIOR AT-GRADE FLOOR SYSTEM."
- STOOP See "EXTERIOR AT-GRADE FLOOR SYSTEM."



- **STRUCTURAL CHANGE**  
Any change to the horizontal area, height, length or width of a structure, or change to the depth of a structure below the surface of the ground, or change in the location or capacity of any load-bearing member or component of a structure.
- **TEMPORARY FOUNDATION**  
A structural support system for a building which:
  1. Transfers loads imposed by the building to the earth;
  2. Has a lower surface placed above the frost line as defined by 675 IAC 13 and 675 IAC 14.
- **VEHICULAR BRIDGE**  
Pursuant to IC 22-12-1-26, means any bridge that is neither:
  1. a pedestrian walkway; nor
  2. a passageway for light vehicles; suspended between two (2) or more parts of a building or between two (2) or more buildings.

## ADMINISTRATION AND ENFORCEMENT

### 151.10 PERMITS REQUIRED AND EXEMPT

#### A. Permit required

Subject to the exemptions in this section and any other terms and conditions in this chapter, a site improvement permit shall be obtained by the owner of property before beginning work on any of the following:

1. Class 1 and Class 2 structures, including accessory structures and appurtenances thereto.
2. Buildings used for agricultural purposes or for retail sales of farm produce, including accessory structures and appurtenances thereto, and shall be in compliance with 151.04(A)(1)(c).
3. Work that involves structural change, installation of a permanent foundation, or connection of temporary or permanent City of Auburn electric service.

#### B. Permit exempt

The following improvements or work are exempt from the requirement to obtain a site improvement permit or to be inspected under the terms of this chapter:

1. Any work, regardless of cost, performed by or on behalf of the federal government or the State of Indiana on property that they own (not leased property); however, a permit shall be required for connection of temporary or permanent City of Auburn electric service, and for any work performed by or on behalf of any political subdivision of the State of Indiana.
2. Any work, regardless of cost, in the right-of-way of a railroad or the right-of-way of a street owned by a unit of government; however, a permit shall be required for connection of temporary or permanent City of Auburn electric service.
3. Installation of a manufactured home or a carport, including foundations and any steps to exterior entrance doors of the manufactured home, when the manufactured home or carport is to be installed in an approved or legally non-conforming manufactured housing/mobile home park, and where the installation satisfies all of the following conditions:
  - a. The land where the manufactured home is to be installed lies within the manufactured housing/mobile home park (MH) zoning district; and



- b. The structure will be a manufactured home as defined herein that qualifies as and will be used only as a single dwelling unit; and
  - c. The structure is to be installed on a temporary foundation; and
  - d. The lot on which the structure is to be located will be rented to the owners or lessees of the residential manufactured home that is to be placed on the lot; however, a permit shall be required for connection of temporary or permanent City of Auburn electric service, installation or construction of any other structures regulated by this chapter, and modifications to the manufactured home. The installation or construction of said any other structure, and modification to the manufactured home, shall comply with the requirements of 675 IAC 14 and any other current rules of the State of Indiana that apply to manufactured homes located on privately owned (non-rental) lots, and shall comply with the regulations in this chapter, regardless of whether or not it is located on a lot that is or will be rented or owned by the owner or lessee of the structure.
4. Any of the following work, regardless of cost, that is not subject to the requirements of a construction design release, or does not involve structural change or changes to electrical or plumbing systems:
- a. Interior and exterior finish work, including but not limited to painting, and installation, repair or replacement of carpeting, flooring, cabinetry, roof decking, shingles, siding, gutters, downspouts, insulation, windows and doors.
  - b. Installation of fences, non-load-bearing exterior wall systems, exterior at-grade floor systems (landing, patio, slab, stoop), sidewalks, driveways and vehicle parking areas.
  - c. Installation, replacement or repair of mechanical systems, including but not limited to heating systems, HVAC systems, furnaces, water heaters, water softeners, toilets, sinks and showers.
  - d. Detached residential accessory buildings on temporary foundations that are single-story, less than 120 sq. ft. in floor area, and less than 12 ft. in height at the highest point, are exempt from permitting requirements.

C. Term of permit

All site improvement permits shall be valid for a period of one (1) year from the date of issue.

D. Permit renewal

The Administrator may renew a permit one (1) time for a term that is not longer than the term of the original permit, upon a showing by the property owner that the work has not been completed in the time allowed due to conditions not under the control of the property owner, including but not limited to seasonal or other weather conditions, lack of building materials, or shortage of labor. The renewal permit shall be issued only for work that was included in the original permit, and shall be subject to a permit renewal fee.

**151.11 PRE-APPLICATION PLAN REVIEW**

Prior to filing an application for a permit, the property owner or the owner's authorized representative shall submit the following documents and plans for review:

A. Class 1 structures

- 1. Site plan;
- 2. A copy of the application for the construction design release as filed with the State of Indiana;
- 3. A copy of the construction design release as received from the State of Indiana;
- 4. Construction plans as submitted to the State of Indiana for the construction design release; and



- 5. For industrialized buildings, a copy of the design release to manufacture if the structure is an industrialized building system or a mobile structure, a copy of the seal of acceptance, and proof of the occupancy classification.
- B. Class 2 and all other structures
  - 1. Site plan;
  - 2. Material specifications;
  - 3. Construction plans; and
  - 4. For industrialized buildings, a copy of the design release to manufacture if the structure is an industrialized building system or a mobile structure, a copy of the seal of acceptance, and proof of the occupancy classification.

C. Review

The department will review the submitted information for conformance with the standards adopted in this chapter, the conditions if any in a design release, and any special terms or conditions attached to the project. Depending on the scope of the project and class of structure, the review process may take from one (1) day to three (3) weeks to complete. Review comments will be provided to the owner in person, or by facsimile or mail, as soon as reasonably possible following review, together with a determination that the plans and/or other information must be amended and re-submitted for review, or a recommendation to proceed with application for a permit.

**151.12 PERMIT APPLICATION, REVIEW AND APPROVAL**

A. Owner/applicant

The property owner or the owner's authorized representative shall be responsible for completing and submitting the application for a site improvement permit.

B. Application form

The application for a permit shall be on forms furnished by the department. One application shall be submitted for each individual address where work is to be done; however, one application may be submitted for each multi-family residential building in which all work is to be accomplished in the same manner in each dwelling unit in the building, and is to be accomplished by the same contractors and sub-contractors. All information required on the application form shall be provided by the applicant.

C. Attachments

A complete set of the documents that were required for the pre-application review, including required amendments, and any additional information required by the Administrator based on the circumstances of a particular project shall be attached to each application.

D. Review

The Administrator shall review each application for completeness, for compliance with the terms of this chapter, for compliance with any conditions attached to a construction design release or design release to manufacture, and for compliance with any special terms or conditions attached to a project.

E. Approval or rejection

The application will be approved and a permit issued, or the application will be rejected and returned to the owner with the reasons for rejection, within ten (10) days following the date of receipt of the completed application and all required attachments by the department. If rejected and returned, it shall be the responsibility of the owner to address the cause for rejection and submit a revised application for further review.



F. Building permit issuance

The Administrator shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

G. Plans, materials and methods

The city shall not by its actions approve or certify the design, construction plans, materials proposed to be used, or the proposed methods of construction.

**151.13 COMPLIANCE WITH STANDARDS**

It is the responsibility of the property owner to ensure that construction plans for a project comply with all regulations. The property owner shall also be responsible for ensuring that the work is completed in accordance with the requirements in this chapter, whether or not a permit is required or issued, and in accordance with all other permits, regulations, guidelines and plans governing work on the project. The property owner shall ensure that all work is performed in a professional manner, and according to the standards adopted herein, the product-specific installation requirements, and the accepted standards and practices of the various trades.

**151.14 INSPECTIONS AND DEFICIENCIES**

A. Inspection requests

The owner of property subject to a site improvement permit is responsible for requesting all inspections of work. Twenty-four (24) hour notice is requested.

B. Unscheduled inspections

A city building inspector may periodically inspect work for which a site improvement permit has been issued to determine compliance with the standards adopted by reference in this chapter, the plans, and the terms of a construction design release or design release to manufacture.

C. Uninspected work

Work which cannot be inspected when an inspection is requested because the work is incomplete, covered, inaccessible or otherwise not ready for inspection, is subject to a re-inspection fee.

D. Non-compliant work

Whenever a city building inspector determines that any work is not in compliance with the terms of the site improvement permit, a construction design release, or the standards adopted by reference in this chapter, the inspector will attempt to notify the property owner in person about the deficiency. Where in-person communication is not possible or where a deficiency is not corrected within the allotted time as determined by the inspector, the inspector shall notify the owner about the deficiency in writing. Cited deficiencies shall be corrected by the owner and inspected not later than the required completion date of the work authorized by the permit, or within ninety (90) days following written notice, whichever is longer. For changes to the design of a project that is subject to a construction design release or design release to manufacture, the owner shall be responsible for submitting an application for addenda or revision to the release pursuant to state law, and the amended release shall be provided to the department for use in the final inspection.

E. Inspections by Fire Department



The Administrator and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has independent authority to conduct inspections and take enforcement actions under IC 36-8-17).

F. Permit revocation

The Administrator may revoke a building permit when any of the following are applicable:

1. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.
2. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.
3. There is failure to comply with the Building Ordinance.

### 151.15 RIGHT OF ENTRY

Upon presentation of proper credentials, the Administrator or any city building inspector may enter at reasonable times any building, structure, or premises within the city's jurisdiction to perform any duty required by this chapter.

### 151.16 APPROVAL TO OCCUPY

A. Certificate of occupancy

1. Where work on a structure is subject to the requirement to obtain a site improvement permit, or where a permit has been issued, a certificate of occupancy shall be required prior to occupancy or use of the structure for any of the following purposes:
  - a. A new building;
  - b. A new addition to a building;
  - c. Repair or refurbishment that includes structural change to any part of a building that was damaged as the result of accidental or natural disaster, including but not limited to fire, water, flood, tornado or wind damage;
  - d. A relocated building; or
  - e. A permanent swimming pool.
2. The Administrator shall approve all certificates of occupancy only after final inspection and approval of the work by a city building inspector. The Administrator's approval shall be issued within three (3) working days following the date of the inspector's final approval.

B. Conditional certificate of occupancy

1. A conditional certificate of occupancy may be issued for any of the structures that are eligible for a certificate of occupancy as listed above, provided that all of the following conditions can be satisfied:
  - a. A city building inspector has determined that a certificate of occupancy cannot be issued in the reasonably near future for reasons not under the control of the property owner, including but not limited to seasonal or other weather conditions, lack of building materials, or shortage of labor;
  - b. The structure is otherwise determined by the Administrator, on the advice of the inspector, to be habitable;
  - c. All of the following components and systems have been installed, and have been inspected and approved: smoke alarms, fire safety equipment, electrical service and premise wiring, potable water service, and sanitary sewer service; and



- d. The inspector shall have established the length of time for which the conditional certificate of occupancy is to be valid based on the inspector's estimated date of completion and final inspection of the outstanding work, but in no event longer than one-hundred and eighty (180) days.
  - 2. A conditional certificate of occupancy may be renewed one (1) time, in the same manner and for the same term as the initial conditional certificate was issued.
- C. Deficiencies
- Hidden defects and deficiencies are not approved by issuance of a certificate or a conditional certificate of occupancy.

**151.17 STOP WORK ORDER**

- A. The Administrator may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.
- B. The stop work order shall:
  - 1. Be in writing.
  - 2. State with specificity the construction to which it is applicable and the reason for its issuance.
  - 3. Be posted on the property in a conspicuous place.
  - 4. If practicable, be given to:
    - a. The person doing the construction; and
    - b. To the owner of the property or the owner's agent.
  - 5. The stop-work order shall state the conditions under which construction may be resumed.
- C. The Administrator may issue a stop-work order if:
  - 1. Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this Building Ordinance or any state law pertaining to safety during construction.
  - 2. Construction is occurring in violation of this Building Ordinance or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation.
  - 3. Construction for which a building permit is required is proceeding without a building permit being in force.
- D. The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this Building Ordinance.

**151.18 VIOLATIONS**

It shall be unlawful for any person whether as owner, lessee, sub-lessee, occupant, user or contractor of or on property subject to this chapter, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, except as provided herein, in the city's jurisdiction, or to cause or permit the same to be done in violation of the provisions of this chapter.

**151.19 RIGHT OF APPEAL**

- A. Appeals
- Pursuant to IC 36-1-6-9, the City has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. Any appeal of a decision of the Administrator or the terms of this



chapter shall be made in writing to the city’s Board of Zoning Appeals, the provisions of and in the manner prescribed in Chapter 150 “Zoning Code” of the Municipal Code of the City of Auburn, and the rules and regulations governing the operation of the Board of Zoning Appeals.

**B. Appeal to the Fire Prevention and Building Safety Commission**

1. A person aggrieved by an order issued under this Building Ordinance may appeal to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7.
2. The Commission may modify or reverse any order issued by the City that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety, or a building rule.
3. The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under IC 4-21.5-3-7 within thirty (30) days after the issuance of the order.
4. The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Ordinance.
5. The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

**151.20 REMEDIES AND CIVIL ACTION**

Pursuant to IC 36-1-6-4, the city may bring actions in the Circuit or Superior Courts of DeKalb County for

- A. mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Administrator, or,
- B. to restrain any person from violating a provision of this ordinance.

Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter.

**151.99 PENALTY**

Monetary Penalty

Any person violating any provision of this Building Ordinance may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500). The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this Building Ordinance.

**151.22 SEVERABILITY**

Should any provision (section, clause, phrase, word, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

**151.23 FEES**

The fee schedule is contained in a separate City of Auburn ordinance that is available and on file in the offices of the City of Auburn, Clerk-Treasurer and Building, Planning and Development departments.

**151.24 EFFECT OF ADOPTION ON PRIOR ORDINANCE**

The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to





the effective date of this ordinance. These rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

## **151.25 EFFECTIVE DATE**

This Building Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

- A. The City Council has adopted this ordinance.
- B. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by IC 22-13-2-5.