

IC 36-7-8

Chapter 8. County Building Department and Building Standards

IC 36-7-8-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1981, P.L.309, SEC.27.

IC 36-7-8-2

Establishment of buildings department

Sec. 2. The legislative body of a county may, by ordinance, establish a county department of buildings, with an office of building commissioner and inspectors.

As added by Acts 1981, P.L.309, SEC.27.

IC 36-7-8-3

Establishment of building, heating, ventilating, electrical, plumbing, and sanitation standards; ordinances

Sec. 3. (a) The legislative body of a county having a county department of buildings or joint city-county building department may, by ordinance, adopt building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards for unincorporated areas of the county. These standards take effect only on the legislative body's receipt of written approval from the fire prevention and building safety commission.

(b) An ordinance adopted under this section must be based on occupancy, and it applies to:

(1) the construction, alteration, equipment, use, occupancy, location, and maintenance of buildings, structures, and appurtenances that are on land or over water and are:

(A) erected after the ordinance takes effect; and

(B) if expressly provided by the ordinance, existing when the ordinance takes effect;

(2) conversions of buildings and structures, or parts of them, from one occupancy classification to another; and

(3) the movement or demolition of buildings, structures, and equipment for the operation of buildings and structures.

(c) The rules of the fire prevention and building safety commission are the minimum standards upon which ordinances adopted under this section must be based.

(d) An ordinance adopted under this section does not apply to private homes that are built by individuals and used for their own occupancy. However, onsite sewage systems of a private home described in this subsection must comply with state laws and rules.

As added by Acts 1981, P.L.309, SEC.27. Amended by P.L.8-1984, SEC.125; P.L.208-2015, SEC.19.

IC 36-7-8-4

Establishment of minimum housing standards; ordinances

Sec. 4. (a) The legislative body of a county having a county department of buildings or a joint city-county building department may, by ordinance, adopt minimum housing standards for unincorporated areas of the county. These standards must be consistent with the rules of the fire prevention and building safety commission.

(b) An ordinance adopted under this section applies to:

- (1) residential buildings;
- (2) residential parts of mixed occupancy buildings; and
- (3) conversions of buildings from nonresidential to residential or partly residential.

(c) A municipality may elect, by ordinance, to make itself subject to an ordinance adopted under this section.

(d) This section does not affect IC 16-41-26.

As added by Acts 1981, P.L.309, SEC.27. Amended by P.L.8-1984, SEC.126; P.L.1-1996, SEC.86.

IC 36-7-8-5

Repealed

(Repealed by P.L.245-1987, SEC.22.)

IC 36-7-8-6

Employment of inspectors, agents, and deputies; appropriations

Sec. 6. The county executive may employ the inspectors, agents, and deputies it considers necessary to enforce ordinances adopted under this chapter and under applicable statutes and state rules. The county fiscal body shall make appropriations from the county general fund to pay these employees and to pay all other expenses incurred under this chapter.

As added by Acts 1981, P.L.309, SEC.27.

IC 36-7-8-7

Municipalities and counties; designation of enforcement agencies

Sec. 7. One (1) or more municipalities and a county may designate, by ordinance or resolution of their legislative bodies, a single agency of a municipality or the county to administer and enforce:

- (1) the ordinances adopted under section 3 of this chapter; and
- (2) the standards imposed by section 5 of this chapter;

throughout the county on behalf of the municipalities and the county.

As added by Acts 1981, P.L.309, SEC.27.

IC 36-7-8-8

Enforcement by city located within county

Sec. 8. A county that has adopted an ordinance under section 4 of this chapter may contract with any city located in the county to have the city administer and enforce that ordinance. The contract must be

for a stated and limited period, and may be renewed. All actions, notices, or other writings under such a contract must be performed as the county building commissioner would perform them, and may not be performed in the name of the city.

As added by Acts 1981, P.L.309, SEC.27.

IC 36-7-8-9

Appeals

Sec. 9. A person aggrieved by a decision of the county department of buildings or other regulating agency under this chapter may appeal as in other civil actions. The appellant must, by registered mail, give the county executive a fifteen (15) day written notice of his intention to appeal. The notice must concisely state the appellant's grievance.

As added by Acts 1981, P.L.309, SEC.27.

IC 36-7-8-10

Violations and penalties; fees

Sec. 10. An ordinance adopted under section 3 or 4 of this chapter may provide a reasonable penalty for violations. An ordinance adopted under section 3 of this chapter may also include a reasonable fee for permits, registration, renewal, examination, and reexamination.

As added by Acts 1981, P.L.309, SEC.27.

IC 36-7-8-11

Repealed

(Repealed by P.L.74-1987, SEC.28.)