CITY OF TERRE HAUTE

Building and Licensing Standards and Regulations

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ARTICLE 10. CONTRACTORS AND SKILLED TRADES.

Division I. Contractors.

Sec. 4-103 License or Registration Required.

a. Any person, partnership or corporation which has entered into a contractual relationship to engage in any construction activity with another person, partnership, or corporation which holds a property interest in the real estate on which the construction activity is occurring must be a registered or licensed contractor under this Chapter.

b. All contractors meeting the requirements of Sec. 4-105, but not meeting the additional requirements of Divisions II, III and IV, shall be deemed "registered." Those contractors meeting the additional requirements of Divisions II, III, and IV shall be deemed "licensed" for those skilled trades for which the additional requirements are met.

c. Contractors performing work within the public right-of-way shall meet the additional requirements of Chapter 8, Article 5 of this *Code*.

d. Registration as a contractor shall not be required to perform work if all of the following conditions are met:

(1) Work does not require licensure under Divisions II, III, or IV of this Article; and

(2) The structure is owned by the person or persons performing the work; and

(3) No major structural changes are being made to the structure.

Sec. 4-104 License or Registration Fees.

a. Upon the making of an application for the license or registration described herein, the contractor shall pay to the City Controller a fee in the sum of Three Hundred and Fifty Dollars ($350.00) for the first year of the license and One Hundred Seventy-five Dollars ($175.00) for each annual renew.

b. Licenses shall be valid from January 1 through December 31 of the year in which they are purchased, except that a contractor may renew an existing license for the upcoming year beginning December 1 of the current year.

c. A contractor shall only be eligible to pay the reduced renewal fee if their current license or registration has not been suspended in the preceding three hundred and sixty-five (365) calendar days.

Sec. 4-105 Qualifications for Person, Partnership or Corporation To Be Registered as a Contractor.

a. A person, partnership or corporation shall be entitled to receive a registration as a contractor if the following requirements are met:

(1) An application form indicating the name, address and legal business status of the contractor has been submitted to the Department of Engineering; and

(2) The registration fee specified in Sec. 4-104 of this *Code* has been paid; and

(3) A surety bond meeting the requirements of Sec. 4-106 (Sec. 4-119c for plumbers) has been posted and certificates of insurance meeting the requirements of Sec. 4-107 have been submitted; and

(4) The person, partnership or corporation does not presently have a registration or license issued under this article currently suspended, nor has it had such a registration or license revoked within a period of the preceding three hundred sixty-five (365) days; and

(5) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this article currently suspended or who has had such a license revoked within the preceding three hundred sixty-five (365) days; and

(6) The partnership does not presently have a partner or the corporation does not have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation registered under this article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the registration of the partnership or corporation was revoked.

b. Unless these requirements are met, a person, partnership or corporation shall not be entitled to receive a registration as a contractor. No prerequisites other than the six (6) listed in this Section shall be imposed in determining which persons, partnerships and corporations may be registered contractors.

c. Additional requirements must be met in accordance with Divisions II, III, and IV of this Article to be licensed to perform work described in those Divisions.

Sec. 4-106 Bond.

a. Beginning December 1, 2005, before a registration is issued by the Department of Engineering to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of Ten Thousand Dollars ($10,000.00). Such a bond shall be maintained in full force and effect for the full period of the license or registration. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

(1) Issued by a surety authorized to do business in Indiana;

(2) Payable to the City of Terre Haute or an unknown third party as obligee;

(3) Conditioned upon:

(a) Compliance with requirements set forth in this Article which must be met to retain registration and licensure; and

(b) Prompt payment of all fees owed the City of Terre Haute as set forth in this Article and Chapter 7 of this *Code*; and

(c) Prompt payment to the City of Terre Haute for any loss or expense for damages to property of the City of Terre Haute caused by any action of the contractors, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity while engaged in any construction activity; and

(d) Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:

1. Losses arising out of violations;

2. Expenses necessary to correct violations; and

3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in any construction activity. However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of state statute, city regulation or this *Code*, which requirement must be met to properly carry out construction activity.

b. The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of Ten Thousand Dollars ($10,000.00) if the City Controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit affording the same protections to the City of Terre Haute and an unknown third party as the protections afforded by the surety bond.

c. The obligation of the surety and financial institution relative to this bond or letter of credit is limited to Ten Thousand Dollars ($10,000.00). A surety or financial institution may pay

on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 4-107 Insurance.

a. Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction activity accomplished by the registered contractor or under permits obtained by the registered contractor and thereafter maintains such insurance in full force and effect throughout the license period:

(1) A public liability and property damage insurance policy assuring the registered contractor and naming the City of Terre Haute as an "additional insured," providing for the payment of any liability imposed by law on such registered contractor or the City of Terre Haute arising out of operations being performed by or on behalf of the registered contractor in the minimum amounts of Five Hundred Thousand Dollars ($500,000.00) for combined bodily injury and property damage, coverage of Five Hundred Thousand Dollars ($500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons, and One Hundred Thousand Dollars ($100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the Department of Engineering upon application for licensure or registration.

(2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the registered contractor. A certificate of such insurance shall be delivered to the Department of Engineering upon application for licensure or registration. This provision shall not apply if the registered contractor has no employees and gives appropriate notice to the Department of Engineering.

b. The insurance carrier shall give notice both to the registered contractor and the Department of Engineering at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. 4-108 Suspension or Revocation of Registration or License for a Person, Partnership, or Corporation.

The City may suspend the registration or license of a contractor for a period of up to three hundred sixty five (365) days or revoke the license of a person if one (1) of the following is shown:

a. The registered or licensed contractor made any materially false statement of fact on his application for registration or licensure;

b. The registered or licensed contractor failed to post and maintain the surety bond and insurance required by Sec. 4-106 and Sec. 4-107;

c. The registered or licensed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with regard to construction activity;

d. Construction activity for which the registered or licensed contractor was responsible as obtainer of the permit was performed either incompetently or in such a manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code*;

e. The registered or licensed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code* relative to construction activity for which the registered or licensed contractor was responsible as permit obtainer after an authorized official or employee of the City of Terre Haute issued a notice of code violation, revoked a permit or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten (10) days from the date when the registered or licensed contractor received notice of the code violation, revocation of permit or stop-work, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;

f. The registered or licensed contractor has consistently failed to apply for or obtain required permits for construction activity accomplished by the registered or licensed contractor;

g. The registered or licensed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity as required by this *Code*;

h. The registered or licensed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code* relative to construction activity;

i. The registered or licensed contractor has not properly paid the fee specified by Sec. 4-104 of this *Code* for a registration or license which has been issued or is delinquent in other fees owed pursuant to this Article, or Chapter 7 of this *Code*;

j. The partnership presently has a partner or the corporation presently has an officer who has a registration or license under this Article currently suspended or who has had such a registration or license revoked within the preceding three hundred sixty-five (365) days; or

k. The partnership has a partner or the corporation has an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation registered or licensed under this Article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the registration or license of the partnership or corporation was revoked.

Sec. 4-109 Hearing and Appeal.

a. The date and place for a revocation or suspension hearing shall be fixed by the Board of Public Works and Safety. At least ten (10) days before such date, a written copy of the charges, prepared by the City of Terre Haute, and notice of the time and place of the hearing thereon shall be served upon the registered or licensed contractor, either by hand delivery to the charged registered person or licensed contractor, or by certified mail with return receipt addressed to the registered or licensed contractor at its main place of business as shown by the registered or licensed contractor's application for registration or licensure. The ten (10) or more days shall run from the date such notice is mailed as shown by the postmark thereon.

b. The registered or licensed contractor may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The City of Terre Haute shall have the same right. The Board of Public Works and Safety may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the Board of Public Works and Safety shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the registered or licensed contractor, in the same manner required for notice of the hearing.

c. On or before ten (10) days after service of such order, the registered or licensed contractor may appeal therefrom to the City Engineer by serving a notice of appeal upon the City Engineer either in person or by filing it at his office, with a copy thereof delivered to the Board of Public Works and Safety. Unless such appeal is so taken, the order of the Board of Public Works and Safety shall be final.

d. If so appealed, the order of the Board of Public Works and Safety shall be stayed until the appeal is heard and determined by the City Engineer under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The City Engineer shall thereupon render such decision as he or she finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the Board of Public Works and Safety. The City Engineer's order shall be final and conclusive and be binding upon both the registered contractor and the Board of Public Works and Safety.

Sec. 4-110 Improper Display.

It shall be unlawful for any person, partnership or corporation accomplishing construction activity, land alteration, sewer work or driveway work to use the word "registered" or "licensed" in connection with its business if such person, partnership or corporation is not a registered or licensed contractor. Such a person, partnership or corporation shall not, for example, use the word "licensed" on any display used for advertising or identification or on any of its business forms.

Sec. 4-111 Penalties.

Any person violating the provisions of this Article shall be guilty of an ordinance violation and, upon conviction thereof, shall be subject to a fine not to exceed Five Hundred Dollars ($500.00). (Special Ord. No. 31, 1972, as amended, § 4, 5-31-72; 10-8-81, *Journal of Common Council,* p. 112)

Division II. Licensing and Regulation of Electrical Contractors.

Sec. 4-112 General Application; Exceptions and Definition.

The provisions of this Division shall apply to all installations of electrical conductors, fittings, devices, appliances and fixtures, herein after referred to as "electrical equipment" within or on private or public buildings and premises, with exceptions as provided in Sec. 4-113 and with the following general exceptions: (Gen. Ord. No. 3, 1988, § I, 6-9-88)

a. Any public utility engaged in the business of supplying electrical energy to the City and its inhabitants and any employee of such public utility while engaged in any of the work or business of such public utility shall be exempt from the provisions of this Article.

b. Factories and manufacturing concerns shall be exempt from licensure for maintenance alteration on existing systems and repair of existing systems.

Sec. 4-113 License Required.

Licensure as an electrical contractor is required to accomplish the connection of electrical power for on-site construction activity and to install, alter, replace, service, or repair a system distributing electrical power.

A person not licensed under this Article who is employed by a licensed electrical contractor may, however, accomplish electrical work while working under the direction and control of a person who is a licensed electrical contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the electrical work. Under no circumstance shall more than three (3) unlicensed persons be supervised by one (1) licensed person at the same time.

No license shall be required to execute or perform any of the following work:

a. The installation, alteration, or repair of electrical equipment rated at less than fifty (50) volts;

b. Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment, or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes;

c. The assembly, erection, and connection of electrical equipment in the plant of the manufacture of such equipment, but not including any electrical wiring other than that involved in making electrical connections on the equipment itself or between two (2) or more parts of such equipment;

d. Work performed by the owner of any residence in which the owner resides, and for which such effort requires a permit by any other section of this Code, if said work shall actually be performed by the owner or members of his immediate family, and the owner is willing to furnish a written statement to that effect. Provided further, the owner of any building shall not be permitted to perform his own electrical wiring if the building is to be used as a place of business, apartment house, rental unit or is a house which is to be offered for sale within one (1) year; or

e. Ordinary maintenance and repair if such work is accomplished by the person in the regular course of his full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnership or corporations engaged in the business of service and repair, however, must be licensed under this Article.

Sec. 4-114 Classes of Licensure for Individuals.

a. The City shall issue licenses to individuals in the following categories:

(1) Master Electrician. May perform electrical work without limitation. Must pass the master electrician examination.

(2) Journeyman Electrician. May perform electrical work without limitation. Must pass the journeyman electrical examination.

(3) Residential Electrician. May perform electrical work only on single family residences with a single meter and a maximum 400 amp service. Must pass the journeyman residential electrical examination or the master residential electrical examination.

(4) Electric Sign Mechanic. May perform work in the manufacture, installation, maintenance or erection of signs. Must pass the master sign electrical examination or the journeyman sign electrical examination.

b. To receive any of the licenses stated above, the individual must have passed the Experior Assessments test or equivalent for that particular area of expertise.

Sec. 4-115 Classes of Licensure for Businesses.

a. The City shall issue licenses to businesses to engage in electrical work in the following categories:

(1) Commercial Electrical Contractor's License. A commercial electrical contractor may engage in electrical work without limitation. The contractor must employ at least one (1) full-

time licensed Master Electrician, and must have an established place of business that is open during regular business hours.

(2) Residential Electrical Contractor's License. A residential electrical contractor may engage in electrical work only on single family residences with a single meter and a maximum 400 amp service. The contractor must employ at least one (1) licensed master, journeyman or residential electrician.

(3) Sign Erection License. A sign erection contractor may engage in the manufacture, installation, repair, maintenance, or erection of signs. The contractor must employ at least one (1) licensed electrical sign mechanic and must have an established place of business that is open during regular business hours.

b. For each of the above-listed categories, the contractor's license shall specify the individual licensee responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as supervisor for more than one (1) electrical contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division, Sec. 4-103 through Sec. 4-111 of this Article.

Division III. Licensing and Regulation of Heating and Cooling Contractors.

Sec. 4-116 Licensed Required.

a. Licensure as a heating and cooling contractor is required to install, modernize, replace, service, or repair all or any part of a heating system, space heating equipment, a cooling system, space cooling equipment or refrigeration equipment.

b. Construction activity which this Article allows licensed heating and cooling contractors to carry out is hereafter referred to in this Article as "heating and cooling work."

c. A person not certified under this Article who is employed by a licensed heating and cooling contractor may accomplish heating and cooling work while working under the direction and control of a person who is certified, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the heating and cooling work. Under no circumstance shall more than three (3) uncertified persons be supervised by one (1) certified person at the same time.

d. A person not licensed under this Article may accomplish heating and cooling work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships or corporations engaged in the business of service and repair, however, must be licensed under this Article.

e. A person not licensed under this Article may accomplish heating and cooling work as the owner of any residence in which he or she resides, and for which such effort requires a

permit by any other section of this Code, if said work shall actually be performed by the owner or members of his immediate family, and the owner is willing to furnish a written statement to that effect. Provided further, the owner of any building shall not be permitted to perform his own heating and cooling work if the building is to be used as a place of business, apartment house, rental unit or is a house which is to be offered for sale within one (1) year.

Sec. 4-117 Licensure of Heating and Cooling Contractors.

a. In order to obtain licensure as a heating and cooling contractor, the contractor must employ at least one (1) full-time employee who is certified for heating and cooling work by North American Technician Excellence (NATE), or equivalent. The applicant for licensure shall present a copy of NATE or equivalent certification at the time of application.

b. The contractor's license shall specify the certified individual responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as a supervisor for more than one (1) heating and cooling contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division I, Sec. 4-103 through Sec. 4-111 of this Article.

d. For the period of January 1, 2005 through March 31, 2005, temporary licensure shall be allowed for contractors not able to meet the certification requirements of this section. The term of the temporary license shall be until March 31, 2005, and shall be terminated at that time unless the certification requirements have been met.

Division IV. Licensing and Regulation of Plumbing Contractors.

Sec. 4-118 License Required.

a. Licensure as a plumbing contractor is required to install, modernize, replace, service, or repair all or any part of a plumbing system.

b. A person not licensed as a plumber who is employed by a licensed plumbing contractor may accomplish plumbing work under the direction and control of a person who is a licensed plumber, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in plumbing work. Under no circumstance shall more than three (3) unlicensed persons be supervised by one (1) licensed person at the same time.

c. A person not licensed may accomplish plumbing work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his or her full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnership or corporations engaged in the business of service and repair, however, must be licensed under this Article.

d. The provisions of this Article shall be superceded by the provisions of the Indiana Plumbing Commission if and when the requirements of the Indiana Plumbing Commission exceed the requirements of the City.

Sec. 4-119 Licensure of Plumbing Contractors.

a. Licensure as a plumber within the City shall correspond with the licensure requirements of the Indiana Plumbing Commission. The applicant for licensure shall present a copy of his or her state license at the time of application.

b. The City contractor's license shall state the name of the licensed individual responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as a supervisor for more than one (1) contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division I, Sec. 4-103 through Sec. 4-111 of this Article, with the exception that a bond shall not be required when the contractor performs only plumbing work.

ARTICLE I. BUILDING CODE.

Division I. General Provisions.

Sec. 7-1 Title.[1]

This Article, and all ordinances supplemental or amendatory hereto, shall be known as the *Building Code of the City of Terre Haute, Indiana*, and may be cited as such, and will be referred to herein as "this *Code*". (Gen. Ord. No. 1, 1988, § 1, 2-18-88)

Sec. 7-2 Purpose.

The purpose of this *Code* is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures. (Gen. Ord. No. 1, 1988, § 2. 2-18-88)

Sec. 7-3 Authority.

The Department of Engineering of the City of Terre Haute, hereinafter referred to as the Department of Engineering, is 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 Department of Engineering or any other officer of the City of Terre Haute 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 so such provisions shall not

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. (Gen. Ord. No. 1, 1988, § 3, 2-18-88)

Sec. 7-4 Advisory Board.

a. There is hereby created a Construction and Building Advisory Board to aid and assist the Department of Engineering in the orderly administration of the provisions in the Municipal Code regarding fees, permits, registration and guidelines related to the construction and building of residential and commercial properties. The Construction and Building Advisory Board shall consist of:

(1) One representative selected and appointed by and from the Associated Building Contractors of Terre Haute, Inc.

(2) One representative selected and appointed by and from the Home Builders Association.

(3) One representative selected and appointed by and from the Terre Haute Building Trade Council.

(4) One representative selected and appointed by electrical contractors.

(5) One representative selected and appointed by plumbing/mechanical contractors.

(6) One representative selected and appointed by and from the City Council which representative shall be a member of the City Council.

(7) Two representatives of the City Administration selected and appointed by the Mayor.

(8) The City Engineer shall serve as the President of the Advisory Board and shall vote only in the event of a tie among the other members of the Advisory Board.

b. The Construction and Building Advisory Board shall meet quarterly and at such other times as requested by the City Engineer or three (3) other members of the Construction and Building Advisory Board. A majority of all members, excluding the City Engineer, shall constitute a quorum to conduct business. The affirmative vote of a majority of members of the Construction and Building Advisory Board, excluding the City Engineer, at a meeting at which a quorum is present is required to pass a recommendation to the City Engineer. All decisions of the Construction and Building Advisory Board passed as provided herein shall go to the City Engineer as a recommendation. All Construction and Building Advisory Board members shall serve for a period of one (1) year and/or until his/her successor has been selected and appointed by the selecting entity.

c. The purpose of this Construction and Building Advisory Board shall be to advise the City Engineer on matters relating to the construction and building of single-family dwellings and commercial development, to include, but not limited to, fees, permits, registration and guidelines. (Gen. Ord. No. 2, 2001, 3-8-01)

Sec. 7-5 Scope.

The provisions of this *Code* apply to the construction, demolition, alteration, repair, use, occupancy, maintenance and additions to all buildings and structures, in the City of Terre Haute. (Gen. Ord. No. 1, 1988, § 4, 2-18-88)

Sec. 7-6 Minimum Standards for Structures and Building Equipment Not Regulated by Administrative Building Council.

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 Chapter 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.

(a) Fire and Building Safety Standards (675 *IAC* 13-1);
(b) Indiana Building Code (675 *IAC* 13-2.4); and
(c) Indiana Handicapped Accessibility Code (675 *IAC* 13-2.4-110).

(2) Article 14 – One and Two Family Dwelling Codes.

(a) Council of American Building Officials One- and Two-Family Dwelling Code (675 *IAC* 14-4.2); and
(b) Standard for Permanent Installation of Manufactured Homes.

(3) Article 16 – Plumbing Codes. (675 *IAC* 16-1.3)

(4) Article 17 – Electrical Codes.

(a) Indiana Electrical Code (675 *IAC* 17-1.6) and

(5) Article 18 – Mechanical Codes

(a) Indiana Mechanical Code (675 *IAC* 18-1.4).

(6) Article 19 – Energy Conservation Codes.

(a) Indiana Energy Conservation Code (675 *IAC* 19-3); and
(b) Modifications to the Model Energy Code (675 *IAC* 19-2).

(7) Article 20 – Swimming Pool Codes.

(a) Indiana Swimming Pool Code (675 *IAC* 20-1).

b. Copies of adopted building rules, codes and standards are on file in the Office of the Department of Engineering for the City of Terre Haute.

c. The appeal of any decision concerning the rules incorporated under Subsection a. of this Section shall lie first with the City Engineer and to the fire prevention and building safety commission as provided by *I.C.* 22-13-2-7.

Sec. 7-7 Removing Structures.

Any person, partnership or corporation carrying out construction activity limited to demolishing, dismantling, dismembering, razing or removing a structure shall in addition to the requirements of Sec. 7-8 comply with the following requirements:

a. The Department of Engineering may, if reasonably necessary to insure public safety, require the registered contractor to submit plans and a complete schedule for demolition. Where such are required, no work shall be accomplished until such plans and schedule are approved by the Department of Engineering.

b. Blasting and use of explosives shall be accomplished only by special permission of and under the supervision of the Department of Engineering, the fire and prevention bureau of the appropriate jurisdiction, and the division of air pollution control.

c. No open fires or other sources of flame except necessary cutting torches are permitted on the inside of the structure which is being wrecked, or in close proximity to flammable materials located outside of the structure, and every reasonable precaution shall be taken to prevent the possibility of fire.

d. Suitable provisions shall be made for the disposal of materials which are accumulated during the wrecking of a structure.

e. The buildings, foundations, curbs, sidewalks, concrete or asphalt drives and all appurtenances shall be removed to one foot (1') below the ground line or one foot (1') below subgrade elevation, whichever of the two is lower. Such removal shall also include the removal and disposal of buried or exposed tanks. Concrete slabs, under which a basement, pit, well, or cistern exists, shall be broken and removed.

f. All rubbish and debris including any goods, merchandise, commodities, products or materials of any kind which may have been stored within the structure being wrecked or on such property shall be removed or cleaned away, the ground leveled off, and the premises put in a clean and sanitary condition; provided, however, that if such property is properly fenced and the erection of a new structure is to be commenced within ninety (90) days, the ground need not be leveled until all such work on the premises is completed.

g. Material used for fill or grading shall be only material that can be properly compacted in order to avoid future settlement of filled-in earth or the structure erected over such

fill. No pieces of stone, lumber, boards or other material which due to their size or character would prevent proper compaction or would cause later settlement of the surface shall be used in such fill.

h. Where a structure is wrecked and an excavation which at any point is eight (8) or more feet below grade level is left unfilled, the fence required by Sec. 7-7(f) shall remain at the site; provided, however, that the Department of Engineering may approve a fence that does not meet the standards of Sec. 7-7(f) so long as it is sufficient to prevent persons, especially children, from falling into the excavation.

Sec. 7-8 Public Property; Walkways; Dust Control.

Any person, partnership or corporation carrying out construction activity shall comply with the following requirements:

a. The use of public property shall meet the requirements of the Board of Public Works and Safety. Building equipment and materials shall not be placed or stored on public property so as to obstruct free and convenient access to and functioning of any fire hydrant, fire or police call box, utility device, manhole, street, alley or gutter. A protective frame shall be provided for any fire hydrant, fire or police call box or utility device which might be damaged by construction activity. Bridges or covers shall be provided for sidewalks and manholes which might be damaged by construction activity.

b. A walkway shall be maintained around the site of construction activity or demolition at a minimum of four feet (4') in width. The walkway shall provide safe and handicap accessible means of passage along the site. Such walkway shall be maintained in place and kept in good condition for the duration of construction activities, after which it shall be removed within thirty (30) days.

c. Emission of excessive dust or particulate matter shall not occur in the course of construction activity. A sufficient supply of water shall be available at the site of construction activity in case it may be needed to put out a small fire or settle dust.

d. The Board of Public Works and Safety may set limitations on the time or manner in which any public right-of-way is obstructed.

Sec. 7-9 Temporary Sign at Site of Construction of New Structure.

At any location where a structure, not part of or attached to any other structure, is being erected in the City, the person obtaining the building permit for said structure shall be responsible for placing and maintaining a temporary sign on the premises during construction. The sign shall state the street name and address of the premises as reflected in the building permit and all building permit numbers pertaining to the construction activity accomplished on the premises shall be placed on the sign. The address information on the sign shall be clearly visible from the street. The sign required by this Section shall conform to all zoning requirements.

Sec. 7-10 Certificate of Occupancy.

No certificate of occupancy for any building or structure erected, altered or repaired, or any site improved, after the adoption of this ordinance shall be issued unless such building, structure, or site was constructed, altered or repaired in compliance with the provisions of this ordinance. It shall be unlawful to occupy any such building or structure, or utilize any such site, unless a full, partial, or temporary certificate of occupancy has been issued by the Department of Engineering. (Gen. Ord. No. 1, 1988, § 15, 2-18-88)

Sec. 7-17 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. (Gen. Ord. No. 1, 1988, § 16, 2-18-88)

Sec. 7-18 Licensed Persons Present During Construction.

Whenever construction work is being performed where licensure as a skilled trade is required under Chapter 4, Article 10, Divisions II, III, or IV, the contractor shall have at least one (1) licensed or certified individual at the construction site for each of the skilled trades being performed.

Division II. Permit Regulations.

Sec. 7-30 When Building Permits Required; Enforcement.

a. *Permit required.* Except for construction activity specified in subsections b., c., and d. of this Section, it shall be unlawful for a person, partnership or corporation to engage in any construction activity in the City, including excavation or any other site work, unless a written building permit issued by the Department of Engineering describing the activity has been obtained by and is in force relative to the person, partnership, or corporation which is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction activity allowed by the building permit. A violation of this Section is subject to the enforcement procedures and penalties provided in Sec. 7-74 of the *Code*; provided, however, the fine imposed for such violation shall not be less than One Hundred Dollars ($100.00), and each day that an offense continues shall constitute a separate violation. The City Controller shall cause any fines collected under this Section to be deposited into an account for the use and benefit of the Department of Engineering.

b. The permit specified in subsection a. above shall not be required for work which does not exceed Five Hundred Dollars ($500.00).

c. *Exemptions for one- and two-family dwellings.* With respect to one- or two-family residential structures, their appurtenances, and accessory structures, the permit specified in subsection a. above shall not be required for:

(1) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors; or

(2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or

(3) Installation of thermal insulation; or

(4) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan; or

(5) Painting, papering and similar finish work; or

(6) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or

(7) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers, and trash compactors when such installation does not include the installation of an electrical circuit; or

(8) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty percent (20%) of all piping in the structure is replaced; or

(9) Replacement of appliances, fixtures, traps and valves in a plumbing system; or

(10) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input; or

(11) Extension of heating or cooling duct work; or

(12) The installation, alteration, or repair of electrical equipment rated at less than 50 volts; or

(13) Erection of real estate signs advertising real estate for sale or for rent in conformance with the size limitations of the zoning ordinance governing signs.

d. *Exemptions for commercial construction.* With respect to structures other than one- or two-family residential structures, their appurtenances, and accessory structures, permits specified in subsection a. shall not be required for:

(1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional safety or health risks; or

(2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or

(3) Painting, papering and similar finish work; or

(4) Construction or installation of temporary motion picture, television, and theater stage sets and scenery; or

(5) Installation of thermal insulation; or

(6) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or

(7) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors in apartment buildings when such installation does not include the installation of an electrical circuit; or

(8) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty percent (20%) of the piping in an area occupied by a single tenant in the structure is replaced; or

(9) Replacement of appliances, fixtures, traps and valves in a plumbing system; or

(10) The installation, alteration, or repair of electrical equipment rated at less than 50 volts; or

(11) Replacement of a water heater with one that is identical as to venting arrangement and type of fuel or energy input.

Sec. 7-31 Eligibility To Obtain and Apply for a Building Permit.

a. To obtain a building permit, a person or entity must meet the requirements of the applicable paragraph below and must be the person or entity that will actually accomplish or be contractually responsible for accomplishment of the construction activity allowed by the building permit:

(1) Any person or entity which is a registered contractor under Article 10 of Chapter 4 may:

(a) Obtain a building permit to accomplish any construction activity except work for which Article 10, Divisions II, III, and IV of Chapter 4 require licensure; or

(b) Obtain a master building permit under Sec. 7-32 and Sec. 7-33.

(2) Any person or entity licensed under Article 10, Divisions II, III, and IV of Chapter 4 may:

(a) Obtain a building permit solely to accomplish construction activity allowed by the type of license held by the person or entity; or

(b) Obtain a master building permit under Sec. 7-32 and Sec. 7-33.

(3) Any person who owns, is a contract purchaser, or is a long-term lessee of an improved or unimproved parcel of land which the person intends to utilize for its own residence, may obtain a building permit to accomplish construction activity on such a parcel carried out through direct efforts of

(a) The person or entity; or

(b) Persons who volunteer to work and who are not compensated for their services.

In addition, no person or entity may obtain a permit for construction activity relative to Article 10, Divisions II, III, and IV of Chapter 4 which require licensure without the approval of the inspector responsible for the inspection of such work. The inspector will grant this approval only after determination that the person or entity is capable of carrying out the work in a proper manner.

Sec. 7-32 Master Permit.

A person, partnership or corporation registered or licensed as a contractor under Article 10 of Chapter 4 may elect to obtain a master permit for all construction activity occurring at a structure. The master permit shall identify all construction activity to occur at the structure and shall be the sole permit needed to accomplish all work identified on the permit at the structure. The person, partnership or corporation obtaining the master permit shall be responsible for all construction activity occurring at the structure, including code compliance for all construction activity for which Article 10, Divisions II, III, and IV of Chapter 4 of this *Code* require licensure.

Sec. 7-33 Procedure for Obtaining a Master Permit.

In order to obtain a master permit, the person, partnership or corporation must either be licensed for all the types of construction activity that will occur at the structure or identify, at the time of application, a licensed subcontractor for every type of construction activity that will occur at the structure.

Sec. 7-34 Building Permits Obtained by Written Application.

a. Application for a building permit shall be made to the Department of Engineering. The application shall be made in accordance with this Section, unless each and every requirement

of Sec. 7-35 is met and the administrator decides to issue a building permit on the basis of that Section.

b. The application shall be in writing on a form prescribed by the Department of Engineering and shall be supported with:

(1) Detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished pursuant to the building permit. In lieu thereof, it shall be within the discretion of the Department of Engineering to accept a written statement indicating the nature and location of the work to be done pursuant to the building permit where such written statement describes the work as precisely as a copy of detailed plans and specifications drawn to scale.

(2) A site plan which meets all the requirements of the Standards and Specifications of the City of Terre Haute; provided, however, that such plan shall not be required in the instance where all the construction activity is to occur inside an existing structure.

(3) Written approval from the Indiana department of fire and building services division of plan review, if required by Indiana law or any rule of the fire prevention and building safety commission.

c. In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure, such application shall be supported with a written statement from each utility that its service to the premises has been disconnected, and with either a written statement from the record titleholder of such premises authorizing the demolition or removal or a court order or administrative order requiring the demolition or removal of the structure.

d. A building permit shall be issued if:

(1) The application and supporting information required by this Section have been properly prepared and submitted; and

(2) The application and supporting information filed in accordance with this Section reflect compliance with building standards and procedures; and

(3) The fee has been paid in compliance with Division IV of this Article; and

(4) The person or entity obtaining the building permit complies with the requirements of Sec. 7-31.

e. By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate.

Sec. 7-35 Permits Obtained by Electronic Communication.

a. The Department of Engineering may, but is not required to, issue a permit based on information received by e-mail or facsimile.

b. To receive a permit on the basis of an e-mail or facsimile communication, all of the following requirements must be met:

(1) The person, partnership or corporation obtaining the permit and the person applying for the permit are eligible to obtain and apply for a building permit pursuant to Sec. 7-31; and

(a) Have accomplished construction activity in the City for a period of the preceding twelve (12) calendar months without a violation of building standards or procedures which caused a revocation of a building permit pursuant to Sec. 7-71; issuance of a stop-work order pursuant to Sec. 7-75; refusal of Department of Engineering to issue a certificate of occupancy pursuant to Sec. 7-10; initiation of a civil action filed pursuant to Sec. 7-72; forfeiture of a licensing bond pursuant to Sec. 7-72; or a judicially imposed fine or imprisonment pursuant to Sec. 7-74; and

(b) Have over the period of the previous one hundred eighty (180) days made prompt payment of all building permit fees for permits issued under this Chapter.

(2) The construction activity is being accomplished in or on an existing structure;

(3) The construction activity does not require the issuance of a design release by the Indiana department of fire and building services, division of plan review;

(4) The construction activity does not require site plan submittal; and

(5) The construction activity is susceptible to being accurately described without the aid of detailed plans and specifications.

c. The following information shall be supplied in order to obtain a building permit under this Sec. 7-35:

(1) The name and address of the applicant;

(2) The name, address (and e-mail address) and telephone number of the contractor in whose name the requested building permit is being issued (obtainer);

(3) The address of the construction activity;

(4) The precise description of the construction activity to be accomplished; and

(5) The value of the construction activity.

d. The obtainer of the building permit shall remit fees for the permit along with an original written application (as provided for in Sec. 7-34) to the Department of Engineering within five (5) business days following the date of the permit's issuance by check or money order made payable to the Controller of the City of Terre Haute. The permit number(s) shall be clearly marked on the application(s). Payment shall be made in the Office of the Department of Engineering or through the United States Postal Service. If mailed, the postmark on the envelope shall be evidence of compliance with the five (5)-day remittance requirement. If payment is not received within five (5) business days, the permit shall be voidable by order of the Department of Engineering. If a permit issued under this Section is voided, no further construction activity shall be accomplished under the permit.

e. The building permit obtained in accordance with this Section shall be in full force and effect at the time a building permit number is furnished by the Department of Engineering to the applicant. Following the issuance of the building permit in accordance with this Section, the Department of Engineering shall, as soon as conveniently possible after the payment of the permit fee, provide a copy of the building permit document to the applicant for the building permit.

f. By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant or obtainer shall within ten (10) days provide in writing to the Department of Engineering any additions or corrections to that information.

Sec. 7-36 Structure Requiring Professional Services of Architects or Engineers.

Except for those structures for which the rules of the fire prevention and building safety commission do not require filing of plans for approval by the responsible design architect or engineer, all detailed plans and specifications supplied with building permit applications shall be designed by and prepared under the control and supervision of a registered architect or engineer duly licensed to practice in the State of Indiana. Such professionally prepared plans and specifications shall bear the stamp or seal and registration number of such architect or engineer and shall be accompanied by the usual form of certification which is now or may be hereafter prescribed for use by architects and engineers by the fire prevention and building safety commission.

Sec. 7-37 Examination of Detailed Plans and Specifications.

The purpose of any examination of detailed plans and specifications and site plans shall be to determine consistency with building standards and procedures. Design characteristics not affecting consistency with building standards and procedures shall not be considered in any examination of detailed plans and specifications and site plans. Issuance of a building permit relative to plans which do not comply with building standards and procedures shall not relieve the person, partnership or corporation who applied for or obtained the building permit of the responsibility of complying with all building standards and procedures.

Sec. 7-38 Permit and File-Marked Plans To Be Available.

Any person, partnership or corporation to which a building permit has been issued shall prominently display such permit or a document bearing the permit number provided by the Department of Engineering which evidences permit issuance, or, in the instance of a permit obtained by telephone or facsimile communication, a paper bearing the authorization number, at the job site during construction activity. If required to submit detailed plans and specifications in order to obtain a building permit, such person, partnership or corporation shall have available for inspection at all times a copy of the detailed plans and specifications on site. Any change in such detailed plans and specifications, except for minor deviations that neither diminish structural quality nor would cause noncompliance with applicable building standards and procedures, shall be filed with and approved by the Department of Engineering prior to the time construction involving the change occurs.

Sec. 7-39 Expiration of Building Permits by Operation of Law; Extensions.

a. If construction activity has not commenced within ninety (90) days from the date of issuance of the building permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the Department of Engineering may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days.

b. If the construction activity has been commenced by only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the Department of Engineering may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity.

c. If construction activity involving removal of a structure or part of a structure has not been completed within the following time periods, the building permit shall expire by operation of law and shall no longer be of any force or effect:

(1) Removal of all or part of a one- or two-family residential structure, thirty (30) days after issuance.

(2) Removal of all or part of a structure other than one- or two-family residential structure, sixty (60) days after issuance.

Provided, however, the Department of Engineering may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances up to forty-five (45) days in length.

d. An extension granted under this Section shall be confirmed in writing.

Sec. 7-40 Defacing Permit.

It shall be unlawful for any person, other than an employee of the Department of Engineering to intentionally remove, deface, obscure, mutilate, mark or sign a posted building permit or document bearing the permit number provided by the Department of Engineering which evidences permit issuance without authorization from the Department of Engineering.

Sec. 7-41 Notice of Change in Permit Information; Amendment of Permits and Plans.

a. After a permit has been issued, the permittee shall give prompt written notice to the Department of Engineering of any addition to or change in the information contained in the permit application.

b. After a permit has been issued, any material deviation or change in the information contained in the permit application, the plans and specifications, or the plat plans shall be considered an amendment subject to approval by the Department of Engineering. Prior to the time construction activity involving the change occurs, the permittee shall file with the Department of Engineering a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

c. The Department of Engineering shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. Reinspection fees or other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits.

Division III. Investigations and Inspections of Construction Activities.

Sec. 7-50 General Authority to Make Investigations and Inspections.

The Department of Engineering may at any reasonable time go in, upon, around or about the premises where any structure or building equipment subject to the provisions of this Chapter or to the rules of the fire prevention and building safety commission is located (irrespective of whether a building permit has been or is required to be obtained) for the purpose of investigation and inspection of such structure or building equipment. Such investigation and inspection may be made either before or after construction activity on the project is completed and it may be made for the purposes, among others, of determining whether the structure or building equipment meets building standards and procedures, and ascertaining whether the construction activity and procedures have been accomplished in conformance with the requirements of this Code. Reasonable efforts to afford an opportunity for investigation and inspection of the structure or building equipment by the Department of Engineering shall be made by persons working on or having control of the construction activity. However, nothing in this Section shall be construed to require the administrator to make inspections and investigations.

Sec. 7-51 Inspection of Existing Public, Institutional, Commercial and Industrial Structures and Building Equipment Contained therein.

The Department of Engineering may inspect public school buildings, public assembly halls, churches, theaters, grandstands, buildings used for manufacturing or commercial purposes, hotels, motels, apartment houses, hospitals, nursing homes, buildings used for entertainment or amusement, and all other structures which are used, occupied or frequented by large numbers of people for the purpose of determining whether such structures and the building equipment related to such structures are safe and comply with applicable building standards and procedures.

Sec. 7-52 Notice of Availability for Inspection as a Condition to the Accomplishment of Further Work.

a. Whenever a stage of construction activity is reached which is designated below, the person, partnership or corporation which obtained the permit shall be under a duty to give appropriate notice to the Department of Engineering that the construction activity is available for inspection.

b. Relative to the construction of, remodeling of or addition to a structure, notice of availability is required, as applicable, for:

(1) A "foundation inspection" after poles or piers are set, trenches or basement areas excavated, any required reinforcing steel is in place, but prior to the placing of concrete; and

(2) A "frame and masonry inspection" after the roof, masonry, all framing, firestopping and bracings are in place and all electrical wiring, pipes, chimneys, and vents are complete, but prior to the interior covering of walls; and

(3) A "final inspection" once all work on the structure and site is complete.

c. Relative to installation, modernization or replacement of building equipment (including but not limited to plumbing work for which licensure is required by the Indiana Plumbing Commission, or work on electrical power distribution systems, heating systems, space heating equipment, cooling systems or space cooling equipment), notice of availability for a separate "rough inspection" is required, as applicable, for each of the three (3) crafts after installation, but prior to the covering or concealment thereof and before fixtures are set.

d. Relative to demolition or removal of a structure, notice of availability for a "fill inspection" is required (in the instance when a basement or subgrade chamber exists) after demolition or removal and prior to placing fill.

e. The Department of Engineering may, relative to any construction activity, add a reasonable number of other construction stages by communicating the additional stage requirements to the person or entity obtaining the building permit for that construction activity.

Sec. 7-53 Requirement that Construction Activity Remain Available for Inspection.

Whenever a stage of construction activity designated in Sec. 7-52 is reached, no person shall take any action or accomplish any additional construction activity which would substantially impede the opportunity of the inspector to inspect that stage of construction until the end of the following business day after notice of the availability for inspection has been received during business hours in the Department of Engineering, or until after an inspection is made, whichever first occurs. The period shall begin to run upon actual receipt of the notice during business hours but shall not run during any day when an inspection attempt by a representative of the Department of Engineering is unsuccessful because the work is not accessible. In the event that inclement weather requires additional construction activity in order to protect work already completed, the contractor shall notify the Department of Engineering prior to concealing any uninspected construction.

Sec. 7-54 Connection, Provision, or Use of Electrical Power.

a. No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power relative to an electrical power distribution system in or on a structure where construction activity (for which a building permit has been or is required to be obtained pursuant to this Chapter) has been accomplished, until after an inspection has been made and a distinctive sticker or tag (signifying the electrical power distribution system may be used) has been attached to the service equipment by the inspector. It shall be unlawful for any person other than the inspector to use, complete, apply or alter such sticker or tag.

b. Nothing stated in this Section shall be construed to deny the right of the Department of Engineering to inspect the electrical power distribution system to which electrical power is connected either before or after such connection is made or before or after the electrical power distribution system is used.

Sec. 7-55 Inspection Assistance.

The Chief of the Fire Department, or his designated representative, shall have responsibility for inspection of fire suppression, detection and alarm systems and shall provide reports of such inspection to the Department of Engineering. (Gen. Ord. No. 1, 1988, § 12, 2-18-88)

Division IV. Permit Fees.

Sec. 7-60 Fees.

All permits required by Sec. 7-30 shall be issued upon prior payment of inspection fees according to the following schedule:

Fifteen Dollars ($15.00) per first One Thousand Dollars ($1,000.00) of construction costs or part thereof, plus One Dollar ($1.00) each additional One Thousand Dollars ($1,000.00) or part thereof, as evidenced by the supporting documentation in the application for a permit.

Permit fees shall be waived for all buildings owned by local, state, and federal government entities. All other requirements of this Code shall be met for construction work on government buildings.

Sec. 7-61 Reinspection Fees.

a. A reinspection fee of Twenty Dollars ($20.00) may be assessed at the discretion of the Department of Engineering against a contractor relative to construction activity for which the contractor has obtained a building permit when an additional inspection visit to a construction address is needed because:

(1) Notice was not given that construction activity was available for inspection within the time period required by Sec. 7-52 and the construction activity is no longer available for inspection; or

(2) Notice was given pursuant to Sec. 7-52 that construction activity was available for inspection; and:

(a) The construction activity could not be found because the construction address provided on the permit application was incorrect; or

(b) The construction activity was not accessible when the inspector attempted to make the requested inspection at the time agreed upon for the inspection (or if no time was agreed upon, between 8:00 a.m. and 4:00 p.m., Monday through Friday on a day that is not a holiday); or

(c) The construction activity was not yet sufficiently completed for an inspection to be made; or

(d) The construction activity was covered or otherwise concealed and therefore not available for inspection.

Reinspection fees shall be paid to the City Controller prior to the issuance of a certificate of occupancy or final approval of work.

Sec. 7-62 Fee for Renewal After Expiration.

Fee for renewal of a building permit that has expired shall be Twenty Dollars ($20.00).

Sec. 7-63 Refund of Fees.

A permit fee paid under this Chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

Division V. Penalties, Violations, and Remedies.

Sec. 7-70 Authority to Withhold Issuance of Permits.

Whenever a person, partnership or corporation which is either an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to Sec. 7-35 or reinspection fees owed pursuant to Sec. 7-61) to the Department of Engineering pursuant to this Chapter or has failed to maintain the bond and insurance requirements of Chapter 4, Article 10, the Department of Engineering is authorized to withhold the issuance of subsequently requested permits until such time that the debt is satisfied or the bond and insurance requirements are satisfied.

Sec. 7-71 Revocation of Permits.

The inspector may revoke a building permit when:

a. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or

b. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures; or

c. There is a failure to comply with the requirements of Sec. 7-31, Sec. 7-34 or Sec. 7-35; or

d. The contractor has failed to maintain the surety bond or insurance required as a condition to his licensure or registration; or

This sanction shall in no way limit the operation of penalties provides elsewhere in this Chapter.

Sec. 7-72 Securing Payment of Bonds and Drawing Against Letters of Credit.

a. Recovery of funds upon a surety bond obligation or letter of credit may be made by asserting a claim against the surety or financial institution or by initiating an action in a court of competent jurisdiction.

(1) A claim may be asserted by providing written notice of the claim to the surety or financial institution. The written notice must be provided within one (1) year of the date when the work occurred which gave rise to the claim or, in the instance when a fee is not paid, one (1) year from the date when the fee was first due and owing.

(2) Court actions may be initiated as follows:

(a) The City Legal Department for the City of Terre Haute may initiate an action in a court of competent jurisdiction to recover funds upon a bond obligation or a letter of credit:

1. To declare a forfeiture on the bond or letter of credit in an amount to be determined by the court up to Ten Thousand Dollars ($10,000.00) whenever any registration or license issued pursuant to Chapter 4, Article 10 is suspended or revoked; or

2. To indemnify the City of Terre Haute against any loss, damage, or expense for damages to property of the city caused by an action of the contractor, his agents, employees, principals, subcontractors, materialmen, or suppliers in violation of requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity.

3. To secure payment of any fees owed to the City of Terre Haute pursuant to this Chapter, Chapter 4, Article 10, which have become delinquent, after reasonable notice has been given to the contractor of the delinquency.

(b) A person, partnership or corporation which holds a property interest in the real estate on which construction activity has occurred or may initiate an action in a court of competent jurisdiction against the bond or letter of credit for losses arising out of and expenses necessary to correct violations of requirements of state statute, city regulation or this *Code* which must be met to properly carry out construction activity caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers after written notice of the *Code* deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to correct the performance. If such a person, partnership or corporation prevails in any action brought under this Section, he may also recover, as part of the judgment, court costs and attorneys' fees based on actual time expended determined by the court to have been reasonably incurred by the plaintiff in connection with the commencement and prosecution of such action, unless the court in its discretion shall determine that an award of court costs and attorneys' fees would be inappropriate.

b. A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity.

c. A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit unless either written notice of the claim is given to the surety or financial institution or a court action has been initiated within one (1) year of the date when the work occurred that gave rise to the claim or in the instance when a fee is not paid,

one (1) year from the date when the fee was first due and owing. This paragraph shall not be construed to limit the time allowed by state law for the filing of court actions.

d. If payment is made on a bond or if a letter of credit is drawn against, such bond or letter of credit shall be deemed to not meet the requirements of Sec. 4-106. In order to meet the requirements of Sec. 4-106, the person, partnership or corporation shall secure a new bond or letter of credit or replenish the bond or letter of credit so that it reflects an obligation in the full amount required for registration or licensure by Sec. 4-106.

Sec. 7-73 Violations.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, covert, demolish, equip, use, occupy or maintain any building or structure, in the City of Terre Haute or cause to permit the same to be done, contrary to or in violation of the provisions of this *Code*. (Gen. Ord. No. 1, 1988, § 17, 2-18-88)

Sec. 7-74 General Penalty.

a. Any person, partnership or corporation that violates any provision of this Chapter, Chapter 4, Article 10, or any building standard or procedure, or commits any act prohibited herein, or fails to perform any duty lawfully enjoined, within the time prescribed by the Department of Engineering, or fails, neglects or refuses to obey any lawful order given by the Department of Engineering in connection with the provisions of this Chapter, may be subject to a fine in any sum not exceeding Two Thousand Five Hundred Dollars ($2,500.00) for each such violation, failure or refusal. Each day of such unlawful activity as is prohibited by the first sentence of this Section shall constitute a separate offense. Actions seeking penalties for violation of this Chapter may be brought in any court which has jurisdiction pursuant to Indiana law. (Gen. Ord. No. 1. 1988, § 20, 2-18-88) This penalty shall in no way limit the operation of special penalties for specific provisions of this Chapter, nor shall such special penalties in any way limit the operation of this general penalty.

b. The minimum fine for engaging in construction activity without a license or registration, when required by Chapter 4, is One Thousand Dollars ($1,000.00).

Sec. 7-75 Stop Order.

Whenever any work is being done contrary to the provisions of this *Code*, the Department of Engineering may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Department of Engineering to proceed with the work. (Gen. Ord. No. 1, 1988, § 14, 2-18-88)

Sec. 7-76 Right of Appeal.

All persons shall have the right to appeal the Department of Engineering's decision first through the Board of Public Works and Safety and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of *I.C.* § 22-13-2-7 and *I.C.* § 4-21.5-3-7. (Gen. Ord. No. 1, 1988, § 18, 2-18-88)

Sec. 7-77 Remedies.

The Department of Engineering shall in the name of the City of Terre Haute bring actions in the City Court of the City of Terre Haute or Superior and Circuit Courts of Vigo County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Department of Engineering, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance. (Gen. Ord. No. 1, 1988, § 19, 2-18-88)
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