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CHAPTER 7

BUILDING & CONSTRUCTION REGULATIONS

ARTICLE 1. BUILDING CODE.

Sec. 7-1 Title.¹²¹

This ordinance, 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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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:

¹²¹ Editor’s Note: Gen. Ord. No. 1, 1998 replaced Gen. Ord. No. 7, 1961 as amended which had been passed October 23, 1961.

(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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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);
 - (c.) Indiana Handicapped Accessibility Code (675 IAC 13-2.4-110).
- (2) Article 14 – One and Two Dwelling Codes.
 - (a.) Council of American Building Officials One- and Two-Family Dwelling Code (675 IAC 14-4.2);
 - (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 18-4).
- (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).
- (8) Accessibility Codes.
 - (a.) Americans with Disability Act Standards for Accessible Design; and
 - (b.) Guidelines for Accessible Public Rights-of-Way. (Gen. Ord. No. 21, 2011, 12-28-11)

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*. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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 ensure 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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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 after the adoption of this ordinance shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this ordinance. It shall be unlawful to occupy any such building or structure 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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-11 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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-12 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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-13 through Sec. 7-29 Reserved for Future Use.

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 or 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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-41 through Sec. 7-49 Reserved for Future Use.

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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, natural gas, or water relative to a 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 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 distribution system to which electrical power, natural gas, or water is connected either before or after such connection is made or before or after the electrical power, natural gas, or water distribution system is used. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04; Gen. Ord. No. 15, 2006, 12-14-06)

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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-56 through Sec. 7-59 Reserved for Future Use.

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-62 Fee for Renewal After Expiration.

Fee for renewal of a building permit that has expired shall be Twenty Dollars (\$20.00). (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-64 through Sec. 7-69 Reserved for Future Use.

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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 provided elsewhere in this Chapter. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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). (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

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; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-78 through Sec. 7-79 Reserved for Future Use.

ARTICLE 2. RESPONSIBLE BIDDER.

Sec. 7-80 Purpose.

The Responsible Bidder Ordinance shall serve to define the term “responsive and responsible” as used in Indiana Code § 36-1-12-4, regarding competitive bidding.

Sec. 7-81 Applicability.

This Article of the *Terre Haute City Code* shall apply when:

a. The City is seeking a contract or service to perform public work. Public work, in this context, means the construction, reconstruction, alteration, or renovation of a public building, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by the City under a lease containing an option to purchase; and

b. The cost of the contract or service will be at least one-hundred fifty thousand dollars (\$150,000).

Sec. 7-82 Criteria.

A “responsive and responsible bidder” shall meet all the bid and contract specifications, and shall:

a. Affirm compliance with all applicable laws pre-requisite to doing business in Indiana;

b. Produce evidence of a federal employer taxpayer identification number or social security number (for sole proprietors);

c. Confirm that bidder shall not discriminate against an employee or applicant for employment because of race, color, religion, sex, national origin, gender identity, sexual orientation or disability and that the bidder shall ensure that applicants are employed, and employees are treated during employment, without regard to their race, color, religion, sex or national origin, gender identity, sexual orientation or disability.

d. Confirm that bidder has not been found in violation of any federal, state or local law, ordinance or regulation with regard to an employee or applicant for employment because of race, color, religion, sex, national origin, gender identity, sexual orientation or disability within the last three (3) years.

e. Provide the City with certificates of insurance indicating the coverage, when such is required in the bid or contract specifications.

f. Affirm, where worker’s compensation insurance is required under the bid specifications, that all employees are (1) covered under a current worker’s compensation insurance policy and (2) properly classified under such policy; and also, where worker’s compensation insurance is required under the bid specification, submit a copy of the “declarations page(s)” of the contractor’s worker’s compensation insurance policy if the contractor is insured with a carrier, and any continuation of the worker’s compensation insurance “declarations page(s)” which includes the name and address of the insured, as well as the class codes the compensation premium is based on and the total estimated remuneration per class

code; and, upon the City's request, submit a copy of any worker's compensation insurance annual premium audit documents.

g. Indicate whether the bidder has been found in violation of any Indiana or federal laws regarding wage rates and wage payments including, but not limited to, the federal Davis-Bacon Act, by the U.S. Department of Labor, the Indiana Department of Labor, an Indiana State Court or a U.S. District Court within the three (3) years preceding the submission of its bid on the public works project;

h. Submit proof of any professional or trade license required by law for any trade or specialty area in which a bidder is seeking a contract award; and disclose any suspension or revocation within the previous five (5) years of any professional trade license held by the company, or of any director, officer, or manager employed by bidder;

i. At the time of submitting the bid, disclose the name and address of each subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the project, and disclose the amount of each subcontractor's bid to the general contractor; each subcontractor who will perform work valued in excess of the threshold set forth in Section 7-81 b. of this Article shall be required to adhere to the submission requirements set forth herein as though it were bidding directly to the City of Terre Haute, and must file the appropriate required documents at least five (5) days prior to commencement of work by the subcontractor;

j. Upon bid opening by the Board of Public Works and Safety, the bid recipient shall supply the following information relative to subcontractors:

1. Business name and address;
2. Type of work to be performed and bids submitted; and
3. Statement of acknowledgment that subcontractor will comply with all applicable federal, state and local laws.
4. Subcontractor's answers to all of the information sought in subsection (a) through (k) of this section.

k. State that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (1) an employee or (2) an independent contractor under all applicable state and federal laws and local ordinances;

l. Provide a copy of the bidder's written plan for employee drug testing that: (1) covers all employees of the bidder who will perform work on the public work project; and (2) meets, or exceeds, the requirements set forth in Indiana Code § 4-13-18-5 or Indiana Code § 4-13-18-6;

m. Shall provide evidence of participation in apprenticeship and training programs, applicable to the work to be performed on the project, which are approved by and registered with

the United States Department of Labor's Office of Apprenticeship, or its successor organization. The required evidence includes a copy of all applicable apprenticeship certificates or standards for these training programs. (Gen. Ord. No. 11, 2015 As Amended, 12-10-15)

Sec. 7-83 Certified Payroll.

All contractors and subcontractors are required to submit to the awarding agency, and General Contractor if applicable, an approved and detailed certified payroll on a weekly basis, unless different payroll reporting requirements are stated under the bid specifications or contract. Approved certified payroll forms include federal form WH-347.

Sec. 7-84 Additional Criteria.

The City may also request evidence of and/or consider the following factors when identifying responsive and responsible bidders for the purpose of awarding contracts under this Article:

- a. The ability, capacity, and skill of the bidder to perform the contract;
- b. The capacity of the bidder to perform the contract promptly and efficiently, or within the time specified, without delay or interference;
- c. The character, integrity, reputation, and experience of the bidder;
- d. The quality of the bidder's past performance, including performance of previous contracts, whether or not such performance was with the City;
- e. The bidder's default under previous contracts, whether or not such contract was with the City;
- f. The bidder's failure to pay or satisfactorily settle bills due on former contracts, whether or not such contract was with the City;
- g. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
- h. The financial ability of the bidder to perform the contract;
- i. A statement regarding and/or disclosure of:
 1. Any determination by a court or government agency for violations of federal, state or local laws including but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), the National Labor Relations Act (NLRA), Common Construction Wage Law, or the federal Davis-Bacon Act;

2. Any findings of “non-responsibility” by federal, state, or local departments;
- j. Any additional factors the City determines relevant for the contract.

Sec. 7-85 Lowest Bidder Not Chosen.

When a contract is awarded to a bidder other than the lowest bidder, a statement of the reasons for such award shall be prepared by the City board or entity awarding the contract.

Sec. 7-86 Multiple Low Bids.

When two (2) or more responsive and responsible bidders submit the same low bid, the contract shall be granted to the bidder whose headquarters are geographically closest to the City of Terre Haute’s corporation boundary; but if both low bidders are headquartered within the City of Terre Haute’s corporation boundary, then the winning bid shall be determined by drawing lots in public at a meeting of the Board of Public Works & Safety.

Sec. 7-87 Access to Public Records Act.

All requests made by the public for submissions tendered under this Article by a contractor or sub-contractor shall be subject to disclosure pursuant to Indiana Code § 5-14-3-1 *et seq.*, the Indiana Access to Public Records Law.

Sec. 7-88 through Sec. 7-94 Reserved for Future Use.

ARTICLE 3. FIRE PREVENTION CODE.

DIVISION I: GENERAL PROVISIONS

Sec. 7-95 Title.

This Fire Prevention Code and all material included herein by reference shall be known as the “Fire Prevention Code of Terre Haute, Indiana”.

Sec. 7-95.1 Purpose.

a. The purpose of this Fire Prevention Code is to prescribe regulations consistent with nationally recognized standards for the protection of life, environment, and property from fire, explosions, and hazards arising from the storage, handling, and use of hazardous substances; from conditions hazardous to life or property in the use or occupancy of new or existing buildings and premises; and to establish appropriate administrative procedures for the enforcement of this Fire Prevention Code.

b. There is adopted by Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that a certain Code known as the most recently adopted version of the *Indiana Fire Code* and any amendments thereto, and the whole thereof, save and accept such portions as are hereinafter deleted, modified or amended (by Sec. 7-97 through 7-109 below) and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Fire Prevention Code shall take effect, the provisions thereof shall be controlling within the City.

Sec. 7-95.2 Authority.

The Fire Chief, or his designee, is hereby authorized and directed to administer and enforce the following:

- a. All provisions of this Fire Prevention Code.
- b. Variances granted in accordance with I.C. § 22-13-2-11.
- c. Orders issued under I.C. § 22-12-7.

Sec. 7-95.3 Scope.

a. The provisions of this Fire Prevention Code are supplemental to the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, and Indiana Fuel Gas Code as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this Fire Prevention Code apply to maintenance of Fire Prevention and Life Safety Features as herein described. The provisions of this Fire Prevention Code apply to existing conditions as well as to the conditions arising after the adoption thereof. Buildings, systems, uses, processes, and equipment legally in existence on the effective date of this Fire Prevention Code shall be permitted to continue so long as they are maintained in a condition that is equivalent to the quality and fire-resistive characteristics that existed when the building was constructed, altered, added to, or repaired.

Sec. 7-95.4 Conflicting Provisions; Severability.

a. If any provision of this Fire Prevention Code is found to be in conflict with any Building, Zoning, Safety, Health, other applicable laws or ordinances of Terre Haute, Indiana, whether existing on the effective date of this Fire Prevention Code or later adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public applies.

b. If any provision of this Fire Prevention Code is declared invalid, by a court or governing board or administration of competent jurisdiction, for any reason, the remaining provisions shall not be affected, if such remaining provisions can, without the invalid provision or provisions, be given their original intended effect in adopting this Fire Prevention Code. To this end, the provisions of this Fire Prevention Code are severable.

Sec. 7-95.5 Minimum Standards.

a. All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 12, 13, 18, 22 and 25 of Title 675 of the Indiana Administrative Code are incorporated in this Fire Prevention Code and shall include all later amendments to that article as published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

b. Any special processes or procedures not addressed in the Indiana Fire Code (675 IAC 22) or this Fire Prevention Code shall be subject to applications found in Fire Safety Standards recognized by Indiana Fire Code (675 IAC 22), Referenced Standards and as approved by the Fire Chief, or his designee.

c. Any special processes or procedures not addressed in this Fire Prevention Code shall be subject to applications found in the current editions of the National Fire Protection Association (NFPA) Standards or other recognized Fire Safety Standards—subject to the rules of the Indiana Fire Prevention and Building Safety Commission.

Sec. 7-95.6 Effect of Adoption on Prior Fire Prevention Code.

The expressed or implied repeal or amendment by this Fire Prevention Code, 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 Fire Prevention Code. Such rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Fire Prevention Code had not been adopted.

Sec. 7-95.7 Liability.

Approval, as a result of an inspection, shall not be construed to be an approval of a violation of the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other Fire Safety Code of the jurisdiction. Inspections presuming to give authority to violate provisions of the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other Fire Safety Code of the Jurisdiction shall not be valid.

Sec. 7-95.8 Definitions.

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Building Code. Means the Indiana Building Code found within 675 IAC 13.

Certificate of Compliance. A certificate issued by the Fire Chief, or his designee, upon his/her determination that all fire protection systems in a Class 1 Structure have been successfully tested, inspected and found in compliance with the Fire Prevention Code.

Certificate of Occupancy. A certificate issued by the City of Terre Haute Department of Engineering to the owner or tenant of a structure indicating that the building is in proper condition to be occupied.

Class 1 structure. Has the meaning ascribed thereto in I.C. § 22-12-1-4.

Class 2 structure. Has the meaning ascribed thereto in I.C. § 22-12-1-5.

Commission. Refers to the Indiana Fire Prevention Building Safety Commission as established by I.C. § 22-12-2-1.

Crowd Manager. Has the meaning ascribed thereto in 675 IAC 22-2-5.

Cut Sheet. Means specification sheet that provides and describes the technical specifications of a particular product.

Division of Fire and Building Safety. Refers to the Division of Fire and Building Safety of the Indiana Department of Homeland Security established pursuant to I.C. § 10-19-7-1.

Fire. A rapid oxidation process, which is a chemical reaction resulting in the evolution of light and heat in varying intensities..

Fire and Life Safety Inspection. An inspection of the premises by the Fire Department to verify compliance with standards intended to safeguard persons from fire hazards and from other fire related hazardous conditions.

Fire Apparatus. Vehicles owned and/or operated by the Terre Haute Fire Department, to include but not limited to pumpers, aerial ladder trucks, elevated platforms, rescues, squads, ambulances, administrative vehicles, or other firefighting or rescue equipment.

Fire Chief. Means the chief officer of the fire department or fire territory serving the jurisdiction.

Fire Code. Refers to the Indiana Fire Code found within 675 IAC 22.

Fire Department. Means the City of Terre Haute Fire Department.

Fire Hazard. Any situation, process, material, or condition that can cause a fire or explosion or that can provide a ready fuel supply to augment the spread or intensity of a fire or explosion, all of which pose a threat to life or property.

Fuel Gas Code. Refers to the Indiana Fuel Gas Code found within 675 IAC 25.

General Administrative Rules. Means the General Administrative Rules of the Indiana Fire Prevention and Building and Safety Commission located at 675 IAC 12.

Hazardous Condition. Presence of a structural condition, equipment, utility connection, or materials that constitute or pose a recognized threat of fire or fire related injury to persons or property.

IAC. Means the Indiana Administrative Code.

I.C. Means the Indiana Code of the Indiana General Assembly.

Inspection. Visual inspection of a building, system, design, or installation to verify that it meets the standards of all applicable codes of the jurisdiction relating to fire prevention, and/or is in an acceptable operating condition and free of defects as this may relate to fire prevention.

Key Box. Has the meaning ascribed thereto in 675 IAC 22.

Mechanical Code. Means Indiana Mechanical Code found within 675 IAC 18.

Municipality. The City of Terre Haute, Indiana.

Notice of Violation. Means a written notice issued by the Fire Department usually in the form of an inspection report listing violations.

Occupant Load. The number of persons for which the means of egress of a building or portion thereof is designed.

Occupancy Classification. Occupancy classification shall be as specified in the Indiana Building Code in effect at the time of construction, alteration, or change of occupancy.

Order. A written report that orders the property owner, occupant, or tenant to cease and correct identified violations of the Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, or this Fire Prevention Code, as these codes may relate to fire prevention and safety.

Owner. Has the meaning ascribed thereto in 675 IAC 22.

Person. Has the meaning ascribed thereto in I.C. § 22-12-1-18.

Qualified Person. Means a person who either holds current National Institute for Certification in Engineering Technologies (NICET) certification in the fire protection system being installed, serviced, or repaired, or has successfully completed a course of instruction specific to the equipment being installed, serviced, or repaired. Such

instruction shall have been approved by the manufacturer of the equipment or their authorized representative.

Testing. A functional test of all components to verify proper operation of the system, design, installation, or use.

Wall Rough-In Inspection. A new construction inspection required by the City of Terre Haute Building Inspection Department prior to installing gypsum board, paneling, or other acceptable material on unfinished walls.

***TERMS NOT DEFINED:** Where terms are not defined in this Fire Prevention Code and are defined in the General Administrative Rules, the Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code, or Indiana Fuel Gas Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.*

DIVISION II. ADMINISTRATION AND ENFORCEMENT

Sec. 7-96 Fire Scene Authority.

The Fire Chief, or his designee, at any fire, explosion, rescue, emergency medical or hazardous materials incident, or any other emergency which poses imminent threat to life, environment, or property, shall have the authority to direct operations as necessary to control, mitigate, or eliminate the emergency. It shall be unlawful for any person to impede the emergency operations of the Fire Department.

Sec. 7-96.1 Emergency Lines and Limits.

The Fire Chief, or his designee, may establish emergency lines and limits; and, barricade or guard from the general public such emergency lines and limits. The Fire Chief, or his designee, may create an area in which only firefighters; law enforcement personnel; other emergency responders; other people, or agencies having a direct interest in any property threatened by a fire, explosion, hazardous material incident, or other emergency; or other people, or agencies at the discretion of the Fire Chief, or his designee, shall be admitted. It shall be unlawful for any unauthorized person to cross such emergency lines or limits.

Sec. 7-96.2 Enforcement Authority.

a. The Fire Chief, or his designee, shall possess the authority to enforce the provisions of this Fire Prevention Code. The Fire Chief, or his designee, shall have the authority to enforce provisions of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission. Such enforcement shall include, but is not limited to:

- (1) The prevention of fires;

(2) The handling, storage, sale, and use of flammable liquids, explosives, combustible, and hazardous materials;

(3) The adequacy of means of egress from all places in which numbers of people live, work, or congregate from time to time for any purpose;

(4) The location, installation, and maintenance of smoke alarms, fire alarm systems, and fire suppression systems; and

(5) The existence of recognized hazardous conditions that present a clear and immediate hazard to life and property.

b. The Fire Chief, or his designee, shall have the authority to institute legal actions in cases of non-compliance, in accordance with locally prescribed avenues covering the violations of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission. Violators of this Fire Prevention Code may be cited into the court having jurisdiction.

c. The Fire Chief may designate up to five (5) members of the Fire Department as inspectors as shall from time to time be necessary; whose duties shall include the implementation and enforcement of the Fire Prevention Code.

d. The Fire Chief shall compile an annual report for all of the activities and the financial status as they relate to the Fire Prevention Code. This report shall be presented to the City Council no later than March 15 of the following year.

e. The Fire Department shall have the authority to enter any building or premises without permission or warrant in the event of an emergency situation constituting a threat to life, property, or the public safety for the purpose of eliminating, controlling, or abating the hazardous condition or situation.

f. At no time will the Fire Department or any of its agents be responsible for any damages as a result of an emergency entry or damages as a result of eliminating, controlling, or abating the hazardous condition or situation. The Fire Department will reasonably attempt to notify the owner, as well as, the operator, occupant, or other person responsible for the building or property of such an event and it will be the responsibility of the owner, occupant, or tenant to assure that the building is re-secured.

Sec. 7-96.3 Imminent Danger.

a. The Fire Chief, or his designee, may stop an operation by issuing a cease and desist of operations and/or require the evacuation of any Class 1 structure or portion thereof under the provisions of I.C. § 36-8-17-9 when it is determined that conduct or conditions of the property:

1. Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
2. Is prohibited without a permit, registration, certification, authorization, variance, exemption, or other license required under I.C. § 22-14, another Indiana statute or rule of the Commission; or
3. Will conceal a violation of law.

b. In the event a cease and desist of operations is issued under subsection (a), operations may not continue in/on the premises until such time that the Fire Chief, or his designee, establish that adequate remediation of the hazard has been implemented. Failure to abide by a cease and desist of operations may result in fines of up to One Thousand Dollars (\$1,000.00) per day of the offense.

DIVISION III. EMERGENCY PLANNING

Sec. 7-97 Reserved for future use.

Sec. 7-97.1 Child Daycare Emergency Evacuation Plan Required

All residential day care, child care and pre-school facilities shall register with the Terre Haute Fire Department annually. In addition, said facilities shall provide a floor plan of the structure on a minimum size of 8 ½" X 11" graph style paper that also sufficiently indicates all exit locations, sleeping areas, fire extinguishers and utility shut offs.

Sec. 7-97.2 Reserved for future use.

DIVISION IV: FIRE SERVICE FEATURES

Sec. 7-98 Reserved for future use.

Sec. 7-98.1 Reserved for future use.

Sec. 7-98.2 Key Boxes.

Any new Class 1 structure that is protected by an automatic sprinkler system or fire alarm system which sends a local or transmitted signal, and access to, or within such structure, or an area on that property is unduly difficult because of secure openings, and where immediate access is necessary for lifesaving or firefighting purposes or property preservation, the Fire Chief, or his designee, shall require a key box or other rapid entry product to be installed in an approved location(s). The key box or rapid entry product manufacturer must be approved by the Fire Chief, or his designee. Violations of this section may result in fines of up to Two Hundred Fifty Dollars (\$250.00) per day.

Sec. 7-98.3 Reserved for future use.

Sec. 7-98.4 Reserved for future use.

DIVISION V: FIRE PROTECTION SYSTEMS

Sec. 7-100 Reserved for future use.

Sec. 7-100.1 Fire Department Connections.

The location of the fire department connections shall be approved by the Fire Chief, or his designee, with respect to fire hydrants, fire department access roads, fire apparatus water supply lines, buildings, utilities and landscaping. Immediate access to fire department connections shall be maintained at all times and not hindered by obstructions including fences, bushes, trees, walls or other fixed or removable objects.

Sec. 7-100.2 Fire Extinguishers.

Portable fire extinguishers shall be installed and maintained in Class I structures as set forth in the referenced edition of NFPA 10 as published by the National Fire Protection Association.

Sec. 7-100.3 Qualified Contractors.

Prior to performing installation, service, repair, inspection or maintenance of fire protection systems, the qualified person conducting such function(s) shall have available upon request by the Fire Chief, or his designee, verifying certification, for the company or individual, for each type of fire protection system being installed, serviced, repaired, inspected or maintained. Certification shall conform to the requirements as outlined in each applicable NFPA standard or from the manufacturer of such equipment.

DIVISION VI: FIREWORKS

Sec. 7-101 Consumer Fireworks.

The use of fireworks will be governed pursuant to I.C. § 22-11-14-10.5 and I.C. § 22-11-14-10.5I(3), and any amendments thereto.

DIVISION VII: INSPECTIONS; FEES AND COSTS; PERMITS

Sec. 7-102 Fire Investigations.

The Fire Chief, or his designee, shall perform fire investigations pursuant to *I.C.* § 36-8-

17-7. The Fire Chief, or his designee, is authorized to conduct an origin and cause investigation of all fires and explosions within the service district of the Fire Department. It shall be unlawful for any person to impede the Fire Chief, or his designee, from conducting an origin and cause investigation.

Sec. 7-102.1 Fire and Life Safety Inspections.

The Fire Chief, or his designee, shall conduct fire and life safety inspections in Class 1 structures pursuant to *I.C. 36-8-17-8*, with the exception that all Class 1 structures defined as R-2 “Apartment Houses” in the most recently adopted version of the Indiana Fire Code by the State of Indiana, shall be exempt from annual fire inspections. The Fire Chief, or his designee, shall inspect Class 1 structures as often as necessary for the purpose of ascertaining and causing to be corrected any violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission. A re-inspection may be necessary to confirm compliance with a Notice of Violation or an order issued by the Fire Chief, or his designee. However, no non-exempt Class 1 structure may be inspected more than twice in a calendar year other than for the purpose of ascertaining the abatement of a previously determined deficiency except that in an inspection of any Class 1 structure may occur upon the request of an owner or occupier of the Class 1 structure or upon any complaint received by the City. In the event an exempt Class 1 structure is inspected at the request of an owner, annual inspection fees shall be assessed in accordance with Section 7-105(b).

Sec. 7-102.2 Inspections.

a. Plans for new construction or work for which Fire Department approval is required shall be filed with the Fire Department prior to the issuance of any construction permits. The plans should be digitally submitted unless prior approval has been given in writing by the Fire Chief, or his designee, approving a hard copy submission with a minimum size of 24” X 36” or site appropriate dimensions. No Class 1 structure shall be exempt from new construction inspections and the fees associated thereof. This provision shall in no way replace or satisfy any plan review process(es) as required by the State.

b. It shall be the duty of the permit holder or contractor to cause the work to remain accessible and exposed for inspection purposes. Neither the Fire Chief, nor his designee, nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work. Required inspections for new construction include, but are not limited to:

- (1) Site;
- (2) Rough-in;
- (3) Sprinkler system rough-in;

- (4) Fire alarm rough-in;
- (5) Above ceiling;
- (6) Pre-final;
- (7) Sprinkler system final;
- (8) Fire alarm final;
- (9) Certificate of Compliance; and
- (10) Existing Building Inspections.

c. This Fire Prevention Code shall not be construed to hold the City of Terre Haute, any officer, or employee responsible for any damage to persons or property by reason of the inspection authorization herein provided or by reason of the approval or disapproval of any equipment or process authorized herein.

d. It shall be unlawful for any person to prevent, interfere with, or in any manner hinder the Fire Chief, or his designee, while engaged in the discharge of his/her inspection duties.

Sec. 7-102.3 Certificate of Occupancy.

Prior to the issuance of the Certificate of Occupancy by the City of Terre Haute Building Inspection Department for a Class 1 structure, the Fire Chief, or his designee, shall conduct a Final Inspection in conjunction with a building official from the City of Terre Haute. All Fire Protection Systems shall be successfully inspected and tested as necessary. A Certificate of Compliance must be issued by the Fire Department prior to the issuance of a Certificate of Occupancy.

Sec. 7-103 Determination of Violation.

Whenever the Fire Chief, or his designee, determines by inspection that an apparent or actual violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, any other rule of the Commission or a hazardous condition exists upon any Class 1 structure within the City of Terre Haute, Indiana, the person making such determination shall issue such Notice of Violation or order as may be necessary for the enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission.

Sec. 7-103.1 Notice of Violation.

a. Under *I.C. § 36-8-17-9*, an order of enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission, which is within the jurisdiction of the Fire Chief, or his designee, may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this Fire Prevention Code or by any other appropriate remedy or procedure provided by law. The failure of the Fire Department to inspect or to issue a Notice of Violation or order in accordance with this Fire Prevention Code shall not constitute approval of any violation or noncompliance.

b. Any Notice of Violation or order issued pursuant to this section shall be conveyed upon the owner, operator, occupant, or other person responsible for the building or property. Conveyance of such order shall be by one of the following methods: Personal service (by affixing a copy thereof in a conspicuous place at the entrance of said building or premises), by mailing a copy thereof to such responsible person by first-class mail to his or her last known address, by fax, or electronic mail pursuant to *I.C. § 4-21.5-3*.

c. Orders shall set forth a time limit for compliance dependent upon the hazard created by the violation(s).

Sec. 7-103.2 Stop Work Order.

Whenever the Fire Chief, or his designee, finds any work and/or construction in a Class 1 structure regulated by the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other code of the jurisdiction being performed in a manner contrary to the provisions of those codes or in a dangerous or unsafe manner, and either of which creates a risk of fire or a hindrance to fire prevention, the Fire Chief, or his designee, is authorized to issue a stop work order. A failure to comply with a stop work order issued by the City of Terre Haute Fire Department may result in a fine up to Two Hundred Fifty Dollars (\$250.00) per day.

Sec. 7-103.3 Duty to Correct Violations.

The owner or person in control of any premises or building upon which a violation or hazard exists as determined by the Fire Department pursuant to the Fire Prevention Code shall:

1. Cease and correct the violation; and
2. Protect persons and property from the hazards of the violation.

Sec. 7-104 Penalties.

a. Any person who shall violate any of the provisions of the Fire Prevention Code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or

modified by the Board of Public Works and Safety or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of an ordinance violation, punishable by a fine of not more than Two Thousand, Five Hundred Dollars (\$2,500.00).

b. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that the prohibited conditions are maintained shall constitute a separate offense.

Sec. 7-104.1 Appeal from Orders.

An owner or occupant who remains aggrieved by an order or decision issued pursuant to this Fire Prevention Code and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to the Indiana Fire Prevention and Building Safety Commission as set forth by *I.C. § 36-8-17*.

Sec. 7-104.2 Local Fire Prevention Code Appeal Process.

a. Whenever the Fire Chief, or his designee, shall deny an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Terre Haute Fire Prevention Code do not apply or that the true intent and meaning of the Terre Haute Fire Prevention Code have been misconstrued or wrongly interpreted, the applicant may, in addition to pursuing any other appeal/complaint process, appeal the decision of the Fire Chief, or his designee, to the Board of Public Works and Safety within thirty (30) days from the date of the decision.

b. The hearing on the appeal before the Board of Public Works and Safety shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the Board of Public Works and Safety shall be final.

Sec. 7-105 Costs and Fees.

a. A fee for inspection shall be charged as follows:

Annual Inspection for non-exempt Class I Structure < 5,000 square feet	\$25.00
Annual Inspection for non-exempt Class I Structure from 5,001- 7,500 square feet	\$35.00
Annual Inspection for non-exempt Class I Structure from 7,501- 10,000 square feet	\$45.00
Annual Inspection for non-exempt Class I Structure >10,000 square feet	\$55.00 (maximum fee of \$550.00 aggregate annually per deeded owner)
Additional Semi-annual Inspection Fee for Building Housing Kitchen Fire Protection	\$25.00 per system

Systems	
Second/ Re-inspection (up to 30 days)	\$0.00
Third/ Re-inspection (15 days)	\$25.00
Fourth or More/ Re-inspection (5 days)	\$200.00
Fire Reports Fee (any type i.e. Fire Incident, or Investigation)	\$10.00

b. New Construction Inspection Fee Schedule:

Site Inspections	\$50.00
Fire Alarm / Sprinkler System – Initial Acceptance Test	\$50.00
Hood Suppression System – Initial Acceptance Test	\$50.00
Subsequent Acceptance Test	\$25.00
Certificate of Compliance	\$25.00

c. General Fees / Fines:

Unsafe/Dangerous Construction/Work (Sec. 7-103.2)	STOP WORK ORDER and up to \$250.00 fine per day of offense
Imminent Danger (Sec. 7-96.3)	Cease and Desist of Operations and up to \$1000.00 fine per day of offense
Occupancy without Certificate of Occupancy	Up to \$250.00 per day
Occupancy/Operation without Appropriate Permit	Up to \$250.00 per day
Tampering with Life Safety System	Up to \$500.00 each occurrence; notification to Indiana Department of Homeland Security and Terre Haute Police Department

The fees assessed by this Fire Prevention Code are in addition to those fines or fees that may be levied by the State of Indiana, Vigo County, and/or the City of Terre Haute.

Sec. 7-105.1 Hazardous Operations Registration.

The Fire Department recognizes that certain commercial business operations create an increased risk of fire and/or in the case of a fire create substantially increased hazards for fire cessation procedures and the public at large. As a result, the following classes of hazardous operations (definitions as listed in the *Indiana Fire Code*) in the City are required to register annually with the Fire Department and a list of which shall be kept on file with the Fire Department:

1. Operation of an Amusement Building or Haunted House
2. Aircraft and Aviation Facilities

3. Fairs, Carnivals, and Festivals
4. Combustible Dust Producing Operations
5. Compressed Gas
6. Cutting and Welding
7. Dry Cleaning
8. Exhibits and Trade Shows
9. Explosives, Public Display
10. Flammable and Combustible Liquids
11. Hazardous Materials
12. High-Piled Storage
13. Industrial Ovens
14. Lumber Yards/Wood Working Plants
15. LP Gas Storage and Selling
16. Magnesium Use or Manufacturing
17. Miscellaneous Combustible Storage
18. Repair Garages
19. Temporary Membrane Structures
20. Scrap and Junk Yards
21. Wood Production Facilities

Annual Registration Fee for Hazardous Operations	\$25.00
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The fees assessed by this Fire Prevention Code are in addition to those fines or fees that may be levied by the State of Indiana, Vigo County, and/or the City of Terre Haute.

Sec. 7-105.3 Disposition of Fees / Monies Collected.

Monies generated from permit applications, re-inspection fees, fees collected related to the enforcement of a Stop Work Order, or any other fee, fine or damage award collected pursuant to this Fire Prevention Code shall be deposited in the Terre Haute Fire Prevention Non-Reverting Fund.

Sec. 7-106 through 7-109 Reserved for Future Use.

ARTICLE 4. UNSAFE BUILDING CODE.

Sec. 7-110 Unsafe Building Law Adopted.

Under the provisions of *I.C.* § 36-7-9, there is established the Terre Haute Unsafe Building Law. (Gen. Ord. No. 2, 1988, As Amended, § 1, 2-18-88)

Sec. 7-111 State Law Incorporated by Reference.

I.C. § 36-7-9-1 through § 36-7-9-28 is incorporated by reference in the Terre Haute Unsafe Building Law. All proceedings within the City of Terre Haute for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of *I.C.* § 36-7-9-1 through § 36-7-9-28, then the provisions of the state statute shall control. (Gen. Ord. No. 2, 1988, As Amended, § 2, 2-18-88)

Sec. 7-112 Public Nuisances.

All buildings or portions thereof within the City of Terre Haute which are determined after inspection by the Building Commissioner to be unsafe as defined in this Article are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal. (Gen. Ord. No. 2, 1988, As Amended, § 3, 2-18-88)

Sec. 7-113 Role of Building Commissioner.

The Building Inspector of the City of Terre Haute, as chief administrative officer of the Department of Building and Inspection, hereinafter referred to as the Building Commissioner, shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. (Gen. Ord. No. 2, 1988, As Amended, § 4, 2-18-88)

Sec. 7-114 Powers and Duties.

Wherever in the building regulations of the City of Terre Haute or the Terre Haute Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other officer of the City 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 no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance or to enforce ordinance provisions in an arbitrary or discretionary manner. (Gen. Ord. No. 2, 1988, As Amended, § 5, 2-18-88)

Sec. 7-115 Unsafe Building Declared.

The description of an unsafe building contained in *I.C.* § 36-7-9-4 is supplemented to provide minimum standards for building condition or maintenance in the City of Terre Haute, Indiana, by adding the following definition:

Unsafe Building. Any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:

- a. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- b. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- c. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1 ½) times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.
- d. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.
- e. Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- f. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half (½) of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

g. Whenever any portion thereof has wrecked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

h. Whenever the building or structure, or any portion thereof, because of:

- (1) dilapidation, deterioration, or decay;
- (2) faulty construction;
- (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
- (4) the deterioration, decay, or inadequacy of its foundation; or
- (5) any other cause is likely to partially or completely collapse.

i. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

j. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.

k. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

l. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become:

- (1) an attractive nuisance to children, or
- (2) freely accessible to persons for the purpose of committing unlawful acts.

m. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the City of Terre Haute, or of any law or ordinance of this state or the City of Terre Haute relating to the condition, location, or structure of buildings.

n. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent (50%), or in any supporting part, member, or portion less than sixty-six percent (66%) of the:

- (1) strength,

- (2) fire-resisting qualities or characteristics, or
- (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same locations.

o. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Vigo County Health Department to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

p. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the Terre Haute Fire Department to be a fire hazard.

q. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Gen. Ord. No. 2, 1988, As Amended, § 6, 2-18-88)

Sec. 7-116 Substantial Property Interest.

The definition of SUBSTANTIAL PROPERTY INTEREST set forth in *I.C.* § 36-7-9-2 is incorporated by reference herein as copied in full. (Gen. Ord. No. 2, 1988, As Amended, § 7, 2-18-88)

Sec. 7-117 Standards.

All work for the reconstruction, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in *I.C.* § 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this Article or orders issued pursuant to this Article by the Building Commissioner of the City of Terre Haute, Indiana. (Gen. Ord. No. 2, 1988, As Amended, § 8, 2-18-88)

Sec. 7-118 Unsafe Building Fund.

An Unsafe Building Fund is established in the operating budget of the City of Terre Haute in accordance with the provisions of *I.C.* § 36-7-9-14. (Gen. Ord. No. 2, 1988, As Amended, § 9, 2-18-88)

Sec. 7-119 Penalties.

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the

provisions of this Article or any order issued by the Building Commissioner. Any person violating the provisions of this Article or *I.C. § 36-7-9-28* shall commit a Class C infraction for each day such violation continues. (Gen. Ord. No. 2, 1988, As Amended, § 10, 2-18-88)

Sec. 7-120 through Sec. 7-124 Reserved for Future Use.

ARTICLE 5. NUMBERING BUILDINGS AND NAMING STREETS.

Sec. 7-125 Definitions.

a. **Street** is used for two (2) separate purposes in this Article.

(1) **Street.** All roadways, regardless of the name designation scheme assigned. It is used to infer all roadways such as avenues, streets, courts, lanes, drives, and places, etc. It is used to title drawings and in general reference within the text.

(2) Street designation differentiates between streets, avenues, places, drives, courts, and lanes since each of these differentiates a specific orientation to the base lines.

b. **Wabash Avenue Extended.** The extension through the City and County of that part of Wabash Avenue that lies between the Wabash River and Eighth Street. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.01)

Sec. 7-126 Uniform System of Numbering Established – Compliance Required.

There is established a uniform system for numbering buildings and lots fronting on all streets, avenues, and public ways in the City, and all new houses and new buildings shall be numbered in accordance with the provisions of this Article. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.02)

Sec. 7-127 Base Lines Established.

Wabash Avenue as extended shall constitute the base line for numbering buildings along all streets running northerly and southerly and Water Street as extended shall constitute the base line for numbering buildings along all streets running easterly and westerly. (See EXHIBIT 1 which is on file in the Office of the City Clerk).

a. Each building north of Wabash Avenue extended and facing a street running in a northerly direction shall carry a number and address indicating its location north of such base street.

b. Each building south of Wabash Avenue extended and facing a street running in a southerly direction shall carry a number and address indicating its location south of such base street.

c. Each building east of Water Street extended and facing a street running in an easterly direction shall carry a number and address indicating its location east of such base street.

d. Each building west of Water Street extended and facing a street running in a westerly direction shall carry a number and address indicating its location west of such base street.

e. All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. All buildings on diagonal streets having a deviation of exactly forty-five degrees (45°) shall be numbered the same as buildings on northerly and southerly streets. (See EXHIBIT 4 which is on file in the Office of the City Clerk). (Gen. Ord. No. 4, 1970; 1989 *Terre Haute Municipal Code*, § 923.03)

Sec. 7-128 Numbering Begins at Base Line.

The numbering of buildings on each street shall begin at the base line. All numbers shall be assigned on the basis of one thousand two hundred (1,200) numbers to each mile, or one thousand two hundred (1,200) numbers between established section lines or the streets located practicable, one odd and one even number shall be assigned to each eight and eight tenths feet (8-8/10') of street frontage. (See EXHIBITS 2 and 12 which are on file in the Office of the City Clerk) (1989 *Terre Haute Municipal Code*, § 923.04)

Sec. 7-129 Odd and Even Numbers for Buildings.

In the outbound direction from the origin, all buildings on the left hand side of each street running from the base street shall bear even numbers. All buildings on the right hand side of each street running from the base street shall bear odd numbers. (See EXHIBIT 3 which is on file in the Office of the City Clerk). (1989 *Terre Haute Municipal Code*, § 923.05)

Sec. 7-130 Separate Numbers for More than One Entrance.

Where any building has more than one (1) entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant, providing such building occupies a lot, parcel or tract having a frontage equal to eight and eight tenths feet (8 8/10') for each such entrance. If the building is not located on a lot, parcel or tract which would permit the assignment of one (1) number to each such entrance, numerals and letters shall be used as set forth in Sec. 7-136. (Gen. Ord. No. 4, 1970; 1989 *Terre Haute Municipal Code*, § 923.06)

Sec. 7-131 Streets Not Extending to the Base Line.

All buildings facing streets not extending through to the base line (a street segment) shall be assigned the same relative numbers as if the street had extended to the base line. (Gen. Ord. No. 4, 1970; 1989 *Terre Haute Municipal Code*, § 923.07)

Sec. 7-132 Numbers and Directional Symbols for Streets.

a. In addition to the numbers placed on each house or other building as heretofore provided, all streets, drives, places, avenues, and other public ways within the City are hereby given numbers and directional symbols according to their distance and direction from the two (2) base streets set forth in Sec. 7-127.

(1) All streets approximately parallel to Water Street extended and north of Wabash Avenue extended are given the direction "North."

(2) All streets approximately parallel to Water Street extended and south of Wabash Avenue extended are given the direction "South."

(3) All streets approximately parallel to Wabash Avenue extended and east of Water Street extended are given the direction "East."

(4) All streets approximately parallel to Wabash Avenue extended and west of Water Street extended are given the direction "West."

b. All streets shall be numbered sequentially from the base line (which is numbered zero (0) with which they are parallel. If a slight deviation from parallel exists but the major orientation of the street is parallel to the base line, it shall be designated as a numbered street.

c. Each street parallel to a base line shall bear a number corresponding to its location from such base line in increments of one twelfth (1/12) of a mile where the length or width of a legal section is exactly five thousand two hundred eighty feet (5,280'). This provides a sequential numbering of four hundred forty foot (440') increments (one twelfth (1/12) mile) from the base line. Where legal sections are encountered with lengths or widths less than or more than a mile, each side of the section shall be divided into twelve (12) equal segments for street numbering purposes. Section lines along with the two (2) base lines shall become the major control features of the street numbering system. (See EXHIBIT 11 which is on file in the Office of the City Clerk).

d. All non-grid streets (diagonal and curvilinear) shall be appropriately named and indicate the primary compass direction of N., S., E., or W. according to EXHIBIT 4. Each house, building, or lot shall bear the proper number (house number) in accordance with Sec. 7-127e. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.08)

Sec. 7-133 Survey Required – Numbering.

The Area Plan Commission of Vigo County shall cause the necessary survey to be made and completed within six (6) months from the date of the adoption of this Article, and thereafter there shall be assigned to each new house, new lot, or new building located on any street, avenue, or public way in the City, its respective number under the uniform system provided in this Article according to such survey. (See EXHIBIT 12 which is on file in the Office of the City Clerk). (*1989 Terre Haute Municipal Code*, § 923.09)

Sec. 7-134 Numbers To Be Furnished by Property Owner.

The cost of the house or building number or numbers shall be paid for by the owner and may be procured from any source. Replacement of numbers shall be procured and paid for by the owner. The numbers used shall not be less than three inches (3") in height and shall be made of a durable and clearly visible material. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.10)

Sec. 7-135 Placement of Numbers.

The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty feet (50') from the street line, the numbers shall be placed near the main driveway, or common entrance to such building and upon a gate post, fence, tree, post, or other appropriate place so as to be easily discernible from the public sidewalk or street. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.11)

Sec. 7-136 More than One Entrance; One Number.

Where only one (1) number can be assigned to any house or building, the owner, occupant, or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any house or building or for any part of any such house or building fronting on any street shall use the suffix (A), (B), (C), etc., as may be required.

Sec. 7-137 Records; Location Map.

For the purpose of facilitating a correct numbering, a record of all streets, avenues and public ways within the City showing the proper block numbers shall be kept on file in the Office of the Area Planning Department. These records shall be open to inspection of all persons during the office hours of the Department. A location map shall be prepared and made available to all citizens of the City for the purpose of locating streets and addresses. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.13)

Sec. 7-138 Assigning Numbers.

It shall be the duty of the Area Planning Department to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any such lot or property, as provided in this Article. In case of conflict as to the proper number to be assigned to any building, the Department shall determine the number of such building. It shall be the duty of the Building Inspector, Zoning Administrator, or any other public official involved in building permit review or issuance to inform such applicant of his requirement to obtain the appropriate address from the Area Planning Department. (*1989 Terre Haute Municipal Code*, § 923.14)

Sec. 7-139 Affixing Numbers to Structures Required.

Whenever any house, building, or structure shall be erected or located in the City after the establishment of a uniform system of house and building numbering has been completed in order to preserve the continuity and uniformity of numbers of the houses, buildings, and

structures, it shall be the duty of the owner to procure the correct number or numbers, as designated by the Area Planning Department for the property and to immediately fasten the number or numbers so assigned upon such building, as provided by this Article. No building permit shall be issued for any house, building or structure until the owner has procured from the Area Planning Department the official number of the premises. Final approval of any structure shall be withheld by the Building Commissioner until permanent and proper numbers have been affixed to such structure. (Gen. Ord. No. 4, 1970; 1989 *Terre Haute Municipal Code*, § 923.15)

Sec. 7-140 Uniform System of Street Naming Established.

There is established a uniform system of street naming in the City and all streets, avenues, and other dedicated public ways shall be named in accordance with the provisions of this Article.

a. All east and west streets parallel to the north of the east-west base line (Wabash Avenue extended) shall be designated as numbered “avenues” and sequentially numbered from the base line. (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

b. All east and west streets parallel to and south of the east-west base line (Wabash Avenue extended) shall be designated as numbered “drives” and sequentially numbered from the base line (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

c. All north and south streets parallel to and east of the north-south base line (Water Street extended) shall be designated as numbered “streets” and sequentially numbered from the base line. (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

d. All north and south streets parallel to the west of the north-south base line (Water Street extended) shall be designated as numbered “places” and sequentially numbered from the base line. (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

e. All streets and other public ways running in the same direction and parallel to a base line, (other than alleys) having a deviation of not more than one hundred thirty feet (130’) shall carry the appropriate last name unless special circumstances make such a plan impracticable or not feasible.

f. That part of any street ending in a cul-de-sac or any “dead-end” street arrangement serving a cul-de-sac function shall carry the designation “court.” For short stem cul-de-sacs, the stem shall be numbered consecutively along with the court even if a different named street lines up with the stem. For long stem cul-de-sacs, the stem shall be regarded as a separate street segment and appropriately named. The stem shall be called “street”, “avenue”, “place”, “drive”, “road”, or “lane”, as applicable to the overall system. The court is named and consecutively addressed separately. (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

g. All diagonal streets and segments thereof shall be designated as a named “road.” (See EXHIBIT 5 which is on file in the Office of the City Clerk.) The addressing shall be

established as previously provided for in this Article. The N, S, E, or W designation for the bearing of the “road” shall be determined as shown in EXHIBIT 4 (which is on file in the Office of the City Clerk).

h. All streets that curve in an irregular pattern (also called curvilinear streets) to an extent that its east-west or north-south direction is changed, shall be designated as “lane.” (See EXHIBITS 5, 6, and 7 which are on file in the Office of the City Clerk.) The addressing shall be established in a manner similar to that for diagonal streets. Street naming and consequently the corresponding may be required to carry more than one (1) proper name. Streets that curve back upon themselves such as large loops (circular streets) and large “S” curved streets, will require more than one (1) name in order to properly address the abutting properties. (See EXHIBITS ON CURVILINEAR STREETS which are on file in the Office of the City Clerk.) Because of the unique nature of the problems that may be encountered in this category of street configurations, the Commission shall have full authority to designate proper segments for a curvilinear road, each requiring a separate name and for designating the property address.

i. All short street segments shall be designated in accordance with the scheme for the designation of through streets.

j. No street established or named after the adoption of this Article shall bear a name in a language in conflict with the scheme for its orientation.

k. No street shall be named so as to be confused with any compass bearing such as West Street or West Place. These names shall be reserved for compass orientation as a part of the address or for future base line name designations.

l. Every address hereafter governed by this Article shall consist of four (4) parts as follows: building address, compass bearing of street, name or number of street, and street type. An example of this system is 1230 S. Broadway Avenue.

m. The legislative body of any participating local government unit may request changes in any or all designations by resolution with approval of the Area Plan Commission. Approval of changes or additions to these rules and regulations shall only be approved where all participating legislative local units of government are in agreement. Such unanimity or disagreement shall be ascertained by the Commission. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.16)

Sec. 7-141 Authority of Area Plan Commission Regarding Street Names.

For the purpose of clarifying and systematizing the present street naming pattern in the local units of government and to implement the application of the provisions set forth in Sec. 7-140 there is adopted the following plan:

a. The Area Plan Commission of Vigo County is authorized to prepare and present to the administrators and legislative bodies of any participating local unit of government, a

complete plan for the naming of all streets, avenues, and public ways within such unit of local government.

b. The Commission shall follow the general plan set forth in Sec. 7-140, and other rules as are herein set forth.

c. If the Commission shall find an existing road, lane or court now carrying more than one (1) name, it shall recommend that such street shall bear the name under which it currently travels the longest distance both inside and outside the City limits, unless circumstances indicate that another and different name would be desirable. The Commission, if it sees fit, may hold public hearings at which interested property owners may express their views concerning the changing of the name or names of any street. (Gen. Ord. No. 4, 1970; 1989 *Terre Haute Municipal Code*, § 923.17)

Sec. 7-142 Study of Plat by Area Plan Commission.

Every subdivision plat or replat in the City shall be submitted to the Area Plan Commission for the purposes of determining compliance with this Article. The Commission shall check all proper names against an official list of named streets already in use. No duplication shall be permitted, nor shall a new proper name be acceptable that sounds similar to a street already in use, such as “Kurd” or “Curd” Street. The numbering of all other streets shall be assigned by the Commission. For this purpose, the plat or replat must contain the following information:

a. The description must begin at section or quarter section intersection points (preferably at the intersection of section lines);

b. The distance and bearings to a point of beginning in the subdivision shall be properly identified;

c. The bearings of all center lines of proposed streets and the tangent lengths shown (chord lengths may also be required at the discretion of the Area Planning Department);

d. The address for each lot shall be designated by the Commission.

If a building is subsequently built that crosses one or more lot lines, the owner shall be responsible for obtaining the new address from the Department. It shall be considered a violation of this Article for any firm, organization, or individual to name and post a name or number or symbol contrary to this Article upon a public right-of-way. (Gen. Ord. No. 4, 1970; 1989 *Terre Haute Municipal Code*, § 923.18)

Sec. 7-143 Approval and Posting of Numbers and Names.

This Article and all house and building numbers assigned under the provisions thereof and all street numbers and names established by this Article shall become effective immediately upon approval of the Area Plan Commission and proper posting for public use. If public posting

has not been accomplished after occupancy of the building, the Commission may order posting in a proper manner by sending such order by certified or registered mail to the owner or to the address of the building in question. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.19)

Sec. 7-144 Authority of Council To Change Street Names.

The Council may, by resolution, rename or name an existing or newly established street within the limits of the City any time after the adoption of this Article only upon the review and recommendation of the Area Plan Commission. The expense of making the physical change of signs and posts, etc., shall be borne by the local government requesting the change, naming or renaming. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.20)

Sec. 7-145 True Grid System Established.

a. The general concept for naming streets and addressing property and buildings is based upon a true grid system with north-south base line and an east-west base line dividing the area into four (4) quadrants.

b. All streets parallel to the base lines shall be named and addresses established in conformity to the base lines.

c. Every diagonal street segment shall be regarded for addressing, as a segment parallel to one or the other base lines, dependent upon the angularity to the base lines. It is assigned to that base line which has the smallest angle between it and the diagonal segment. Curvilinear and loop streets are considered as chords of a circular arc segment, and these chords are assigned to a base line in the same manner as diagonal segments, except that the overall orientation of curvilinear and loop streets shall be the determining factor, and minor deviations in angularity of the chords or short tangents shall be disregarded.

d. Cul-de-sacs with short stem access roads shall be treated as dead-end short road segments, and they shall be numbered and addressed, both the stem segment and the court as one road.

e. Cul-de-sacs with long stems may be treated as a grid road segment, a diagonal road segment, etc. or a part of the court itself, (the same as short stem cul-de-sacs) depending on the best fit into the street system in the immediate area.

f. The court, however, shall be regarded as a dead-end street segment attached to the stem.

g. Any other street alignment shall be named and addressed in conformity to the spirit and intent of this Section. (See EXHIBITS 9, 10 and 12 which are on file in the Office of the City Clerk.) (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.21)

Sec. 7-146 Use of Exhibits.

All exhibits referred to herein are incorporated by reference herein and for the purposes of identification, marked as referred to in the body of this Article, as the same are now on file as permanent records in the Office of the City Clerk, Room 102, City Hall. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.22)

Sec. 7-147 Penalty.

Whoever violates any provision of this Article or of an ordinance or regulation enacted under its authority shall be fined not less than Ten Dollars (\$10.00) and not more than Three Hundred Dollars (\$300.00). (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.99)