

ORDINANCE NO. 4-18-2005

ORDINANCE ESTABLISHING CONSTRUCTION REGISTRATION AND  
PERFORMANCE PROCEDURES

**WITNESSETH:**

**WHEREAS**, Miami County by and through the Miami County Board of Commissioners previously established an Ordinance creating procedures relating to and regulating the construction, alteration, equipment, use, occupancy, and locations of buildings and structures within Miami County, Indiana;

**WHEREAS**, the aforementioned ordinance incorporated by reference building rules, codes and standards pursuant to Indiana Law and provided for the issuance of permits; inspections, and penalties for violations.

**WHEREAS**, The Miami County Board of Commissioners deem it necessary and prudent to establish a Miami County Building Commission along with regulations requiring contractors performing construction related work within Miami County to register with the Miami County Building Commission along with providing proof of certain insurance requirements included but not limited to workmen's compensation insurance and liability insurance;

**WHEREAS**, The Miami County Board of Commissioners further deem it necessary to establish a schedule of construction permit fees to be utilized in conjunction with the Miami County Building Commission and Miami County Code of Building Procedures.

**NOW THEREFORE**, be it ordained and ordered by the Board of Commissioners of the County of Miami, Indiana, as follows:

The Miami County Building Commission shall consist of three members all of whom shall be appointed by the Miami County Board of Commissioners and shall include one (1) member of the Miami County Planning Commission, one (1) member of the Miami County

Board of Commissioners and one (1) member of the general public with knowledge and skill of expertise of building and construction trade.

#### **SECTION ONE: CONTRACTOR**

The term “contractor” shall mean and include any and all persons engaging for, numeration in the building construction business of new construction, repair, alteration, remodeling, or HVAC.

#### **SECTION TWO: REGISTRATION**

All building/service trade contractors or sub-contractors shall be required to register annually with the Building Commissioners Office and obtain a “Contractor Registration Permit” prior to commencing any site preparations, construction, alteration, repair or maintenance of buildings or structures within Miami County.. Each and every contractor, as previously defined, shall pay an annual contractor registration fee to be established by ordinance of the Miami County Board of Commissioners.

#### **SECTION THREE: REGISTRY**

The Building Commissioner shall maintain a registry of all persons, partnerships, or corporations which apply for “Contractor Registration Permit” and all persons, partnerships, or corporations which receive permits.

#### **SECTION FOUR: EXCEPTIONS**

Any and all public utilities companies which perform work exclusively for a local government entity or public utilities shall be exempt from the requirements of this ordinance.

#### **SECTION FIVE: ELIGIBILITY**

All persons, partnerships, corporations, and other legal entities shall be entitled to receive a “Contractor Registration Permit” upon meeting the following criteria:

1. Having filed an application for permit form including the name, address, phone number and legal business organization of the contractor and/or entity performing the work.

2. Having provided proof of workmen's compensation insurance coverage in the amount of at least \$100,000.00 per employee per incident.

3. The person, partnership, corporation and/or business organization has not had a "Contractor Registration", suspended or revoked within the twelve (12) months preceding date of application; and

4. The person, partnership, corporation or business organization has not had any other agent of said partnership, corporation or business organization issued a permit pursuant to this ordinance, suspended or revoked within the twelve (12) months preceding date of application.

#### **SECTION SIX: PERMIT ISSUANCE**

1. The Contractor Registration permit shall be issued by the Building Commissioner.

2. All Contractor Registration permits shall be in effect for and during the year of application.

3. No "Contractor Registration Permits" issued pursuant to this ordinance shall be assignable or transferrable.

#### **SECTION SEVEN: SUSPENSION OR REVOCATION**

The Building Commissioner may suspend or revoke any "Contractor Registration Permit", issued pursuant to this ordinance upon finding any of the following:

1. The applicant made any materially false or fraudulent statement of fact on the permit application or Registration;

2. The person, partnership, corporation and/or business organization have been found, after inspection, to have repeatedly failed to comply with the Miami County Building Code and

or any provisions of Indiana Law;

3. The Registration holder fails to correct a violation of the Miami County Building Code and/or Indiana State law after receipt of notice of violation and/or revocation of a permit or stop work ordered issued pursuant to this ordinance;

4. Upon a finding by the Miami County Building Commissioner of consistent failure to timely file certificates of completion and compliance as required by this ordinance and/or the Miami County Building Code.

5. The Contractor, partnership, corporation and/or business organization failed to obtain all inspections required by the Miami County Building Code along with this ordinance;

6. Any knowing violation of a stop work order issued by the Miami County Building Commissioner pursuant to this ordinance or the Miami County Building Code;

7. Any other violation of this ordinance or the Miami County Building Code.

#### **SECTION EIGHT: FEES**

A schedule of fees shall be established by separate ordinance of the Miami County Board of Commissioners upon recommendation of the Miami County Building Commission. The separate schedule of fees, once established, shall be used in conjunction with and be considered a part of this ordinance.

#### **SECTION NINE: CONSTRUCTION PROCEDURES**

All registered contractors performing work within Miami County shall apply for a building permit prior to initiating any construction and shall follow the following procedures when applying for and obtaining a building permit.

1. Submit two copies of all construction and site plans along with two sets of blue prints to the Miami County Building Commissioner's Office.

2. All building permits issued by the Miami County Building Commission shall be posted in a conspicuous visible from the road on the premises and shall remain posted during the entire period of construction.

3. A temporary construction entrance must be installed at each registered site in which a permit has been issued in conjunction with the initial grading of the site.

4. Each construction site must contain a restroom facility within 400 feet of each construction site.

#### **SECTION TEN: INSPECTIONS**

The following inspections shall be conducted and approved by the Building Commissioner at each construction site prior to issuance of a certificate of occupancy:

1. All footings must be inspected prior to each pour.
2. The foundation must be inspected prior to each pour.
3. The under slab must be inspected after back fill and prior to pour.

#### **SECTION ELEVEN: STRUCTURAL**

The HVAC, Plumbing and Electrical must be inspected prior to installation of insulation or drywall.

The final inspections shall include grading and sidewalk inspection prior to issuance of the certificate of occupancy.

No structure shall be occupied until such time as all inspection have been made and a certificate of occupancy has been issued by the Miami County Building Commissioners.

## **SECTION TWELVE: PENALTIES**

Any person found to be in violation of any provision of this ordinance may be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), unless noted in each specific section of this ordinance, and if such violation is continued, each day's violation shall be considered a separate offense. The assessment of a monetary penalty shall no way limit the operation of the penalties provide elsewhere in this ordinance.


## **SECTION THIRTEEN: APPEALS**

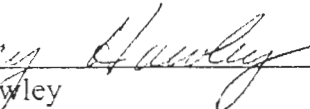
Any person aggrieved by an order issued pursuant to this ordinance shall have the right to petition for review to the Building Commission upon filing a petition for appeal pursuant to I.C. 36-7-8-9. A person aggrieved by decision of the Miami County Building Commission may appeal as in any other civil action. The appellant must, by registered mail, give the county executive a 15 day written notice of intention of appeal. This notice must concisely state the appellant's grievance. The initial appeal shall be to the Miami County Building Commission any decision of the Miami County Building commission may be appealed to a court of competent jurisdiction via judicial review of the order.

Passed and Adopted by the Board of Commissioners of Miami County, Indiana this 14<sup>th</sup> day of March, 2005 on one reading with the rules being suspended by unanimous consent of all Miami County Commissioners as indicated by their signatures below.

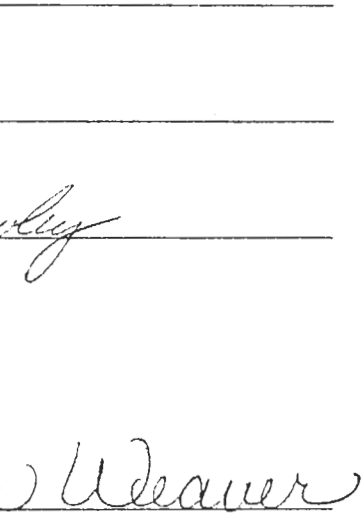
---

Craig Boyer

  
\_\_\_\_\_  
Greg Deeds

  
\_\_\_\_\_  
Gary Hawley

ATTEST:

  
\_\_\_\_\_  
Miami County Auditor  
Brenda Weaver