

Title 15 BUILDINGS AND CONSTRUCTION

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Chapter 15.04 COUNTY BUILDING CODE

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Article I. General Requirements

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15.04.010 Short title.

This chapter, and all ordinances supplemental or mandatory hereto shall be known as the "Building Code of the County of Porter, Indiana," may be cited as such, and will be referred to in this chapter as "This Code."

(Ord. 04-22 § A)

15.04.020 Statement of purpose.

The purpose of this building chapter is to provide minimum standards for protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy and the design and construction of buildings and structures and shall be construed in such a manner to effectuate this purpose.

(Ord. 04-22 § B)

15.04.030 Definitions.

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings:

"Class 1 structure," pursuant to I.C. 22-12-1-4, has the following definition:

- (a) "Class 1 structure" means any part of the following:
 - (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - (A) The public,
 - (B) Three or more tenants,
 - (C) One or more persons who act as the employees of another;
 - (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1);
 - (3) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (e).
- (b) Subsection (a)(1) includes a structure that contains three or more condominium units (as defined in I.C. 32-1-6-2) or other units that:
 - (1) Are intended to be or are used or leased by the owner of the unit; and
 - (2) Are not completely separated from each other by an unimproved space.
- (c) Subsection (a)(1) does not include a building or structure that:
 - (1) Is intended to be or is used only for an agricultural purpose on the land where it is located; and
 - (2) Is not used for retail trade or is a stand used for retail sales of farm produce for eight or less consecutive months in a calendar year.
- (d) Subsection (a)(1) does not include a Class 2 structure.
- (e) Subsection (a)(1) does not include a vehicular bridge.
- (f) Subsection (a)(1) does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

- (1) The structure; or
 - (2) Mechanical or electrical equipment located within and affixed to the structure.
- (g) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

"Class 2 structure," pursuant to I.C. 22-12-1-5, has the following definition:

- (a) "Class 2 structure" means any part of the following:
- (1) A building or structure that is intended to contain or contains only one dwelling unit or two dwelling units unless any part of the building or structure is as a Class 1 structure;
 - (2) An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.
- (b) Subsection (a) does not include a vehicular bridge.
- (c) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

"Construction," pursuant to I.C. 22-12-1-7, means any of the following:

1. Fabrication of any part of an industrialized building system or mobile structure for use at another site;
2. Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used;
3. Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used;
4. Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure;
5. Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

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

"Manufactured home," pursuant to I.C. 22-12-1-16, has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 2003. This definition is as follows: "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under this 42 U.S.C. 5401 et seq. and except that such term shall not include any self-propelled recreational vehicle.

"Mobile structure," pursuant to I.C. 22-12-1-17, has the following definition:

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

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

"Person," pursuant to I.C. 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

"Structure" means both Class 1 and Class 2 structures, unless specifically stated otherwise.

"Vehicular bridge," pursuant to I.C. 22-12-1-26, means any bridge that is neither:

1. A pedestrian walkway; nor
2. A passageway for light vehicles; suspended between two or more parts of a building or between two or more buildings.

(Ord. 04-22 § C)

15.04.040 Scope.

- A. All construction shall be accomplished in compliance with the provisions of this building ordinance.
- B. Pursuant to I.C. 22-13-1-6, this building ordinance shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this building ordinance and the rules promulgated by the fire prevention and building safety commission do apply to any construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.
- C. Pursuant to I.C. 22-13-2-9, this building ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

(Ord. 04-22 § D)

15.04.050 Authority.

The building commissioner and the authorized representatives of the building commissioner are authorized and directed to administer and enforce the following:

- A. All of the provisions of this building ordinance;
- B. Variances granted in accordance with I.C. 22-13-2-11;
- C. Orders issued under I.C. 22-12-7.

(Ord. 04-22 § E)

15.04.060 Severability.

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

(Ord. 04-22 § F)

15.04.070 Effect of adoption on prior ordinance.

The expressed or implied repeal of amendment by this chapter 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 the ordinance codified in this chapter. These rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if the ordinance codified in this chapter had not been adopted.

(Ord. 04-22 § G)

Article II. Building Permits

[15.04.080 Building permit required.](#)

[15.04.090 Application for building permit.](#)

[15.04.100 Issuance of building permit.](#)

[15.04.110 Certificate of occupancy.](#)

15.04.080 Building permit required.

Construction is prohibited unless in conformity with a valid building permit obtained from the building commissioner prior to commencement of construction.

(Ord. 04-22 § H)

15.04.090 Application for building permit.

- A. Any person required to have a building permit shall submit a complete application to the building commissioner.
- B. This application shall be submitted on a form prepared by the building commissioner, and shall contain the following:
 1. Information that the building commissioner determines to be necessary to locate and contact the applicant;
 2. A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished;
 3. A plot plan drawn to scale which reflects the location of the structure in relation to existing property lines and which show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks; provided, however, such plot plan shall not be required in the instance where all such construction is to occur entirely within an existing structure;
 4. If required by Indiana Law or any rule of the fire prevention and building safety commission, a copy of a design release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3;
 5. Any additional information that the building commissioner determines to be necessary to determine that the construction will conform to all applicable building laws, and will not violate any other applicable ordinances or laws.
- C. Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The building commissioner may require that such an employee or agent provide written authority to apply for a permit.

(Ord. 04-22 § I)

15.04.100 Issuance of building permit.

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

(Ord. 04-22 § J)

15.04.110 Certificate of occupancy.

No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this building ordinance. It is unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the building commissioner.

(Ord. 04-22 § K)

Article III. Investigations and Inspections of Construction Activities

[15.04.120 General authority to make inspections and investigations.](#)

[15.04.130 Inspections by fire department.](#)

15.04.120 General authority to make inspections and investigations.

- A. All construction shall be subject to periodic inspections by the building commissioner or the building commissioner's authorized representative irrespective of whether a building permit has been or is required to be obtained.
- B. The building commissioner or the building commissioner's authorized representative may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this building ordinance or to the rules of the fire prevention and building safety commission is located for the purpose of inspection and investigation of such structure. Such inspection and investigation may be made either before or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this building ordinance and the rules of the fire prevention and building safety commission.
- C. Nothing in this section shall be construed to require the building commissioner to make inspections or investigations.

(Ord. 04-22 § L)

15.04.130 Inspections by fire department.

The building commissioner and the fire department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The fire department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17).

(Ord. 04-22 § M)

Article IV. Enforcement and Penalties

[15.04.140 Withhold issuance of permits.](#)

[15.04.150 Revocation of permits.](#)

[15.04.160 Stop work order.](#)

[15.04.170 Civil action.](#)

[15.04.180 Monetary penalty.](#)

[15.04.190 Right of appeal.](#)

15.04.140 Withhold issuance of permits.

- A. Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds) to the building commissioner, the building commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.
- B. Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the building commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

(Ord. 04-22 § N)

15.04.150 Revocation of permits.

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

- A. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact;
- B. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures;
- C. There is failure to comply with the building ordinance;
- D. The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

(Ord. 04-22 § O)

15.04.160 Stop work order.

- A. The building commissioner or the building commissioner's authorized representative may issue an order requiring suspension of the pertinent construction (stop work order) in accordance with this section.
- B. The stop work order shall:
 - 1. Be in writing;
 - 2. State with specificity the construction to which it is applicable and the reason for its issuance;
 - 3. Be posted on the property in a conspicuous place;

4. If practicable, be given to:
 - a. The person doing the construction, and
 - b. To the owner of the property or the owner's agent;
 5. The stop work order shall state the conditions under which construction may be resumed.
- C. The building commissioner or the building commissioner's authorized representative may issue a stop work order if:
1. Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in the building ordinance or any state law pertaining to safety during construction;
 2. Construction is occurring in violation of this building ordinance or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially be difficult to correct the violation;
 3. Construction for which a building permit is required is proceeding without a building permit being in force.
- D. The issuance of a stop work order shall in no way limit the operation of penalties provided elsewhere in this building ordinance.

(Ord. 04-22 § P)

15.04.170 Civil action.

Pursuant to I.C. 36-1-6-4, the county may initiate a civil action in a court of competent jurisdiction to restrain any person from violating provision of this building ordinance.

(Ord. 04-22 § Q)

15.04.180 Monetary penalty.

Any person violating any provision of this building ordinance may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500.00). The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this building ordinance.

(Ord. 04-22 § R)

15.04.190 Right of appeal.

Any person aggrieved by an order issued under this building ordinance shall have the right to petition for review of any order of the building commissioner. Such a person may file a petition using either, or both, of the following procedures.

- A. Appeal to the Fire Prevention and Building Safety Commission.
1. A person aggrieved by an order issued under this building ordinance may appeal to the fire prevention and building safety commission, in accordance with I.C. 22-13-2-7.
 2. The commission may modify or reverse any order issued by the county that covers a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety, or a building rule.
 3. The fire prevention and building safety commission must review orders that concern a Class 2 structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within thirty (30) days after the issuance of the order.

4. The fire prevention and building safety commission may review all other orders issued under this building ordinance.
 5. The review of an order by the fire prevention and building safety commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.
- B. Appeal to an Established Local Administrative Body or Court. If, pursuant to I.C. 36-1-7-9, the political subdivision has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order.

(Ord. 04-22 § S)

Article V. Minimum Construction Standards

[15.04.200 Adoption of rules by reference.](#)

[15.04.210 Lifting devices located within a private residence.](#)

15.04.200 Adoption of rules by reference.

- A. Pursuant to I.C. 22-13-2-3(b), the building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following articles of Title 675 of the Indiana Administrative Code are incorporated by reference in this code and shall include any later amendments to those rules.
1. [Article 13](#) - Building Codes.
 - a. Fire and Building Safety Standards.
 - b. Indiana Building Code.
 2. Article 14 - Indiana Residential Code.
 3. Article 16 - Indiana Plumbing Code.
 4. Article 17 - Indiana Electrical Code.
 5. Article 18 - Indiana Mechanical Code.
 6. Article 19 - Indiana Energy Conservation Code.
 7. Article 20 - Indiana Swimming Pool Code.
 8. Article 22 - Indiana Fire Code.
 9. Article 24 - Migrant Day Care Nursery Fire Safety Code.
 10. Article 25 - Indiana Fuel Gas Code.
- B. Two copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required in I.C. 36-1-5.4.
- C. The building commissioner and the fire prevention and building safety commission may grant a variance to the fire safety laws and building laws adopted in this building ordinance. Pursuant to I.C. 22-13-2-7-(b), a variance granted by the building commissioner is not effective until it has been approved by fire prevention and building safety commission.

(Ord. 04-22 § T)

15.04.210 Lifting devices located within a private residence.

- A. Pursuant to I.C. 22-12-1-22, lifting devices, such as elevators and wheelchair lifts, located within a private residence is not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:
1. Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
 2. Part 5.4, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
 3. [Section 5](#), Private Residence Vertical Platform Lifts, ASME AIS.1a-2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
 4. [Section 6](#), Private Residence Inclined Platform Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016. (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
 5. [Section 7](#), Private Inclined Stairway Lifts, ASME A18.1a-2001 (Addenda to ASME 18.1-1991), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
- B. Two copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by I.C. 36-1-5-4.

(Ord. 04-22 § U)

Article VI. Effective Date

[15.04.220 Effective date.](#)

15.04.220 Effective date.

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

- A. The county commissioners have adopted the ordinance codified in this chapter;
- B. The fire prevention and building safety commission of Indiana has approved of this chapter as required by I.C. 36-7-8-3 and I.C. 22-13-2-5.

(Ord. 04-22 § V)

Chapter 15.08 BUILDING DEPARTMENT

Sections:

[15.08.010 Created.](#)

[15.08.020 Building commissioner—Appointment—Authority.](#)

15.08.010 Created.

There is created and established in the county, a building department with the office of building commissioner and inspectors pursuant to I.C. 36-7-8-2.

(Ord. 97-4 § 1)

15.08.020 Building commissioner—Appointment—Authority.

- A. The building commissioner shall be appointed by the executive body of the county (I.C. 36-7-8-6), the executive body being the Porter County board of commissioners (I.C. 36-1-2-5). The building commissioner shall be under the supervision, direction and control of the executive body of the county in all matters pertaining to the duties of his office.
- B. The building commissioner or his/her designated inspector in the absence of the building commissioner shall have the authority to approve or reject building permits in accordance with the provisions of this chapter or any ordinances now in effect or which may hereafter be established.
- C. The building commissioner shall have the authority to enforce any county, state, federal or township laws or regulations pertaining to the erection, construction, alteration, remodeling, repair or removal of private and commercial buildings or other structures in the county.
- D. The building commissioner shall direct and administer procedures and duties of inspectors who will be appointed by the Porter County board of commissioners.

(Ord. 97-4 §§ 2, 3)

Chapter 15.12 BUILDING NUMBERING SYSTEM

Sections:

[15.12.010 Numbering and lettering of mailboxes and structures.](#)

[15.12.020 Violation—Penalty.](#)

15.12.010 Numbering and lettering of mailboxes and structures.

It shall be the duty of the owner or occupant of each house, business structure or other structure within the unincorporated areas of Porter County, now existing or hereafter erected which has been assigned a mailing address for the receipt of mail through the United States Postal System to place on such structure or on the mailbox in front of the structure, within ninety (90) days from the date of passage of the ordinance codified in this chapter, letters or numerals (not Roman numerals or written words) not less than three inches high showing the number of the mailing address of each such structure. The aforesaid letters or numerals shall be placed on the structure or mailbox so that they are visible from the street and shall contrast with the color of the background upon which they are placed.

(Ord. 89-1 § 1)

15.12.020 Violation—Penalty.

In the event that the owner or occupant of any such structure as described in this chapter fails to comply with the terms and conditions of this chapter, the owner or occupant, upon conviction, shall be guilty of an infraction and subject to a fine of not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00).

(Ord. 89-1 § 2)

Chapter 15.16 BUILDING PERMITS

Sections:

[15.16.010 Permit required when.](#)

[15.16.020 Requirements for issuance.](#)

[15.16.030 Permit expiration.](#)

[15.16.040 Certificate of occupancy.](#)

[15.16.050 Fees.](#)

[15.16.060 Revocation or expiration of permit—Appeals.](#)

[15.16.070 Violations—Penalties.](#)

15.16.010 Permit required when.

Within the jurisdiction of the Porter County building department, no structure shall be built, altered, changed, placed, removed or erected unless a building permit for such structure, improvement, removal or use has been issued by the building commissioner.

No construction shall commence until a building permit is issued by the Porter County building commissioner. That is to say, an improvement location permit shall be obtained prior to the commencement of excavation and installation of footings and foundations, and a building permit shall be obtained prior to the commencement of construction, alteration or repair of any building or structure.

(Ord. 97-12 §§ 1, 3 (part))

15.16.020 Requirements for issuance.

- A. The building commissioner shall issue a building permit upon written application when the proposed structure, improvement or use and its location conform in all respects to applicable ordinances and requirements.
- B. There shall be up to a five-working-day waiting period prior to the issuance of a building permit for all new residential and commercial construction after an improvement location permit has been issued by the executive secretary of the plan commission.
- C. Each application for a building permit shall be accompanied by:
 1. An approved improvement location permit and all supporting documentation;
 2. Outline and dimensions of existing structures;
 3. Outline and dimensions of proposed structure(s);
 4. Distances between lot lines and existing structure(s);
 5. Distances between existing and proposed structure(s);
 6. A plat or sketch of the proposed location showing lot boundaries and by plans and specifications showing the work to be done;
 7. If applicable, a copy of a design release issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1;

8. A working set of blueprints for stick-built structures or a floor plan and foundation print for manufactured or modular residences. Blueprints or plans will be returned after a five-day waiting period;
9. Specialty type residential construction shall require engineer drawings (example: steel frame and post frame type residential construction);
10. The Porter County building commissioner may require that the building lines be staked when the proposed structure(s) lies within fifteen (15) feet of the lot lines.

(Ord. 97-12 § 2)

15.16.030 Permit expiration.

Every building permit issued by the Porter County building commissioner shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or has not been completed within twenty-four (24) months from the date of such permit. Before any uncompleted work can commence after the expiration of a permit, a new permit shall first be obtained and a new fee shall be paid. The building commissioner has the authority to extend the permit expiration date for up to ninety (90) days for good cause shown. Any renewal beyond the ninety (90) days is subject to appeal before the Porter County board of commissioners.

(Ord. 97-12 § 3 (part))

15.16.040 Certificate of occupancy.

No firm, corporation or individual shall occupy any structure until such time as the building commissioner issues a certificate of occupancy for work which was performed pursuant to a building permit.

(Ord. 97-12 § 3 (part))

15.16.050 Fees.

See [Chapter 15.20](#), Plan Commission Fees and Building Commission Fees.

(Ord. 97-12 § 4)

15.16.060 Revocation or expiration of permit—Appeals.

If at any time the building commissioner or inspector shall discover that the applicant to whom such permit was issued has in any way violated his or her rights thereunder or any law or regulation, the building commissioner or inspector shall revoke such permit; and after such revocation, it shall be unlawful for any person, firm or corporation to proceed directly or indirectly with any building work. Any interested party may appeal any revocation order made by the building commissioner or inspector to the board of commissioners at its next regular meeting.

An applicant seeking renewal of a building permit expiration date beyond the ninety (90) days granted by the building commissioner may appeal to the Porter County board of commissioners at its next regular meeting.

(Ord. 97-12 § 6)

15.16.070 Violations—Penalties.

- A. If construction is commenced prior to issuance of a building permit by the Porter County building commissioner, the building commissioner is authorized to issue a citation for that violation and the penalty imposed for that violation will be a fee of fifty dollars (\$50.00) per day with each day constituting a separate and distinct offense.
- B. If construction is continued after the effective date of expiration of the building permit, the building commissioner is authorized to issue a citation for that violation and the penalty imposed for that violation will be a fine of fifty dollars (\$50.00) per day, with each day constituting a separate and distinct offense.
- C. If a firm, corporation or individual shall occupy any structure prior to the issuance of a certificate of occupancy, the building commissioner is authorized to issue a citation for that violation from the date of discovery and the fine will be fifty dollars (\$50.00) per day with each day constituting a separate and distinct offense and continuing until either the premises are vacated or a certificate of occupancy is issued.

(Ord. 97-12 § 5)

Chapter 15.20 PLAN COMMISSION FEES AND BUILDING FEES

Sections:

[15.20.010 Fees.](#)

15.20.010 Fees.

The following fees apply to the permits issued by the plan commission and the building department:

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| Single Family Residenti al and Two- Family New Construct ion and Additions |
| Fees include square footage for living area, |

| | |
|--------------------------------|--|
| bonus room, attached garage | |
| One and Two Family Residential | Base Fee \$250.00, plus \$0.15 per sq. ft. |
| Open Frame Porch | \$100.00 |
| Enclosed Frame Porch | \$200.00 |
| Open Deck | \$75.00 |
| Residential | \$75.00 |

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|---|---|
| Multi- Family Residenti al: New Construct ion and Additions | |
| Ne w Con stru ctio n and Add itio ns | \$50 0.0 0 per unit, plus \$0. 15 per sq. ft. |

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|---|------------------|
| Manufact ured Home Park Districts (MP) | |
| Mo bile Ho | \$30 0.0 0 |

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| me (Res ide ntial Ma nuf actu red Ho me Co mm unit y) (incl ude s elec tric) | |
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|--|---|
| Alteratio ns, Repairs, or Remodeli ng to all Residenti al Structure s | |
| Inte rior Re mo del | \$0. 15 sq. ft. wit h a min |

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|--|-------------------------------|
| | imu m of \$85 .00 |
| Exte rior Re mo del (incl ude s re- roof s) | \$65 .00 |

| | |
|--|------------------|
| Accessor y Buildings, Agriculu ral Buildings and Detached Garages, New Construct ion and Additions | |
| 80 sq. ft. to 1,30 0 sq. ft. | \$10 0.0 0 |

| | |
|--|------------------|
| 1,30 1 sq. ft. to 2,39 9 sq. ft. | \$15 0.0 0 |
| 2,40 0 sq. ft and larg er | \$20 0.0 0 |
| Acc ess ory Stru ctur e De mol itio n | \$75 .00 |

Accessor
y
Buildings
—Alterati
ons,
Repairs,
or
Remodel
s to
Accessor
y
Structure

| | |
|-----------------------------|-------------|
| s and Detached Garage | |
| Inte rior | \$85 .00 |
| Exte rior | \$65 .00 |

| | |
|---|------------------|
| Above- ground and In- ground Pool | |
| In- gro und Pool | \$10 0.0 0 |
| Abo ve Gro und Pool | \$75 .00 |
| Fen ce | \$50 .00 |

| | |
|------------|-------------|
| Electrical | |
| Per ma | \$75 .00 |

| | |
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| nen t, Te mp orar y, Upg rad e or Gen erat or | |
|--|--|

| |
|---|
| Commerc ial, Industrial and Non- residenti al Uses |
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|---|
| Primary structure use is non- residenti al. This fee structure includes structure s used for Use Variances and as granted by the Board of Zoning |
|---|

Appeals

| | |
|--|---|
| Ne w Con stru ctio n and Add itio n | Bas e fee \$30 0.0 0, plus \$0. 20 per sq. ft.M axi mu m \$10, 000 .00 for the gro und floo r elev atio n. Plus \$0. 20 per sq. ft.; Max imu m \$5,0 00. 00 |
|--|---|

| | |
|-----------------------------------|--|
| | for every floor above and below ground level |
| Alterations, Repairs and Remodels | Basic fee \$200.00 plus \$0.20 per sq. ft. Maximum \$10,000.00 |
| Commercial Re-roof | \$1300 |

| | |
|---|---|
| Mini - war eho use, Ne w Con stru ctio n and Add itio ns | Bas e fee \$20 0.0 0 plus \$. 08 per sq. ft. |
| Out doo r Adv erti sing Stru ctur es (ne w or mo difi ed) | \$30 0.0 0 |
| Per ma nen t Gro und Sign | \$20 0.0 0 |
| Per | \$10 |

| | |
|--|--------------------|
| ma nen t Wall Sign | 0.0 0 |
| Te mp orar y Eve nt Sign | \$40 .00 |
| Soli d Was te Faci lity | \$1,0 00. 00 |
| Win d Ene rgy Con vers ion Syst ems (lar ge) per tow er | \$50 0.0 0 |
| Win d Ene rgy Con | \$10 0.0 0 |

| | |
|--|--------------------|
| vers ion Syst ems (sm all on- site) | |
| Sola r Ene rgy Con vers ion Syst ems (lar ge) | \$2,5 00. 00 |
| Sola r Ene rgy Con vers ion Syst ems (sm all on- site) | \$10 0.0 0 |
| Co mm erci al De mol | \$15 0.0 0 |

| | |
|---|------------------|
| itio n Per mit | |
| Par king Lot Exp ansi on (mo re tha n four spa ces) | \$45 0.0 0 |

| | |
|---|--------------------|
| Telecom municati on Towers and all other Towers | |
| Ne w Con stru ctio n (To wer s and | \$1,2 50. 00 |

| | |
|---------------------------------|---------------|
| Equipment) | |
| Antennas, Cell, TV or Microwave | \$500.00 each |

| | |
|------------------------------------|--|
| Early Bird Fine | |
| Start construction permit issuance | The amount of the permit \times (times) 2 (e.g. \$100.00 = \$100.00 \times 2 = \$200.00) |

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| | 0) |
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|---|----------|
| Re-inspection Fee | |
| Erosion control measures not in place or in need of maintenance, re-inspection after Red Card issued by Plan Co | \$100.00 |

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| mm issio n Offi ce and /or Buil ding Dep art me nt | |
|--|--|

| | |
|--|--|
| Plan Commissi on | |
| Primary Plat, Secondar y Plat, Replat and Develop ment Plan Applicati ons (Fee paid when applicati on has been deemed complete. Staff will notify | |

petitioner when application is complete)

| | |
|---------------------------------|---|
| Primary, Secondary and Rep lats | Base Fee \$65 0.0 0 Plus \$12 .00 per lot |
|---------------------------------|---|

| | |
|-------------------------------|--|
| Development Plan Applications | Base Fee \$65 0.0 0 Plus \$12 .00 per acre |
|-------------------------------|--|

| | |
|------------|------------|
| Amendments | \$65 0.0 0 |
|------------|------------|

| | |
|--------------|------------|
| PU D Concept | \$65 0.0 0 |
|--------------|------------|

| | |
|--|---|
| Plan | |
| PU D Det aile d Plan | Bas e Fee \$65 0.0 0 plus \$12 .00 per acre |
| PU D Final Plan | Bas e Fee \$65 0.0 0 plus \$12 .00 per acre |
| Vac atio n of Sub divi sion | \$40 0.0 0 |
| Eas em ents (an d Righ t-of - | \$25 0.0 0 |

| | |
|--|----------|
| Way) Modification, Termination or Vacations | |
| Zoning verification or re-built letter | \$40.00 |
| Appeals from the Development Review Committee/PI | \$150.00 |

| | |
|---|---|
| at Co mm itte e and Ad min istr ativ e Deci sion s | |
| Spe cial Me etin g | \$1,2 00. 00 |
| Desi gn Wai ver | \$50 0.0 0 |
| Desi gn Wai ver Stor mw ater | \$60 0.0 0 plus ind epe nde nt stor mw ater revi ew |

| | |
|---|----------|
| Development Review Committee/Platform Committee and Administrative Review | |
| Minor Subdivision (including primary, secondary) Report of Minor Sub. | \$500.00 |
| Development Plan | \$500.00 |
| Administrative | \$150.00 |

| | |
|--|------------------|
| e Sub divi sion | |
| Ad min istr ativ e Dev elo pm ent Plan | \$20 0.0 0 |
| Ad min istr ativ e PU D Sec ond ary Plat | \$35 0.0 0 |

| | |
|---|------------------|
| Independ ent Stormwa ter Review | |
| Resi den tial | \$12 5.0 0 |

| | |
|--|---|
| Sub divi sion s | plus \$25 .00 per lot or \$40 .00 per acre (wh iche ver is gre ater) |
| Co mm erci al/I ndu stri al Sub divi sion s Dev elo pm ent Plan and Par king Lot Exp ansi on | \$12 5.0 0 plus \$55 .00 per lot or \$55 .00 per acre (wh iche ver is gre ater) |

| | |
|---|------------------|
| Field Inspection after submission of As-built Plans (fee to be paid to release of Performance Guarantees) | \$20 0.0 0 |
| If substantial changes are made to a Primary Plat Applicati | |

on during the review process prior to the Plan Commission hearing, the independent stormwater engineer may charge an hourly rate above the fee stated in this schedule. Said fee structure is shown below. Said fee covers two reviews; after two reviews, an hourly rate will be charged in addition to

| | |
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| calculate d fee | |
| Ad min istr ativ e Fee | \$10 0.0 0 |

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|---|-------------------------------------|
| Independ ent Stormwa ter and Erosion Control Review | |
| Regi ster ed Engi neer r | \$12 5.0 0 per hou r |
| Regi ster ed Lan d Sur vey or | \$12 5.0 0 per hou r |
| Non - regi ster | \$10 0.0 0 per |

| | |
|--|------------------------------------|
| ed Engi nee r | hou r |
| Tec hnic ian | \$85 .00 per hou r |
| Cler ical | \$55 .00 per hou r |
| Mil eag e | Curr ent fed eral rate |
| Ad min istr ativ e Pro cess ing Fee | \$10 0.0 0 |
| Fees shall be collected for the Erosion Control Review prior to | |

the Plan Commission hearing. Failure to submit plan prior to said hearing will result in automatic continuance of case.

Subdivision and Development Plan Infrastructure Inspection—Engineer

| | |
|---------------------|-------------------|
| Registered Engineer | \$125.00 per hour |
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| | |
|------------|----------|
| Registered | \$125.00 |
|------------|----------|

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|---|-------------------------------------|
| ed Land Survey or | 0 per hou r |
| Engi neer ing Inter n | \$10 0.0 0 per hou r |
| Tec hnic ian | \$85 .00 per hou r |
| Top ogr aphi c Sur vey Cre w | \$17 5.0 0 per hou r |
| One Pers on GPS Cre w | \$16 0.0 0 per hou r |
| CAD Tec hnic ian | \$80 .00 per hou r |

| | |
|-----------------|--|
| Mil eag e | Curr ent Fed eral Rat e |
|-----------------|--|

| | |
|--|------------------|
| Site Improve ment/Ero sion Permit | |
| Sub divi sion, PU Ds, and Dev elo pm ent Plan s (per mits are not req uire d for One and Two - fam | \$20 0.0 0 |

| | |
|---|---|
| ily resi den tial con stru ctio n per mits) | |
| Earl y Bird Con stru ctio n Fine Infr astr uct ure con stru ctio n prio r to app rov al as per Port er Cou nty UD O | \$50 .00 per day, up to \$ 2,50 0.0 0 |

| | |
|------------------------------|--|
| Tempora ry Use Permits | |
|------------------------------|--|

| | |
|---|---|
| Con trac tor' s Trai ler (incl ude s elec tric al) | \$80 .00/ ann ual ren ewal |
|---|---|

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|---|---|
| Far m Sta nd (incl ude s elec tric al) | \$80 .00/ ann ual ren ewal |
|---|---|

| | |
|-----------------------|---|
| Mo del Ho me | \$80 .00/ ann ual ren ewal |
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| Board of Zoning Appeals | |
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|---|------------------|
| Development Standards Variances (Chapters 2 and 5 UD O) | \$37 5.0 0 |
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|---|------------------|
| Development Standards Variances, Subdivision, Development Plan | \$50 0.0 0 |
|---|------------------|

| | |
|---|--|
| (Chapter 7 UD O) | |
| Development Standards Variance (Chapter 7.28 Storage Standards; General UD O) | \$600.00 - plus independent unit storage material review fee (if applicable) |
| Use Variance | \$375.00 |
| Special Exception | \$400.00 |

| | |
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| ons | |
| Special Exceptions Use: Telecommunication Facilities over 150 feet requiring Special Exception or Use Variance | \$650.00 |
| Special Exceptions: Large | \$2,000.00 |

| | |
|---|------------------|
| WE CS (Ag gre gat e Proj ect) | |
| Spe cial Exc epti on: Sma ll WE CS | \$25 0.0 0 |
| Ann ual Ren ewal of Use Vari anc e and Te mp orar y Cert ifica te of Occ upa ncy (Mo | \$50 .00* |

| | |
|---|------------------|
| bile Ho me) | |
| <p style="text-align: center;">*</p> renewal fee must be paid prior to scheduling of case for renewal to the Board of Zoning Appeals | |
| App eals of the Exe cuti ve Dire ctor 's Deci sion | \$15 0.0 0 |
| App eals of the Buil ding Co mm issio | \$15 0.0 0 |

| | |
|--|--------------------|
| ner' s Deci sion | |
| Ho me Occ upa tion s | \$20 0.0 0 |
| Min eral Extr acti on Per mits | \$1,0 00. 00 |
| Spe cial Me etin g | \$95 0.0 0 |

| | |
|-------------------|------------|
| Copy Fees | |
| 8½ × <u>11</u> | \$0. 10 |
| 8½ × <u>14</u> | \$0. 10 |
| 11 × 17 | \$0. 15 |

| | |
|------------|------------|
| 18 × 24 | |
| 18 × 24 | \$2. 50 |
| 24 × 36 | \$3. 00 |
| 30 × 30 | \$4. 00 |
| 30 × 42 | \$5. 00 |

| | |
|---|-------------|
| Return Check Fee | |
| Insu ffici ent Fun ds | \$30 .00 |
| Payment will only be accepted in cash, cashier's check or money order after a return check has been | |

received

Plan commission fees and building department fees shall be reviewed on an annual basis prior to the first day in June. The staff of the building and planning departments with the plan commission and county commissioners shall conduct said review.

(Ord. 07-03 § 2 (part))

(Ord. No. 08-26, § 2, 12-2-2008; Ord. No. 10-11, § 2, 7-20-2010; Ord. No. 12-10, § 2, 4-17-2012; Ord. No. 12-27, § 2, 11-20-2012)

Editor's note—

Ord. No. 12-27, adopted Nov. 20, 2012, is effective January 1, 2013.

Chapter 15.28 CONTRACTOR'S REGISTRATION

Sections:

[15.28.010 Purpose and intent.](#)

[15.28.020 Definitions.](#)

[15.28.030 Registration required.](#)

[15.28.040 Application and procedure.](#)

[15.28.050 Complaint record.](#)

[15.28.060 Notice of violation.](#)

[15.28.070 Revocation or denial.](#)

[15.28.080 Conflicting ordinances.](#)

[15.28.090 Severability.](#)

[15.28.100 Effective date.](#)

15.28.010 Purpose and intent.

The county determines that it is in the best interest of the county that contractors, subcontractors, and specialty contractors register with the county; and declares the purpose, intent, and policy of the county, through this chapter, to safeguard the health, public safety and welfare of its citizens, by registering persons in the business of building construction.

State Code references:

IC 22-11-3. 1-1: unified license bond for contractors

IC 25-28-5. 1-1: plumber regulation and licensing

(Ord. 05-17 § A)

15.28.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

"Contractor" or "subcontractor" means any person who, in any capacity other than as the employee of another with wages as the sole compensation, and within the scope of this chapter, undertakes, offers to undertake or accepts an order or contract, whether on a fixed sum, cost-plus, percentage, of fixed fee, or any combination thereof, or improvement, or to do any part thereof, including the erection of scaffolding or other structured or work in connection therewith.

"Electrical contractor" means one who is qualified to do only work in connection with installation, alteration, or repair of electrical wiring and fixtures.

"General contractor, commercial/industrial" means one who is qualified to do all phases of commercial/industrial contracting, excepting electrical, plumbing and heating and air conditioning as defined in this section.

"General contractor, residential" means one who is qualified to do all phases of residential contracting, excepting electrical, plumbing and heating and air conditioning as defined in this section.

"Homeowner" means the owner of a place where one permanently resides.

"Maintenance person" means an individual who is employed on a permanent basis to keep the premises of a business establishment on good repair.

"Plumbing contractor" means one who is qualified to do only work in connection with installation, alteration, or repair of piping and plumbing fixtures.

"Sewer contractor" means one qualified to install, repair and maintain sewer lines and connections to the sanitary sewer system, whether to a public or commercial system, or to septic tank systems.

"Specialty contractor/subcontractor" means one who specializes in a particular branch of the building construction industry, and who shall be licensed or registered, and who shall be limited to such specific field of work practice. These specific fields of work shall but not be limited to the following:

1. "Carpentry" means all wood construction pertaining to building, including various types of siding and interior drywall and lathing.
2. "Masonry" means anything constructed of materials such as brick, stone, ceramic tile, or the like, excluding concrete work.
3. "Concrete" means all work pertaining to and for the erection of a formed material made by mixture of sand, cement, stone, gravel and water.
4. "Steel" means erection of all formed structural steel and iron parts.
5. "Demolition" means razing and removal of any structure, dwelling, or any part thereof.
6. "Excavating" means excavation for the purpose of erecting buildings or structures.
7. "Escalators and elevators" means all work pertaining to the installation of escalators and elevators.
8. "Machinery" means all work pertaining to the installation of industrial manufacturing equipment.
9. "Roofing and siding" means installation of any and all types of roof coverings and siding, waterproofing and installation.
10. "Garages" means all work pertaining to a private garage.
11. "Drywall" means installation of drywall and lathing.
12. "Insulation" means installation of any and all types of insulation.

13. "Floor" means installation of all types of floor covering, such as asphalt, rubber, plastic, cork, linoleum, etc., excluding hardwood and carpeting.
14. "Tuckpointing" means all work pertaining to tuckpointing.
15. "Sheet metal" means all work pertaining to construction and installation of nonstructural sheet metal work.
16. "Glaziers" means all work pertaining to the installation of glass.
17. "Heating and air conditioning" means all work pertaining to the installation of heating systems and air conditioning systems.
18. "Tree removal and trimming" means all work pertaining to the removal and trimming of trees.

(Ord. 05-17 § B)

15.28.030 Registration required.

- A. It is unlawful for any person to engage in the business or act in the capacity of a contractor or subcontractor within the unincorporated portions of the county without having registered.
- B. Improvement location permits shall not be issued by the commissioner to anyone except a duly registered contractor, subcontractor, or his/her authorized officer or agent.
- C. Exclusions. This requirement does not apply to the following:
 1. Homeowner. The owner of a one or two-family dwelling, when the owner is contracting, altering, installing, remodeling or repairing the residential unit. However, this exclusion shall not be available more than once every five years when applied toward construction of a new one or two-family residence.
 2. An authorized employee of the United States, state of Indiana, county of Porter, or any political subdivisions thereof, so long as the employee is acting within the scope of his/her employment. This includes any construction, alteration, improvement or repairs located on any site and project where state or federal law supersedes this chapter.
 3. Public utilities, where construction, maintenance and development work is performed by their own employees on utility lines and meters.
 4. Any individual who is employed or acts as a maintenance person, as defined in this chapter.

(Ord. 05-17 § C)

15.28.040 Application and procedure.

- A. To obtain a certificate of registration, or have a state license validated, the applicant shall submit a verified application in writing, on a form approved by the plan commission. Such forms may be obtained at the office of the building commissioner.
- B. In addition to the application, the applicant shall provide:
 1. Initial application fee;
 2. Registration fee;
 3. Proof of insurance as follows:
 - a. Personal injury/general liability policy with limits of two hundred fifty thousand dollars (\$250,000.00) over five hundred thousand dollars (\$500,000.00) or equivalent,
 - b. Workers compensation in the maximum amount required by state law,
 - c. Property damage in the amount of one hundred thousand dollars (\$100,000.00),

d. Bond of five thousand dollars (\$5,000.00) as required by the county.

C. Fee Schedule.

1. Each applicant shall submit a nonrefundable application fee in the sum of twenty-five dollars (\$25.00) to the plan commission.
2. Each applicant who submits an application for a general contractor's license, whether for commercial/industrial or for residential, shall be charged a fee in the amount of one hundred dollars (\$100.00) if multiple registrations are granted within thirty (30) days of each other, only one fee of one hundred dollars (\$100.00) will be charged. Multiple registrations granted more than thirty (30) days of each other shall pay a fee of one hundred dollars (\$100.00) for each such certificate of registration issued.
3. Renewal fee: fifty dollars (\$50.00).
4. Fees Run from January through January. However, an initial application for license, received after September 1 of any year, will be charged a fee of fifty dollars (\$50.00) for the partial year; no other proration of fee is authorized, and renewal will be required in the following January.

D. Duration and Renewal.

1. A certificate of registration issued in this chapter is valid until the contractor fails to perform any work under that certificate of registration for a period of five years, in which case, the certificate of registration expires. This does not prohibit the county from requiring an annual renewal fee.
2. Whenever the holder of a certificate of registration becomes disabled or dies, the legal representative of the registrant may apply to have the balance of the unexpired term of the certificate of registration transferred to such representative, provided that representative submits the application and required insurance.
3. The registrant will be required to renew his/her certificate of registration during the month of January of each year. Any person renewing his/her certificate of registration during that time will be issued a new certificate upon the payment of the required fees, and provision of insurance. Any registrant renewing his/her certificate of registration or paying his/her renewal fee during the month of February of each succeeding year shall be subject to a penalty of twenty dollars (\$20.00). After the last day of February, a certificate of registration may be renewed only by re-submitting an application with the fee of twenty-five dollars (\$25.00).
4. Upon receipt of an application for renewal, the building department may make such an investigation to determine whether the registrant has, during the prior period, violated any of the provisions of the ordinance, or had complaints recorded against him/her, and to determine the fitness of the applicant for renewal of the certificate of registration. In the event that the building department determines that a question exists as to whether the certificate of registration should be renewed, it shall give written notice to the applicant. The applicant shall, within thirty (30) days, show cause why his/her certificate of registration should be renewed, by written notice. The building department shall then notify the applicant of its decision. If the determination is to not renew, building department shall give notice to the applicant of his/her appeal rights under this chapter.

(Ord. 05-17 § D)

15.28.050 Complaint record.

The building commissioner will accept written complaints against listed contractors and shall maintain such complaints in a file to be kept for five years. These records shall be open to the public.

(Ord. 05-17 § E)

15.28.060 Notice of violation.

Failure of a contractor, subcontractor or specialty contractor to comply with this chapter shall result in a written notice of such failure by the building inspector, such notice shall state that the contractor must comply with this chapter within forty-eight (48) hours of such notice, and that a fine in the amount of two thousand five hundred dollars (\$2,500.00) may be levied for failure to comply.

Failure to comply with the building inspector's notice of noncompliance shall result in a fine of up to two thousand five hundred dollars (\$2,500.00).

(Ord. 05-17 § F)

15.28.070 Revocation or denial.

- A. Revocation or Denial. It shall be the power of the building commissioner to deny application or renewal, or to issue notice of revocation of a certificate of registration for any contractor who shall be guilty of one or more of the following acts or omissions.
1. Deliberate misrepresentation of any material fact, fraud, or deceit in obtaining a certificate of registration.
 2. Gross negligence of gross incompetence while engaged in the business of acting in the capacity of a contractor or subcontractor within the meaning of this chapter.
 3. Aiding, abetting, or knowingly combining with an unregistered person with the intent to evade the provisions of this chapter.
 4. Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the registrant as contractor or subcontractor.
 5. Diversion of funds or property received for a specified purpose, and for the purpose and prosecution or completion of any construction project or operation, and the application or use of such funds for any other project or operation, obligation or purpose with the intent to defraud or deceive creditors or the owners.
 6. Willful and deliberate violations of the building laws of the state and the city, or the political subdivision thereof.
 7. Willful departure from or disregard of plans or specification in any material respect, without the contact of the person entitled to have the particular construction or operation completed.
 8. The doing of any willful or fraudulent act by the certificate of registration as contractor or subcontractor as a consequence of which another is substantially injured.
 9. Failure in any substantial respect to comply with the provisions of this chapter.
 10. Disregarding a stop work order which has been issued for violation of ordinances or the building codes or laws; provided when a contract has been executed or commenced, the contractor may proceed nevertheless to complete such contract on the condition that he will make the necessary adjustments and repairs.
- B. Revocation Procedure. The board authorized to hear complaints under this section shall be the enforcement authority established under [Section 8.36.070](#) of the Porter County Code, Ordinance No. 05-01 to conduct hearings under the unsafe building ordinance, and referred to herein as hearing officer.
1. The hearing officer of contractors and subcontractors may, upon a complaint filed by a member of the building department, or upon the filing of a verified complaint in writing by a contractee, prefer changes against any certificate of registration under the terms of this division. The hearing officer shall forthwith issue a notice directing the registrant within twenty (20) days after service of notice to appear and answer to the complaint showing cause, if any, why his/her certificate of registration should not be suspended or revoked. The registrant may request a

hearing on such charges and the hearing officer shall, within thirty (30) days, set a date for a hearing. The complaint shall contain a statement of facts pertaining to the specific charges of the violation of this division, other ordinances and/or state law pertaining to the building construction, or any act which may be the cause of suspension or revocation of a license. The registrant may be present and may be represented by counsel at such hearing.

2. When a hearing is requested by a registrant on charges brought under this division, the hearing officer shall set the time and place when such hearing shall be held.
3. A service of notice upon the registrant shall be fully effective upon mailing a copy thereof, by United States registered mail, with return receipt requested in a sealed envelope with postage fully thereon, addressed to the registrant at his/her last address of record as shown in the building commissioner's office. Failure of the registrant to answer may be deemed to be an admission by him of the facts stated in the complaint, and his/her certificate of registration thereupon may be suspended forthwith upon the complaint filed thereon and without any further evidence in this case. The hearing officer shall have the authority, in its discretion, to continue such cause for further hearing should the circumstances of this case warrant this action.
4. Whenever the hearing officer shall determine that a registrant is in violation of the terms of this chapter, the hearing officer shall then have the power to suspend such certificate of registration for a definite period, to revoke such license, or to issue an order against such registrant to correct the violation, fixing a reasonable time within which such correction shall be made or accomplished and, upon compliance with such order, the hearing officer may dismiss such complaint. If the registrant shall not correct such violation within the time required by the previous order, the hearing officer shall have the power to extend such time for correction of the violation or shall have the right to suspend such registrant's certificate of registration for a determinative period or may revoke the certificate of registration.
5. After the revocation of any license or certificate of registration, such certificate of registration shall not be renewed, and no new certificate of registration shall be issued to the same registrant or certificate of registration holder within a period of at least one year subsequent to the date of revocation. After the expiration of the one year period, a new certificate of registration shall only be issued upon proper showing that all violations, acts or omissions for which the certificate of registration was revoked have been corrected and that all conditions imposed by the decision of the revocation correction order or suspension have been fully complied with.
6. Any registrant who is aggrieved by the decision of the hearing officer may take an appeal from such hearing officer to superior court of Porter County within thirty (30) days.
7. Whenever a new certificate of registration is issued by the hearing officer to any applicant whose certificate of registration has previously been revoked, the issuance shall be treated as an initial issuance, and the applicant shall be required to submit the required fees and provision of insurance.

(Ord. 05-17 § G)

15.28.080 Conflicting ordinances.

Any ordinance or provision of this chapter of Porter County in conflict with the provisions of the ordinance codified in this chapter is superseded by this chapter.

(Ord. 05-17 § H)

15.28.090 Severability.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter, which can be given effect without such invalid part or parts.

(Ord. 05-17 § I)

15.28.100 Effective date.

The ordinance codified in this chapter shall be in full force and effect after its passage and approval by the board of county commissioners of Porter County, Indiana and publication as required by law.

(Ord. 05-17 § J)

Chapter 15.30 FAIR HOUSING ^[1]

Sections:

[15.30.010 Policy statement.](#)

[15.30.020 Definitions.](#)

[15.30.030 Unlawful practices.](#)

[15.30.040 Discrimination in the sale or rental of housing.](#)

[15.30.050 Discrimination in residential real estate-related transactions.](#)

[15.30.060 Discrimination in the provision of brokerage service.](#)

[15.30.070 Interference, coercion, or intimidation.](#)

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15.30.010 Policy statement.

It shall be the policy of Porter County to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, and I.C. 22-9.5 et seq.

(Ord. No. 10-16, 12-7-2010)

15.30.020 Definitions.

The definitions set forth in this section shall apply throughout this chapter.

"Aggrieved person" means any person who:

1. Claims to have been injured by a discriminatory housing practice; or
2. Believes that such person will be injured by a discriminatory housing practice that is about to occur.

"Commission" means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 et seq.

"Complainant" means a person, including the commission, who files a complaint under I.C. 22-9.5-6.

"Disabled/handicap" means, with respect to a person:

1. A physical or mental impairment which substantially limits one or more of such person's major life activities;

2. A record of having such an impairment;
3. Being regarded as having such an impairment;
4. An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990; or
5. Any other impairment defined under I.C. 22-9.5-2-10.
6. The term disabled/handicap shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code; nor does the term handicap include an individual solely because that individual is a transvestite.

"Discriminatory housing practice" means an act that is unlawful under Sections [15.30.040](#); [15.30.050](#); 15.30.060; 15.30.070 or 15.30.080 of this chapter or I.C. 22-9.5-5.

" Dwelling " means any building, structure, or part of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families.

"Familial status" means:

1. One or more individuals who have not attained the age of eighteen (18) years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or another person.
2. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

"Family" includes a single individual with the status of such family being further defined under "familial status." (I.C. 22-9.5-2-9).

"Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under [Title 11](#) of the United States Code, receivers, and fiduciaries.

"To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.

(Ord. No. 10-16, 12-7-2010)

15.30.030 Unlawful practices.

Subject to the provisions of subsection (B) of this section, [Section 15.30.090](#) (Exemptions) of this chapter and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth [in] Title 22-9.5-5-1 of Indiana Code and in Section 15.30.040 of this chapter shall apply to:

- A. All dwellings except as exempted by subsection (B) and Title 22-9.5-3 of Indiana Code.
- B. Other than the provisions of subsection (C) of this section, nothing in [Section 15.30.040](#) shall apply to:
 1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such

house is sold or rented:

- a. Without the use in any manner of the sales or rental facilities of any real estate broker, agent or salesman, or a person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person, and
 - b. Without the publication, posting or mailing, after notice of advertisement or written notice in violation of [Section 15.30.040](#)(C) of this Chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one such living quarters in the residence.
- C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:
1. The person has, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. The person has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 3. The person is the owner of any dwelling unit designed or intended for occupancy by, occupied by, five or more families.

(Ord. No. 10-16, 12-7-2010)

15.30.040 Discrimination in the sale or rental of housing.

As made applicable by [Section 15.30.030](#) and except as exempted by [15.30.030](#)(B) and [15.30.090](#), (Exemptions) it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. To discriminate against any person in terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- F. To discriminate as set forth in this subsection (F).
 1. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 - a. That buyer or renter;

- b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - c. Any person associated with that person.
 - 2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of handicap of:
 - a. That person; or
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that person.
 - 3. For purposes of this section, discrimination includes:
 - a. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
 - b. A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - c. In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty (30) months after September 13, 1998, a failure to design and construct those dwellings in such manner that:
 - (1) The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons:
 - (2) All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (3) All premises within such dwellings contain the following features of adaptive design; an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space, and useable kitchen and bathroom such that an individual in a wheelchair can maneuver about the space.
 - (4) Compliance with the appropriate requirements of the Americans with Disabilities Act of 1990 and the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of the above subsection (F)(3)(c)(3).
 - (5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

(Ord. No. 10-16, 12-7-2010)

15.30.050 Discrimination in residential real estate-related transactions.

- A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
- B. As used in this section, the term "residential real estate-related transaction" means any of the following:
 - 1. The making or purchasing of loans or providing other financial assistance:
 - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. Secured by residential real estate;
 - c. Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.
 - 2. The selling, brokering or appraising of residential real property.

(Ord. No. 10-16, 12-7-2010)

15.30.060 Discrimination in the provision of brokerage service.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting of dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(Ord. No. 10-16, 12-7-2010)

15.30.070 Interference, coercion, or intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any [any] person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections [15.30.030](#); [15.30.040](#); [15.30.050](#) and [15.30.060](#) of this chapter.

(Ord. No. 10-16, 12-7-2010)

15.30.080 Prevention of intimidation in fair housing cases.

A person may not coerce, intimidate, threaten, or interfere with any other person:

- 1. In the exercise or enjoyment of any right granted or protected by this chapter; or
- 2. Encourage another person, in the exercise of [or] enjoyment of any right granted or protected by this chapter.

(Ord. No. 10-16, 12-7-2010)

15.30.090 Exemptions.

- A. Exemptions defined or set forth under Title 22-9.5-3 et seq. of Indiana Code shall be exempt from the provisions of this chapter to include those activities or organizations set forth under subsections (B) and (C) of this section.

- B. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- C. Nothing in this chapter regarding familial status shall apply with respect to housing for older persons. As used in this section, "housing for older persons" means housing:
 - 1. Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - 2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
 - 3. Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

(Ord. No. 10-16, 12-7-2010)

15.30.100 Administrative enforcement.

- A. Authority and responsibility for properly administering this chapter and referral of complaints hereunder to the commission as set forth under subsection (B) below shall be vested in the Porter County plan commission.
- B. Notwithstanding the provisions of I.C. 22-9.5-4-8, Porter County, Indiana because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the chapter, herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Porter County plan commission, shall refer all said complaints to the commission as provided for under subsection (A) of this section for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- C. All executive departments and agencies of Porter County, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Porter County plan commission and the commission to further such purposes.
- D. The board of commissioners of Porter County, Indiana, encourages civil rights complaints be filed directly with the Indiana Civil Rights Commission which has an online complaint form available at in.gov/irrc/. The Indiana Civil Rights Commission can be reached toll free at 800-628-2909 or mail at 100 North Senate Avenue, Indiana Government Center North, Room N103, Indianapolis, Indiana 46204. Should, for any reason, an aggrieved person or complainant requesting information require personal assistance in filing a complaint or requesting information, the office of the Porter County plan commission, or its director, may be contacted for assistance.

(Ord. No. 10-16, 12-7-2010)

15.30.110 Separability of provisions.

If any provision of this chapter or the application thereof to any person or circumstance shall be determined to be invalid, the remainder of the chapter and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ord. No. 10-16, 12-7-2010)

FOOTNOTE(S):

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Editor's note— Ord. No. 10-16, adopted Dec. 7, 2010, set out provisions adding §§ 14.04.010—14.04.101. For purposes of classification, and at the editor's discretion, these provisions have been included as Ch. 15.30, §§ 15.30.010—15.30.110. ([Back](#))