

ORDINANCE NO. 88-2

AN ORDINANCE TO UPDATE CERTAIN PROVISIONS OF BUILDING
REGULATIONS WITHIN THE CITY OF LEBANON AND INSPECTIONS THEREOF

WHEREAS, the City of Lebanon, through the building Inspector/Director of Planning and Development Office, has received a communication from the State of Indiana that the Indiana Department of Fire Prevention and Building Safety is to be furnished with evidence of proper inspection procedures, the same to be placed on file with that office, allowing for a proper inspection program of certain buildings within the City of Lebanon, and

WHEREAS, the City Council and the office of the Building Inspector/Director of Planning and Development, desire to comply with the request of the Indiana Department of Fire Prevention and Building Safety to the best of their ability, to prevent congestion and delays in the inspection procedure for Class 1 buildings located within the city limits of the City of Lebanon, and

WHEREAS, it is the intent that said building code, as presently on file with the City of Lebanon, and the amendments proposed herein, shall regulate the construction, alteration, repair, location and use of buildings and structures in the City of Lebanon, Indiana; incorporating by reference building rules, codes, and standards required to be enforced under Indiana Code 36-7-2-9; providing for the issuance of permits; providing penalties for violations; and repealing all ordinances and parts of ordinances in conflict therewith.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, BOONE COUNTY, INDIANA, as follows:

Section 1. Chapter 7 - BUILDINGS AND BUILDING REGULATIONS, Article 1, shall be amended as follows:

(a) Sections 1 and 2 as currently enrolled in the City Code of the City of Lebanon shall be deleted, and the following language substituted therefor from the sample ordinance provided by the Division of Technical Services and Research of the Department of Fire and Building Services:

Section 1. Title. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Lebanon, Indiana" and may be cited as such and will be referred to herein as "this Code".

Section 2. Purpose. The purpose of this Code is to provide minimal standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

Section 3. Authority. The Building Inspector/Director of Planning and Development is hereby authorized and directed to administer and enforce all of the provisions of this Code, the Zoning Code, as amended; and all other provisions of the Master Plan of the City of Lebanon, as amended. Whenever in this Code, it is provided that anything must be done to the approval of or subject to the direction of the Building Inspector/Director of Planning and Development, or any other officer of said office, this shall be construed to give such officer only the discretion of determining whether this Code has been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what this Code shall be, or power to require conditions not prescribed by ordinances or to enforce this Code in an arbitrary or discriminatory manner.

Section 4. Scope. The provisions of this Code and any amendments hereto, apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than fences, in the City of Lebanon, Boone County, State of Indiana. The provisions of this Code do not apply to industrialized building systems or mobile structures that are certified under I. E. 22-15-4.

(a) 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 hereby incorporated by reference in this Code 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 12 - Concerning Administrative Procedure for Rule Making to Prevent Conflict, Duplication and Overlap Between State-Wide Codes of Building and Fire Safety Laws and Local Ordinances.

(2) Article 13 - Building Codes

- (a) Fire and Building Safety Standards;
- (b) Indiana Building Codes;
- (c) Indiana Building Code Standards;
- (d) Indiana Handicapped Accessibility Code.

(3) Article 14 - One and Two Family Dwelling Codes.

(4) Council of American Building Officials