

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 25-06

**AN ORDINANCE TO AMEND GREENWOOD MUNICIPAL CODE CHAPTER 7,
ARTICLE I, BUILDING CODE, TO ESTABLISH A BUILDING COMMISSIONER,
BUILDING CODE OFFICIAL, AND INSPECTOR CONFLICT OF INTEREST
PROCEDURE, AND TO MAKE VARIOUS CHANGES**

WHEREAS, with the passage of time it is prudent to review practices, procedures, policies, and regulations to determine whether they should be updated to reflect changes in standard industry practices, or statutory changes;

WHEREAS, the Indiana legislature adopted legislation mandating that governmental units must establish a procedure to address potential conflict of interest regarding a building commissioner, building code official, or inspector;

WHEREAS, the Building Commissioner has reviewed the City of Greenwood Building Code ("Building Code") and recommends that various provisions of the Building Code be updated;

WHEREAS, the Greenwood Common Council has determined that the Building Code must be amended to include a procedure to address conflict of interest of the Building Commissioner, Building Code officials, and Inspectors, and the Common Council has further determined that it is in the best interest of the public health, safety and welfare to update the Building Code as recommended by the Building Commissioner,

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The Greenwood Common Council hereby amends the City of Greenwood Building Code, incorporated within the Greenwood Municipal Code (1993), as Chapter 7, Article I, as set forth in the redlined document attached as Exhibit "A", the text of which is incorporated within this Ordinance by reference as though fully set forth herein.

Section 2. The sections, paragraphs, sentences, clauses, phrases and words of this ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed by the Common Council of the City of Greenwood, Indiana, this 3rd day of March, 2025.

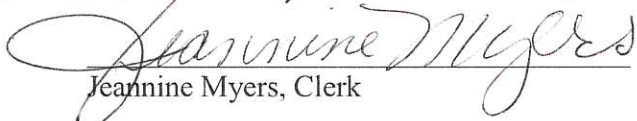

Michael Campbell, President
Greenwood Common Council

ATTEST:


I hereby certify that the foregoing within and attached ordinance was duly passed by the Common Council of the City of Greenwood, Indiana, at a meeting thereof held on the 3rd day of March, 2025 by the following vote:

	AYE:	NAY:
Erin Betron	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda S. Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ezra J. Hill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. David Hopper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Lekse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Teri Manship	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Moan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 3rd day of March, 2025, is presented by me this 4th day of March, 2025, at 8:00 o'clock A.m., to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 3rd day of March, 2025, is approved by me this 4th day of March, 2025, at 8:50 o'clock A.m.


MARK W. MYERS, Mayor of
the City of Greenwood, Indiana

ORD. 25-06, EXHIBIT A

CHAPTER 7

**BUILDING AND
CONSTRUCTION REGULATIONS**

ARTICLE I. BUILDING CODE. ¹

Sec. 7-1 Short Title. ²

This Article, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Greenwood, Indiana," and may be cited as such. (Ord. No. 81-38, § 1, 12-22-81; 1983 Greenwood Municipal Code, § 4-16)

Sec. 7-2 Purpose.

The purpose of this Article is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures. (Ord. No. 81-38, § 2, 12-22-81; 1983 Greenwood Municipal Code, § 4-17)

Sec. 7-3 Application over all Buildings and Structures.

The provisions of this Code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other industrialized building systems or mobile structures certified under *I.C.*, 22-15-4, within the jurisdiction of the Greenwood Plan Commission. (Ord. No. 88-29, § 1, 6-6-88)

Sec. 7-4 Definitions.

For the purposes of this Article, whenever the following terms are used they shall have the following meanings:

- (a) Initiation of construction shall be defined as the placing in permanent position of concrete, concrete blocks, poles, lumber or other materials for the purpose and intent of creating a building or structure including the excavation of earth necessary for the placement of such materials. (Ord. No. 81-38, § 9, 12-22-81; 1983 Greenwood Municipal Code, § 4-19)
- (b) Footing inspection: after the earth or area has been properly excavated, rebar placed when required, and prior to the placement of concrete or approved material.
- (c) Rough inspection: after the proper installation of: framing, mechanical, plumbing, and electrical work, but prior to covering or concealing with any building materials. A rough inspection is not limited and may include: under-slab work, in-wall work, or above ceiling work.
- (d) Final inspection: an inspection that shall be required at the completion of the permitted scope of work and prior to the use or occupancy of the space or structure.
- (e) Structure shall be defined commonly, and may include any of the following: a building or placement of any structure or kit, whether permanent or not, built on site, delivered, or purchased, that may exceed 25 square feet when not attached to a primary structure, on any property be it private or commercial, whether the structure is intended to be occupied or not.

Sec. 7-5 Building Commissioner to Enforce.

The Building Commissioner is authorized and directed to administer and enforce all of the provisions of this Article. Whenever in this Article it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Department of Planning and Zoning, this shall be construed to give such officer only the discretion of determining whether this Article has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this Article shall be, or power to require conditions not prescribed by ordinance or to enforce this Article in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under I.C., 22-13-2-7(b). (Ord. No. 88-29, § 2, 6-6-88)

Sec. 7-6 Entry Powers.

Subject to constitutional limitations, upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon him by this Article. (Ord. No. 81-38, § 14, 12-22-81; 1983 Greenwood Municipal Code, § 4-21)

Sec. 7-7 Compliance Required.

It shall be unlawful for any person, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the City, or cause or permit the same to be done, contrary to or in violation of the provisions of this Article. (Ord. No. 81-38, § 18, 12-22-81; 1983 Greenwood Municipal Code, § 4-22)

Sec. 7-8 Application of other Ordinances.

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances. (Ord. No. 81-38, § 10, 12-22-81; 1983 Greenwood Municipal Code, § 4-23)

Sec. 7-9 Standards and Practices in the Trade.

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade. (Ord. No. 81-38, § 17, 12-22-81; 1983 Greenwood Municipal Code, § 4-24)

Sec. 7-10 Adoption of Building Rules.¹

(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 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 13 - Building Codes.

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

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

- (a) Council of American Building Officials One and Two Family Dwelling Code.
- (b) CABO One and Two Family Dwelling Code; Amendments.
- (c) Standard for Permanent Installation of Manufactured Homes.

(3) Article 16 - Plumbing Codes.

Indiana Plumbing Code

(4) Article 17 - Electrical Codes

- (a) Indiana Electrical Code.
- (b) Safety Code for Health Care Facilities

(5) Article 18 - Mechanical Codes.

Indiana Mechanical Code.

(6) Article 19 - Energy Conservation Code.

- (a) Indiana Energy Conservation Code.
- (b) Modifications to the Model Energy Code.

(7) Article 20 - Swimming Pool Codes.

Indiana Swimming Pool Code (Ord. No. 88-29, § 3, 6-6-88) ⁴

(b) Two (2) copies of the rules, regulations and codes adopted herein by reference are on file as required by law in the office of the Clerk for public inspection. (Ord. No. 81-38, § 5, 12-22-81; *1983 Greenwood Municipal Code*, § 4-25(b); Ord. No. 11-37, §1, 11-21-11)

Sec. 7-11 Permit Required.

(a) A permit shall be obtained before beginning construction, alteration, or repair of any building or structure, using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner, or other designated personnel of the Department of Community Development Services, Planning Division, and all fees provided for herein shall be paid to the City. The Building Commissioner shall make regular deposits to the office of the Controller. (Ord. No. 81-38, § 7, 12-22-81; *1983 Greenwood Municipal Code*, § 4-26; Ord. No. 11-37, §1, 11-21-11)

(b) Each permit issued by the office of the Building Commissioner shall be valid for a period not to exceed 365 days from the date of issuance. A permit extension of 365 days shall be authorized when there is sufficient evidence that the construction will be completed within the extension, or when the scope of circumstances of the project justify additional time. The fee for such extension shall be one half of the original permit base fee. Any person found to continue construction past the expiration date of the required permit shall be subject to penalties in accordance with this ordinance.

(c) Construction shall begin within forty-five (45) days of permit issuance, and should any period of construction inactivity exceed ninety (90) days or should any project or structure be left unfinished, blighted, or otherwise abandoned, the Building Commissioner may revoke that permit and initiate enforcement measures included in Sec. 7-24 of this Article.

Sec. 7-12 Permit Application and Review.

(a) No permit required by this Article shall be issued unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the state must also be filed in accordance with state law and regulations. In addition, a copy of a design release, issued by the State Building Commissioner and State Fire Marshall pursuant to *I.C.*, 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such design release. (Ord. No. 88-29, § 4, 6-6-88)

(b) A period of thirty (30) business days shall be afforded for the review and processing of each permit application. An expedited permit application may be processed within 48 hours from the complete application acceptance when approved by the Building Commissioner for an additional fee in accordance with Sec. 7-14 of this Article.

Sec. 7-13 Three (3) Inspections Required.

After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under the permit as are necessary to insure full compliance with the provisions of this Article and the terms of the permit. It shall be the responsibility of the person or persons obtaining a permit to notify the Building Commissioner that the building or structure for which the permit has been obtained is ready for inspection. The permit holder shall notify the Building Commissioner for a minimum of three (3) inspections:

(a) Footing;

(b) Rough-in; and

(c) Final. (Ord. No. 81-38, § 13, 12-22-81; 1983 *Greenwood Municipal Code*, § 4-28)

Sec. 7-14 Fees.

(a) Fees charged for various permits shall be in accordance with the official permit fee schedule as adopted by the Common Council and set forth in Section 4-66 of this *Code*. Any person who shall initiate construction of a structure prior to obtaining an improvement location permit or any other required permit shall pay twice the amount of the current permit fee as established by the Common Council. (Ord. No. 81-38, §§ 8, 11, 12-22-81; 1983 *Greenwood Municipal Code*, § 4-29)

(b) No permit shall be issued prior to payment being received, and no inspection shall be scheduled or certificate of occupancy issued until any outstanding fees have been satisfied.

Sec. 7-15 Certificate of Occupancy.

No certificate of occupancy for any building or structure erected, altered or repaired after December 22, 1981, shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this Article. The permit holder shall be responsible for requesting a final inspection and receiving a certificate of occupancy from the Building Commissioner prior to allowing a building or structure or to be occupied. It shall be unlawful to occupy any such building or structure or allow it to be occupied unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. (Ord. No. 88-29, § 5, 6-6-88)

Sec. 7-16 Stop Work Orders.

Whenever any work is being done contrary to the provisions of this Article, the Building Commissioner may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work. (Ord. No. 81-38, § 15, 12-22-81; 1983 Greenwood Municipal Code, § 4-31)

Sec. 7-17 Appeals.

All persons shall have the right to appeal the Building Commissioner's decision first to the Plan Commission, and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of *I.C.*, 22-13-2-7, and *I.C.*, 4-21-5-3-7. (Ord. No. 88-29, § 6, 6-6-88)

Sec. 7-18 Violations.

(a) The Building Commissioner may, in the name of and with the approval of, the Greenwood Plan Commission, bring actions in the appropriate courts of the county for mandatory and injunctive relief in the enforcement of, and to secure compliance with any order made by the Building Commissioner. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this Article.

(b) If any person shall violate any of the provisions of this Article, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this Article, for each such violation, failure or refusal, such person shall be guilty of an offense. (Ord. No. 81-38, § 21, 12-22-81; 1983 Greenwood Municipal Code, § 4-33)

(c) If any person or entity is found to be in violation of this Article or other adopted codes or standards prescribed by the rules of the Indiana Fire Prevention and Building Safety Commission, that person or entity may be subject to a loss of privileges until such time that the violation has been resolved. Such privileges may include but are not limited to the denial or withholding of future permit applications, the denial of future inspection requests, or the revocation of the issued permit.

(d) Violation penalties. In addition to any injunctive relief which may be sought, any Person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be fined on the first offense of a violation of this code, a fine of \$50. Each day that a violation continues after due notice has been served shall be deemed a separate offense subject to a daily fine of \$50 per day.

(e) Repeat Offenses. Any person who commits a separate offense of this code no sooner than 30 days but within a two-year period after having been convicted of a previous violation of this code shall be assessed a fine of \$100 per day. The purpose of this provision is to double the fines assessed against those persons.

Sec. 7-19 Building Permit Conflicts of Interest

(a) The purpose of this section is to satisfy the requirements of *I.C.* 36-1-27-4.

(b) As used in this section, "conflict of interest" means a direct or indirect financial interest in the issuance of a permit, pursuant to *I.C.* 36-1-27-1.

(c) As used in this section, "permit" has the meaning set forth in *I.C.* 36-7-4-1109(b).

(d) The Building Commissioner, a building code official, or building inspector may not issue a permit or oversee the issuance of a permit through a subordinate if the Building Commissioner, building code official, or inspector has a conflict of interest.

(e) If a permit is requested or required that raises a conflict of interest for the Building Commissioner, a building code official, inspector, or other employee of the City of Greenwood, the person shall report the conflict of interest to the Mayor, and in the Mayor's absence, the Deputy Mayor.

(f) Promptly upon receipt of a conflict of interest report under this section, the Mayor or Deputy Mayor, in consultation with the an attorney of the Greenwood Legal Department, shall appoint a qualified temporary

replacement Building Commissioner, building code official, or inspector.

Sec. 7-20 through 7-23 Reserved for Future Use.