

## Chapter 536 BUILDINGS AND CONSTRUCTION<sup>1</sup>

### ARTICLE I. GENERAL PROVISIONS

#### Sec. 536-101. Title.

This chapter and all matter included herein by reference shall comprise and be known as the "Building Standards and Procedures of the Consolidated City of Indianapolis."

(G.O. 132, 1995, § 1; G.O. 1, 2002, § 1)

#### Sec. 536-102. Chapter purpose.

This chapter shall be construed in such a manner as to effectuate its purpose, which is to protect the life, public safety, health and general welfare of the citizens of the Consolidated City of Indianapolis.

(G.O. 132, 1995, § 1; G.O. 1, 2002, § 1)

#### Sec. 536-103. Severability.

If for any reason any article, division, section, subsection, sentence or phrase of this chapter or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter.

(G.O. 132, 1995, § 1; G.O. 1, 2002, § 1)

#### Sec. 536-111. Definitions.

Unless otherwise clearly indicated by the context, the terms defined in this section shall have the meanings ascribed to them in this section when used in this chapter and Chapter 875. If a term defined in this section is inconsistent or conflicts with any term defined in a rule promulgated by the fire prevention and building safety commission, then the term, as defined by the fire prevention and building safety commission, will be applied to the rules promulgated by the fire prevention and building safety commission and incorporated by reference under Article VIII of this chapter.

*Building equipment* means any machine, device, apparatus or material used as part of permanent heating, ventilation, air conditioning, electrical, plumbing sanitary, emergency detection, emergency communication, or fire or explosion systems.

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<sup>1</sup>Cross reference(s)—Contracting requirements, ch. 295; buildings constituting nuisances, § 391-113; numbering buildings, § 431-301 et seq.; vacant building standards, ch. 537; condominiums, ch. 551; drainage and sediment control, ch. 561; environmental public nuisances, ch. 575; fire prevention and protection, ch. 591; garbage, trash and refuse, ch. 601; trees and flora, ch. 701; contractors and skilled trades, ch. 875.

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*Building standards and procedures* means regulations, standards or requirements relative to either construction or the condition of existing structures or building equipment established by or under federal law, state law or city ordinances. Building standards and procedures shall specifically include rules promulgated by the Fire Prevention and Building Safety Commission, adopted herein by reference, and the substantive and procedural provisions of this chapter.

*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 (3) or more tenants; or
  - c. One (1) 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); or
- (3) Any class of buildings or structures that the Indiana Fire Prevention and Building Safety Commission determines by rules to affect a building or structure described in subdivision (1).

Class 1 structure includes a structure that contains three (3) or more condominium units (as defined in IC 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.

Class 1 structure 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 (8) or less consecutive months in a calendar year.

Class 1 structure does not include a Class 2 structure or a vehicular bridge.

*Class 2 structure* means any part of the following:

- (1) A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure; or
- (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.

Class 2 structure does not include a vehicular bridge.

*Construction* 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; or
- (5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

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*Cooling system* means a system that utilizes a source of energy to accomplish the cooling (not below a constant temperature of sixty (60) degrees Fahrenheit) of more than one (1) partitioned space in a structure or to accomplish the cooling of all or part of a structure by distribution of air through ductwork extending more than twelve (12) inches from the appliance collars, or distribution of liquid or vapor through on-site piping.

*Division of construction and business services or division* means the division of construction and business services of the department of business and neighborhood services.

*Electrical power distribution system* means a system for the distribution of electrical current both within and on the exterior of a structure, from an electrical power source to receptacles or equipment that uses electricity; provided, however, that class 2 and class 3 circuits (as defined by the Indiana Electrical Code) shall not be considered part of an electrical power distribution system for purposes of this definition.

*Heating system* means a system that utilizes a source of energy including, but not limited to, electricity, fossil fuels, geothermal, solar and wind, to accomplish the warming of more than one (1) partitioned space in a structure or to accomplish the warming of all or part of a structure by distribution of air through ductwork extending more than twelve (12) inches from the appliance collars, or distribution of liquid or vapor through on-site piping; provided, however, that a structural design that utilizes largely natural means to cause flow of thermal energy from the sun to accomplish warming of all or part of a structure shall not be considered a heating system for purposes of this definition.

*Industrialized building system* 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 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

*License administrator* means the license administrator as assigned by the deputy director of the division of construction and business services.

*Manufactured home* has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 1984.

*Mobile structure* means any part of a fabricated unit that is designed to be:

- (1) Towed on its own chassis; and
- (2) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

The term includes the following:

- (1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity; or
- (2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

*One- or two-family residential structure* means a Class 2 structure.

*Ordinary maintenance and repair* means construction commonly accomplished in or on an existing structure for the purpose of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance shall include such activities as caulking windows, painting, pointing bricks, oiling machinery and replacing filters. Maintaining appearance shall include such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance shall include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. Ordinary maintenance and repair shall not include any construction that alters the prior or initial capacity, performance specifications, type of required energy or functional features of an existing structure or building equipment.

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*Partnership or corporation* means a partnership, corporation, or other business association, including limited liability company, organized and authorized to do business under the laws of Indiana.

*Person* means an individual human being.

*Plumbing fixture* means a plumbing system that has a water supply, a drain or one that includes both a water supply and a drain, such as a water closet, lavatory, bathtub, and sink.

*Refrigeration equipment* means equipment that utilizes a source of energy to accomplish the cooling of a space or materials to a constant temperature below sixty (60) degrees Fahrenheit, typically for such purposes as food storage, mechanical fabrication, or industrial processing; provided, however, that plug-in electrical appliances such as freezers or icemakers that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts shall not be considered refrigeration equipment for purposes of this definition.

*Service equipment* means the necessary equipment, usually consisting of a circuit breaker or switch and fuses and their accessories, located near the point of entrance of electrical supply conductors to a structure or an otherwise defined area, intended to constitute the main control and means of cutoff of the electrical supply.

*Space cooling equipment* means equipment that utilizes a source of energy to accomplish the cooling (not below a constant temperature of sixty (60) degrees Fahrenheit) of an unpartitioned space within a structure in which the equipment is located without the use of duct work for the distribution of air extending more than twelve (12) inches beyond the appliance collars or the use of on-site piping for the distribution of liquid or vapor; provided, however, that plug-in electrical appliances such as window air conditioners that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts shall not be considered space cooling equipment for purposes of this definition.

*Space heating equipment* means equipment that utilizes a source of energy including, but not limited to, electricity, fossil fuels, geothermal, solar and wind, to accomplish the warming of an unpartitioned space within a structure in which the equipment is located without the use of air distribution ductwork that extends more than twelve (12) inches beyond the appliance collars or the use of on-site piping for the distribution of liquid or vapor; provided, however, that the following shall not be considered space heating equipment for purposes of this definition:

- (1) Plug-in electrical appliances such as freestanding room heaters that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts;
- (2) Self-contained fireplaces; and
- (3) A structural design that utilizes largely natural means to cause flow of thermal energy from the sun to accomplish warming of all or part of a structure.

*Structure* means that which is built or constructed, such as an edifice or building of any kind, or any piece of work artificially built up or composed of parts formed together in some definite manner, or any part thereof. The word "structure" shall not include improvements such as public roadways or bridges.

(G.O. 132, 1995, § 1; G.O. 1, 2002, § 1; G.O. 9, 2005, § 1; G.O. 63, 2009, § 20; G.O. 25, 2010, § 5; G.O. 41, 2016, § 2)

Editor's note(s)—G.O. 25, § 42, passed June 7, 2010, shall be in effect from and after (a) its passage by the Council and compliance with IC § 36-3-4-14 or (b) August 1, 2010, whichever last occurs.

Cross reference(s)—Definitions generally, ch. 102.

## **Sec. 536-121. Administration of building code.**

The director of the department of business and neighborhood services, or his or her designee, shall administer and enforce the provisions of this chapter. Whenever in this chapter, it is provided that anything must be done to the approval of or subject to the direction of the director of the department of business and

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neighborhood services or any other officer of the City of Indianapolis, 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 chapter in an arbitrary or discriminatory manner. Any variance from adopted building rules promulgated by the fire prevention and building safety commission are subject to approval under IC 22-13-2-7.

(G.O. 132, 1995, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 21; G.O. 41, 2016, § 2)

**Sec. 536-122. Territorial application.**

This chapter shall be applicable throughout the territorial limits of the consolidated city.

(G.O. 132, 1995, § 1; G.O. 1, 2002, § 1)

**Sec. 536-123. Subject matter application.**

All construction shall be accomplished in compliance with the provisions of this chapter. All existing structures and existing building equipment shall be subject to the provisions of this chapter. This chapter shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4: provided, however, any construction not certified under IC 22-15-4 related to an industrialized building system or mobile structure shall comply with the provisions of this chapter and the rules promulgated by the fire prevention and building safety commission.

(G.O. 132, 1995, § 1; G.O. 1, 2002, § 1)

**Sec. 536-124. Discretion to modify forms.**

The director of the department of business and neighborhood services, or his or her designee, is authorized to modify any of the forms set forth in this Chapter 536 so long as the altered form requests the same basic information. The director, or his or her designee, for example, may replace questions, add reasonably related questions or explanatory material, reformat the form or combine the form with another form. The director, or his or her designee, may authorize the form to be completed, used or stored electronically.

(G.O. 132, 1995, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 22; G.O. 41, 2016, § 2)

**ARTICLE II. BUILDING PERMITS AND DESIGN AND SUPERVISION**

**Sec. 536-201. When building permits required; enforcement.**

- (a) *Permit required.* Except for construction specified in subsections (b) and (c), it shall be unlawful for a person, partnership or corporation to engage in any construction or demolition or removal of structures unless a written building permit issued by the division of construction and business services describing the activity has been obtained by and is in force relative to the person, partnership or corporation that is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction allowed by the building permit. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues

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shall constitute a separate violation. The controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of business and neighborhood services.

- (b) *Exemptions for one- and two-family dwellings.* With respect to Class 2 structures, the permit specified in subsection (a) shall not be required for:
- (1) Replacement of exterior prime doors and windows (limited to like for like in a wall opening of the same dimensions that does not reduce the egress required by code provision existing at the time the building was constructed) if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; additionally, a person who owns or is purchasing a Class 2 structure on contract with intention to utilize the property for his or her own occupancy may likewise replace without permit prime doors and windows in such structure;
  - (2) Replacement of an existing roof if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; and that construction does not involve:
    - a. A change in roof configuration;
    - b. A change in type of roof covering (e.g., tile roofing replacing asphalt shingles) that would increase the dead load on the structure;
    - c. The replacement of basic structural members that support the roof (e.g., replacement of a rafter or more than one hundred twenty-eight (128) feet of decking); or
    - d. The installation of heat-applied roofing material;

Additionally, a person who owns or is purchasing a Class 2 structure on contract with the intention to utilize the property for his or her own occupancy may affix without permit a layer of replacement shingles to a single layer of existing shingles provided that a layer of shingles is not removed and provided that the total shingle-roof application is performed by the owner or contract purchaser with assistance only by noncompensated volunteers;
  - (3) Installation and replacement of exterior siding if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; additionally, a person who owns or is purchasing a Class 2 structure on contract with the intention to utilize the property for his or her own occupancy may attach without permit a layer of siding to the existing sheathing without removal of existing sheathing, provided that the total siding application is performed by the owner or contract purchaser assisted only by noncompensated volunteers;
  - (4) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional health or safety risks as defined in section 536-111(i);
  - (5) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors;
  - (6) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather;
  - (7) Exterior repair or renovation of a masonry chimney above the roof line that does not reduce the size of the flue opening;
  - (8) Gutter replacement or installation;
  - (9) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall;
  - (10) Installation of thermal insulation;

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- (11) Installation of additional non-load bearing walls that do not result in the creation of sleeping rooms; provided however, permits are required (except as otherwise specifically exempted by provisions of this section) for electrical, heating and cooling, or plumbing work;
  - (12) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan;
  - (13) Erection or installation of a fence or structural barrier in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district;
  - (14) Erection or installation of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points;
  - (15) Erection or installation of a deck where:
    - a. No part of the floor is more than thirty (30) inches above finished grade; and
    - b. There is compliance with the assessor notification requirements of section 536-215;
  - (16) Erection of retaining walls that are not over four (4) feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge;
  - (17) Erection of a structure that spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment;
  - (18) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks;
  - (19) Installation of a single-phase electric circuit not exceeding sixty (60) amperes at a nominal 120/240 volts that involves the installation, modernization, replacement, service or repair of a heating system, space heating equipment, cooling system, space cooling equipment, a water heater or a food waste disposer for which a building permit has been issued;
  - (20) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors when such installation does not include the installation of an electrical circuit;
  - (21) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty (20) percent of all piping in the structure is replaced;
  - (22) Replacement of appliances, fixtures, traps and valves in a plumbing system;
  - (23) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input;
  - (24) Extension of heating or cooling duct work;
  - (25) Placement of a manufactured home not on a permanent foundation in a manufactured home park licensed by the Indiana State Department of Health;
  - (26) Initial connection or reconnection of plumbing to a manufactured home not placed on a permanent foundation located in a manufactured home park licensed by the Indiana State Department of Health;
  - (27) Erection of real estate signs advertising real estate for sale or for rent in conformance with the size limitations of the zoning ordinance governing signs; or
  - (28) Connection, provision or use of temporary electrical power for on-site construction.

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- (c) *Exemptions for commercial construction.* With respect to Class 1 structures, permits specified in subsection (a) shall not be required for:
- (1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional safety or health risks as defined in section 536-111(i);
  - (2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather;
  - (3) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall;
  - (4) Painting, papering and similar finish work;
  - (5) Installation of movable cases, counters and partitions not over sixty-nine (69) inches high;
  - (6) Erection or installation of temporary motion picture, television and theater stage sets and scenery;
  - (7) Installation of thermal insulation;
  - (8) Erection or installation of a fence or structural barrier in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district;
  - (9) Erection or installation of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points;
  - (10) Erection or installation of platforms not more than thirty (30) inches above grade and not over any basement or story below;
  - (11) Installation of water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1);
  - (12) Erection of oil derricks;
  - (13) Erection of retaining walls that are not over four (4) feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge or used as a dike to impound flammable or combustible liquids or products that pose a health or safety risk (e.g., corrosives, oxidizers, poisons);
  - (14) Erection of a structure that spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment;
  - (15) Erection of any sign in conformance with zoning requirements;
  - (16) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks;
  - (17) Connection, provisions or use of temporary electrical power for on-site construction;
  - (18) Installation of household appliance such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors in apartment buildings when such installation does not include the installation of an electrical circuit;
  - (19) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty (20) percent of the piping in an area occupied by a single tenant in the structure is replaced;
  - (20) Replacement of appliances, fixtures, traps and valves in a plumbing system; or



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- (21) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input.
- (d) *Preservation districts.* Provisions in subsection (b) or (c) that exempt those engaged in certain construction from the obligation to secure a building permit do not affect the possible obligation to secure a certificate of appropriateness for construction either in an historic area designated by the Indianapolis Historic Preservation Commission or in the Meridian Street Preservation District designated by the Indiana Code. While a building permit may not be required, a certificate of appropriateness from the Indianapolis Historic Preservation Commission or the Meridian Street Preservation Commission may be required in such an area.
- (e) *Flood control districts.* Provisions in subsection (b) or (c) that exempt those engaged in certain construction from the obligation to secure a building permit do not affect the possible obligation to secure a floodplain development permit for construction in the flood control districts as designated by Chapter 742, Article II, of the Code. While a building permit may not be required, a floodplain development permit may be required in such areas.
- (G.O. 132, 1995, § 2; G.O. 168, 1999, § 1; G.O. 1, 2002, § 1; G.O. 3, 2009, § 23; G.O. 41, 2016, § 2)

### **Sec. 536-202. Eligibility to obtain and apply for a building permit.**

- (a) To obtain a building permit a person, partnership or corporation must meet the requirements of paragraphs (1) through (5) below and must be the person, partnership or corporation that will either actually accomplish, supervise accomplishment or be contractually responsible for accomplishment of the construction allowed by the building permit:
- (1) Any person, partnership or corporation that is a listed contractor under Article I of Chapter 875 may:
    - a. Obtain a building permit to accomplish any construction except work for which Articles II, III or IV of Chapter 875 require licensure or IC 25-28.5-1 requires a state license; or
    - b. Obtain a master building permit under sections 536-203 or 536-204;
  - (2) Any person, partnership or corporation licensed under Articles II, III or IV of Chapter 875 may obtain a building permit solely to accomplish construction allowed by the license or type of license held by the person, partnership or corporation;
  - (3) Any person or corporation registered under Article V of Chapter 875 may obtain a building permit solely to accomplish construction for which state licensure as a plumbing contractor is required;
  - (4) Any person who is either a registered architect or registered engineer licensed to practice in the State of Indiana may obtain a building permit to accomplish any construction for which a design release is required and has been given by the office of the state building commissioner. Such architect or engineer, however, may not obtain a building permit for work relative to which Articles II, III or IV of Chapter 875 require a license; and
  - (5) Any person, partnership or corporation that owns, is a contract purchaser or is a long-term lessee of an improved or unimproved parcel of land that the person, partnership or corporation intends to utilize for its own purposes (e.g., permanent business location, place of residence, rental property that the owner is obligated to maintain) may obtain a building permit to accomplish construction on such parcel carried out through direct efforts of:
    - a. The person;
    - b. One (1) or more employees of the person, partnership or corporation (including temporary employees hired to do construction work); or

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- c. Persons who volunteer to work on the construction and who are not compensated for their services.

Such a person, partnership or corporation may not obtain a building permit to wreck a structure for which Article IV of Chapter 875 requires licensure. Such a person, partnership or corporation may not obtain a building permit for work relative to which IC 25-28.5-1 requires a state license. The requirements of section 875-222 and section 875-321 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction relative to which Articles II and III of Chapter 875 require licensure. In addition, any person, partnership or corporation that owns, is a contract purchaser or is a long-term lessee of an improved or unimproved parcel of land that the person, partnership or corporation intends to utilize for its own purposes (e.g., permanent business location, place of residence, rental property that the owner is obligated to maintain) may obtain a building permit to allow construction on such parcel to be carried out by one (1) or more listed contractors as long as a single listed contractor is not responsible for all of the construction to be done on the parcel. Such a person, partnership or corporation may not obtain a permit to demolish or remove a structure for which Article IV of Chapter 875 requires licensure. Such a person, partnership or corporation may not obtain a building permit for work relative to which IC 25-28.5-1 requires a state license. The requirements of section 875-222 and section 875-321 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction relative to which Articles II and III of Chapter 875 require licensure.

- (b) Application for a building permit may be made by the person entitled to obtain the permit or by an employee of the person, partnership or corporation entitled to obtain the permit, or by an employee of a company in the business of obtaining permits for persons, partnerships and corporations listed or licensed under provisions of this chapter. The division of construction and business services may require that an employee or agent provide written authority to apply for the permit.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 9, 2005, § 2; G.O. 63, 2009, § 23; G.O. 41, 2016, § 2)

### **Sec. 536-203. Master permit.**

A person, partnership or corporation listed as a contractor under section 875-106 may elect to obtain a master permit for all construction occurring at a structure. (However, the division of construction and business services is not obligated to start issuing master permits until computer equipment and programs needed to make issuance of such permits practicable and effective have been secured.) The master permit shall identify all construction to occur at the structure and shall be the sole permit needed to accomplish all work identified on the permit at the structure. The person, partnership or corporation obtaining the master permit shall be responsible for all construction occurring at the structure, including code compliance for all construction for which Articles II, III or IV of Chapter 875 of this Revised Code require licensure or IC 25-28.5-1 requires a state license.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 23; G.O. 41, 2016, § 2)

### **Sec. 536-204. Procedure for obtaining a master permit.**

In order to obtain a master permit, the person, partnership or corporation must either be licensed for all the types of construction that will occur at the structure or identify, at the time of application, a licensed subcontractor for every type of construction that will occur at the structure.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1)

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**Sec. 536-205. Building permits obtained by written application.**

- (a) Application for a building permit shall be made to the division of construction and business services. The application shall be made in accordance with this section, unless each and every requirement of section 536-209 is met and the administrator as assigned by the deputy director of the division decides to issue a building permit on the basis of that section.
- (b) The application shall be in writing on a form prescribed by the division of construction and business services and shall be supported with:
  - (1) Two (2) copies of detailed plans and specifications drawn to scale that indicate in a precise manner the nature and location of all work to be accomplished pursuant to the building permit. In lieu thereof, it shall be within the discretion of the administrator as assigned by the deputy director of the division to accept two (2) copies of a written statement indicating the nature and location of the work to be done pursuant to the building permit where such written statement describes the work as precisely as a copy of detailed plans and specifications drawn to scale.
  - (2) Two (2) copies of a plot plan drawn to scale that reflect the location of the structure in relation to existing property lines and that 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 of the construction is to occur inside an existing structure.
  - (3) An improvement location permit, issued by the division, if required by the ordinance providing for the improvement location permit.
  - (4) Written approval from the Marion County Health and Hospital Corporation for any contemplated private sewage disposal system.
  - (5) Design release from the office of the state building commissioner, in concurrence with the state fire marshal, if required by Indiana law or any rule of the fire prevention and building safety commission.
  - (6) A drainage permit, issued by the division of division, if required by the ordinance providing for a drainage permit.
  - (7) A connection permit, issued by the division, if required by the ordinance requiring a permit for connection to a sewer.
- (c) In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure, such application shall be supported with a written statement from each utility that its service to the premises has been disconnected, and with either a written statement from the record titleholder of such premises authorizing the demolition or removal or a court order or administrative order requiring the demolition or removal of the structure.
- (d) In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure that is in excess of seventy-five (75) feet in height, such application shall be supported by a certificate of insurance reflecting that the obtainer of the building permit has a public liability and property damage insurance policy naming the licensee and the Consolidated City of Indianapolis as the assured and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis in the minimum amounts of one million dollars (\$1,000,000.00) for any occurrence relative to which there is injury to or death of one (1) or more persons and five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is property damage.
- (e) In the instance where a building permit is requested for the purpose of constructing a swimming pool, such application shall include the name of the person responsible for constructing the required fence or safety pool cover.

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- (f) Except as provided in section 536-701 or 536-702, a building permit shall be issued if:
- (1) The application and supporting information required by this section have been properly prepared and submitted;
  - (2) The application and supporting information filed in accordance with this section reflect compliance with building standards and procedures;
  - (3) The fee has been paid in compliance with Article VI of this chapter;
  - (4) The person, partnership or corporation obtaining the building permit complies with the requirements of section 536-202; and
  - (5) The person applying for the building permit complies with the requirements of section 536-202.
- (g) By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant or obtainer shall within ten (10) days provide in writing to the division of construction and business services any additions or corrections to that information.

(G.O. 160, 1994, § 1; G.O. 132, 1995, § 3; G.O. 1, 2002, § 1; G.O. 9, 2005, § 3; G.O. 63, 2009, § 24; G.O. 41, 2016, § 2)

### **Sec. 536-206. Structure requiring professional services of architects or engineers.**

Except for those structures for which the rules of the fire prevention and building safety commission do not require filing of plans for design release by the responsible design architect or engineer, all detailed plans and specifications supplied with building permit applications shall be designed by and prepared under the control and supervision of a registered architect or engineer duly licensed to practice in the State of Indiana. Such professionally prepared plans and specifications shall bear the stamp or seal and registration number of such architect or engineer and shall be accompanied by the usual form of certification which is now or may be hereafter prescribed for use by architects and engineers by the office of the state building commissioner.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1)

### **Sec. 536-207. Scales of plans, numbering of plan sheets, provision of address on plan sheets.**

All plans shall be drawn to scale or scales suitable to illustrate the work using accepted professional practices. Drawing scale or scales must be noted on each sheet. All plans with more than one (1) sheet shall be numbered. Except with respect to Class 2 structures, an index shall be furnished on the first sheet setting forth the character of each sheet in the set of plans. The address appearing on the building permit shall be placed in letters at least one-quarter ( $\frac{1}{4}$ ) inch high on the face of each sheet.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1)

### **Sec. 536-208. Examination of detailed plans and specifications.**

The purpose of any examination of detailed plans and specifications and plot plans shall be to determine consistency with building standards and procedures. Design characteristics not affecting consistency with building standards and procedures shall not be considered in any examination of detailed plans and specifications and plot plans. Issuance of a building permit relative to plans that do not comply with building standards and procedures shall not relieve the person, partnership or corporation who applied for or obtained the building permit of the responsibility of complying with all building standards and procedures. The division of construction and business

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services shall file-mark all acceptable plans "plans received and application approved" and then return one (1) copy of the detailed plans and specifications and one (1) copy of the plot plan to the applicant.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 25; G.O. 41, 2016, § 2)

**Sec. 536-209. Permits obtained by a telephone communication or facsimile machine.**

- (a) The administrator as assigned by the deputy director of the division may, but is not required to, issue a permit on the basis of information received by a telephone call over a specified telephone line in the office of the division of construction and business services (to which may be attached a recording device to make a record of all information supplied) or on the basis of an application submitted by facsimile machine over a specified telephone line in the office of the division.
- (b) To receive a permit on the basis of a telephone communication or facsimile, all of the following requirements must be met:
  - (1) The person, partnership or corporation obtaining the permit and the person applying for the permit are eligible to obtain and apply for a building permit pursuant to section 536-202, and:
    - a. Have accomplished construction in the consolidated city for a period of the preceding twelve (12) calendar months without a violation of building standards or procedures that caused a revocation of a building permit pursuant to section 536-704; issuance of and failure to correct violations cited in a stop-work order pursuant to section 536-705; issuance of an order forbidding occupancy pursuant to section 536-706; initiation of a civil action filed pursuant to section 536-707; forfeiture of a licensing bond pursuant to section 536-708; or a judicially imposed fine or imprisonment pursuant to section 536-709; and
    - b. Have over the period of the previous one hundred eighty (180) days made prompt payment of all building permit fees for permits issued under this chapter;
  - (2) The construction is being accomplished in or on an existing structure;
  - (3) The construction does not involve the demolition or removal of a structure;
  - (4) The construction does not require the issuance of a design release by the office of the state building commissioner;
  - (5) An improvement location permit, issued by the division of construction and business services, is not required;
  - (6) Approval of the Marion County Health and Hospital Corporation for a private sewage disposal system is not required;
  - (7) The construction does not require a drainage permit; and
  - (8) The construction is susceptible to being accurately described without the aid of either a plot plan or detailed plans and specifications.
- (c) The following information shall be supplied over the specified telephone line in order to obtain a building permit under this section 536-209:
  - (1) The name of the person telephoning (applicant);
  - (2) The name, and listing or license number of the contractor in whose name the requested building permit is being issued (obtainer);
  - (3) The address of the construction;
  - (4) A precise description of the construction to be accomplished; and

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- (5) The value of the construction.
- (d) The obtainer of the building permit shall remit fees for the permit and for obtaining the permit by telephone communication or facsimile machine as provided in section 131-501 of the Code, along with a written application (as provided for in section 536-205) to the division of construction and business services within five (5) business days following the date of the permit's issuance by check or money order made payable to the controller of the City of Indianapolis. The permit number shall be clearly marked on the face of the check or money order. Payment shall be made in the office of the division or through the United States Postal Service. If mailed, the postmark on the envelope shall be evidence of compliance with the five-day remittance requirement. If payment is not received within five (5) business days, the permit shall be voidable by order of the administrator. If a permit issued under this section is voided, no further construction shall be accomplished under that permit.
- (e) The building permit obtained in accordance with this section shall be in full force and effect at the time a building permit number is furnished by the division of construction and business services over the telephone line to the applicant. Following the issuance of the building permit in accordance with this section, the division shall, as soon as conveniently possible after the payment of the permit fee, mail a copy of the building permit document to the applicant for the building permit.
- (f) By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant or obtainer shall within ten (10) days provide in writing to the division of construction and business services any additions or corrections to that information.

(G.O. 160, 1994, § 1; G.O. 132, 1995, § 4; G.O. 1, 2002, § 1; G.O. 9, 2005, § 4; G.O. 63, 2009, § 25; G.O. 41, 2016, § 2)

### **Sec. 536-210. Permit and file-marked plans to be available.**

Any person, partnership or corporation to which a building permit has been issued shall prominently display such permit or a document bearing the permit number provided by the division of construction and business services that evidences permit issuance, or, in the instance of a permit obtained by telephone communication, a paper bearing the authorization number, at the job site during construction. If required to submit detailed plans and specifications in order to obtain a building permit such person, partnership or corporation shall have available for inspection at all times a copy of the detailed plans and specifications bearing the file mark of the division. Any change in such detailed plans and specifications, except for minor deviations that neither diminish structural quality nor would cause noncompliance with applicable building standards and procedures, shall be filed with and approved by the division prior to the time construction involving the change occurs.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 25; G.O. 41, 2016, § 2)

### **Sec. 536-211. Transfer of building permits; fee.**

- (a) A building permit may be transferred with the approval of the administrator as assigned by the deputy director of the division of construction and business services to a person, partnership or corporation that would be eligible under section 536-202 to obtain such building permit in the first instance (hereinafter called "transferee"), after both the payment of a fee and the execution and filing of a form furnished by the division. Such transfer form shall contain, in substance, the following certifications, release and agreement:
- (1) The person who obtained the original building permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:

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- a. Certify under penalties for perjury that such person is familiar with construction accomplished pursuant to the building permit; such person is familiar with the building standards and procedures applicable to the construction; and to the best of such person's knowledge, information and belief the construction, to the extent performed, is in conformity with all building standards and procedures; and
  - b. Sign a statement releasing all rights and privileges secured under the building permit to the transferee.
- (2) The transferee shall:
- a. Certify that the transferee is familiar with the information contained in the original building permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original building permit;
  - b. Certify that the transferee is familiar with the present condition of the premises on which construction is to be accomplished pursuant to the building permit; and
  - c. Agree to adopt and be bound by the information contained in the original application for the building permit, the detailed plans and specifications, the plot plan and other documents supporting the original building permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the division for approval.
- (b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of section 536-301 that a certificate of completion and compliance be executed and filed and the requirement of sections 536-402 and 536-403 that further construction not be accomplished without notice of and opportunity for inspection at certain stages) and shall be subject to any written orders issued by the administrator as assigned by the deputy director or his or her authorized representative.
- (c) A permit for construction at a specified location may not be transferred to construction at a different location.
- (d) The fee for transfer of a building permit shall be provided in section 131-501 of the Code.
- (G.O. 160, 1994, § 1; G.O. 132, 1995, § 5; G.O. 168, 1999, § 3; G.O. 1, 2002, § 1; G.O. 41, 2016, § 2)

**Sec. 536-212. Obligation of subsequent obtainer of building permit relative to partially completed work.**

If construction allowed by a building permit has been commenced but only partially completed and a person, partnership or corporation desires to complete such construction, then such person, partnership or corporation must obtain a building permit covering the construction previously accomplished as well as that to be accomplished, shall be responsible for accomplishing all construction encompassed by the subsequent building permit (including that previously accomplished) in accordance with building standards and procedures and shall be obligated to file a certificate of completion and compliance required by section 536-301 or 536-302 covering all the construction encompassed by the subsequent permit.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1)

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**Sec. 536-213. Expiration of building permits by operation of law; extensions.**

- (a) If construction, other than activity involving the removal of all or part of a structure, has not been commenced within one hundred eighty (180) days from the date of issuance of the building permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the administrator as assigned by the deputy director of the division of construction and business services may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances to allow commencement of the construction. In no event shall the extension exceed a period of sixty (60) days.
- (b) If the construction has been commenced but only partially completed, and thereafter substantially no construction occurs on the construction-site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the administrator may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances to allow resumption of construction.
- (c) If construction involving removal of a structure or part of a structure has not been completed within the following time periods, the building permit shall expire by operation of law and shall no longer be of any force or effect:
  - (1) Removal of all or part of a Class 2, thirty (30) days after issuance; and
  - (2) Removal of all or part of a Class 1 structure, sixty (60) days after issuance. Provided, however, the administrator as assigned by the deputy director of the division may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances up to forty-five (45) days in length.
- (d) An extension granted under this section shall be confirmed in writing.

(G.O. 160, 1994, § 1; G.O. 132, 1995, § 6; G.O. 168, 1999, § 5; G.O. 1, 2002, § 1; G.O. 63, 2009, § 26; G.O. 41, 2016, § 2)

**Sec. 536-214. Defacing permit.**

It shall be unlawful for any person, other than an employee of the division of construction and business services, to intentionally remove, deface, obscure, mutilate, mark or sign a posted building permit or a document bearing the permit number provided by the division that evidences permit issuance without authorization from the administrator as assigned by the deputy director of the division or his or her authorized representative, until fifteen (15) calendar days after both the construction is completed and the division is notified of such completion.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 26; G.O. 41, 2016, § 2)

**Sec. 536-215. Notification to assessor about construction of deck.**

- (a) When a deck is constructed, the contractor (or the owner, if a contractor is not doing the work) must either:
  - (1) Secure a building permit; or
  - (2) Send a notice of the construction to the county assessor.
- (b) The notice to the county assessor shall include the following information:
  - (1) The township where the property is located;
  - (2) The address of the property where the deck was constructed;



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- (3) The name of the owner of the property;
  - (4) The approximate size of the deck;
  - (5) The name of the contractor who constructed the deck; and
  - (6) The listing number of the contractor.

The notice shall be provided to the county assessor within thirty (30) days of the time the deck is substantially completed.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1)

**Sec. 536-216. Posting of contractor notification form at work site, notification to division and owners.**

- (a) Prior to the commencement of construction for which a listed contractor is not required to obtain a building permit because of an exemption provided in paragraphs (1), (2) or (3) of subsection (b) of section 536-201, the listed contractor shall complete the notification form prescribed in subsection (b), place the form on the site as specified in subsection (c) and notify the division of construction and business services as specified in subsection (d).
- (b) The form shall be made of a reasonably durable material and shall contain the following information:
  - (1) Listing number assigned to the contractor by the city;
  - (2) Name of contractor;
  - (3) A description of the construction that is exempt from the building permit requirements;
  - (4) Address of the construction;
  - (5) Date when the construction will be initiated;
  - (6) Certification by the contractor or an employee of the contractor that the contractor is listed, has a current bond and insurance, and is the contractor doing the construction at the job site;
  - (7) Verification number, if any, provided by the division of construction and business services to the contractor when notice of the construction was given to the division by the contractor;
  - (8) Signature of the owner (or a responsible person acting for the owner) indicating that the owner is aware that the division of construction and business services will make an inspection of the construction at the request of the owner; and
  - (9) Notice to the owner of the owner's right to request an inspection of the construction within ninety (90) days of completion.

The listing number shall be at least one (1) inch in height. The form shall include a notice indicating how the listing of the contractor can be verified by communicating with the division of construction and business services and how the owner can secure an inspection of the construction by the division of construction and business services. The administrator as assigned by the deputy director of the division shall specify the size, format, text and color of the form.

- (c) The listed contractor shall place a copy of the completed contractor notification form at a prominent location at the work site where it can be easily seen and would be noticed. It is not necessary to post the notification form as required by subsection (a) if a building permit has been secured and is posted at the job site in accordance with section 536-210 of this chapter. The notification shall remain posted until the completion of the construction.

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- (d) The listed contractor shall deliver to the division of construction and business services a copy of the notification form specified in subsection (b).

(G.O. 132, 1995, § 7; G.O. 1, 2002, § 1; G.O. 9, 2005, § 5; G.O. 63, 2009, § 27; G.O. 41, 2016, § 2)

**Sec. 536-217. Notice of change in permit information; amendment of permits and plans.**

- (a) After a permit has been issued, the permittee shall give prompt written notice to the administrator as assigned by the deputy director of the division of construction and business services of any addition to or change in the information contained in the permit application.
- (b) After a permit has been issued, any material deviation or change in the information contained in the permit application, the plans and specifications, or the plot plans shall be considered an amendment subject to approval by the division. Prior to the time construction involving the change occurs, the permittee shall file with the division a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.
- (c) The administrator shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. Reinspection fees or other fees that are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

(G.O. 168, 1999, § 7; G.O. 1, 2002, § 1; G.O. 63, 2009, § 27; G.O. 41, 2016, § 2)

***ARTICLE III. CERTIFICATE OF COMPLETION AND COMPLIANCE<sup>2</sup>***

**Sec. 536-301. Filing of certificate of completion and compliance.**

Within fourteen (14) days after completion of the construction for which a building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the obtainer of the building permit (or an employee of the obtainer who is authorized to act for the obtainer) for such construction shall execute and file a certificate of completion and compliance with the division of construction and business services. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which construction activity was accomplished:

Permit number:

The undersigned person hereby certifies under the penalties for perjury that:

1. I obtained the above referenced building permit or am an employee of the obtainer, and
2. I am familiar with the construction accomplished pursuant to that building permit, and

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<sup>2</sup>Editor's note(s)—G.O. 63, 2009, § 28, passed June 29, 2009, repealed the former Art. III, §§ 536-301—536-303, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter and derived from G.O. 160, 1994, § 1; G.O. 132, 1995, § 8; G.O. 168, 1999, § 9; G.O. 1, 2002, § 1; G.O. 9, 2005, § 6.

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3. I know such construction has been completed with exceptions here noted  
, and
  4. I am familiar with building standards and procedures applicable to such construction, and
  5. To the best of my knowledge, information and belief such construction has been performed in conformity with all building standards and procedures.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Typed or printed name \_\_\_\_\_

Electrical, heating and cooling or wrecking contractor license number, plumbing contractor registration number, contractor listing number, or registered architect or registered engineer registration number:

If a registered architect or registered engineer has properly executed and delivered or mailed an architect's or engineer's certificate of completion and compliance pursuant to section 536-303, he or she shall not be required to file the above certificate of completion and compliance.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

### **Sec. 536-302. Filing of certificate of completion and compliance for work done under a master permit.**

Within fourteen (14) days after the completion of construction for which a master building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the obtainer of the master permit (or an employee of the obtainer authorized to act for the obtainer) shall execute and file a certificate of completion for work done under a master permit with the division of construction and business services. All licensed or registered subcontractors who worked on the structure shall also execute the certificate. Such certificate shall be in the following form:

#### CERTIFICATE OF COMPLETION AND COMPLIANCE FOR WORK DONE UNDER A MASTER PERMIT

Address of premises on which construction was accomplished:

Permit Number:

The undersigned person(s) hereby certify under the penalties for perjury that:

1. I either:
  - (a) Obtained the above referenced building permit (or am an employee of the obtainer); or
  - (b) Am a licensed or registered subcontractor who performed work on the structure; and
2. I am familiar with that part of the construction accomplished pursuant to that building permit that is indicated below; and
3. I know the construction indicated below has been completed with exceptions noted below; and
4. I am familiar with building standards and procedures applicable to such construction; and
5. To the best of my knowledge, information and belief, such construction indicated below has been performed in conformity with all building standards and procedures.

Structural

Listing #

Exception to work done

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Signature

Typed or printed name

Date

Electrical

License #

Exception to work done

Signature

Typed or printed name

Date

Heating and Cooling

License #

Exception to work done

Signature

Typed or printed name

Date

Plumbing

Registration #

Exception to work done

Signature

Typed or printed name

Date

Wrecking

License #

Exception to work done

Signature

Typed or printed name

Date

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

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**Sec. 536-303. Filing of architect's or engineer's certificate of completion and compliance.**

Within fourteen (14) days after the completion of construction for which a building permit was issued pursuant to this chapter and for which review and monitoring of construction by an architect or engineer is required by the rules of the fire prevention and building safety commission, the architect or engineer who observed the construction accomplished pursuant to the permit shall execute and file an architect's or engineer's certificate of completion and compliance with the division of construction and business services in the following form:

ARCHITECT'S AND ENGINEER'S CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of construction:

Permit number:

The undersigned architect or engineer hereby states under penalties for perjury that:

1. I have made reasonable and periodic observation of the above mentioned construction project to determine whether the work accomplished is in accordance with the plans and specifications for this project as released by the Office of the State Building Commissioner and whether the work accomplished is in compliance with rules promulgated by the Indiana Fire Prevention and Building Safety Commission and provisions of Chapter 536 of the Revised Code of the Consolidated City and County, with the following exceptions hereafter noted:
2. I am familiar with such building standards and the provisions of Chapter 536 applicable to the work accomplished; and
3. To the best of my knowledge, information and belief such work has been accomplished in conformity with such building standards promulgated by the Office of the State Building Commissioner and the provisions of Article III of Chapter 536.

Date: \_\_\_\_\_

Signature:

SEAL

Typed name:

Architect No.:

Engineer No.:

Indiana Registration No.:

Address:

Phone number:

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

## **ARTICLE IV. INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES<sup>3</sup>**

### **Sec. 536-401. General authority to make investigations and inspections.**

The administrator as assigned by the deputy director of the division of construction and business services or his or her authorized representative may at any reasonable time go in, upon, around or about the premises where any structure or building equipment subject to the provisions of this chapter or to the rules of the fire prevention and building safety commission is located (irrespective of whether a building permit has been or is required to be obtained) for the purpose of investigation and inspection of such structure or building equipment. Such investigation and inspection may be made either before or after construction on the project is completed for the purposes of determining whether the structure or building equipment meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with a certificate filed pursuant to sections 536-301, 536-302, 536-303 or 536-404(b)(3). All construction shall be subject to periodic inspections, and reasonable efforts to afford an opportunity for investigation and inspection of the structure or building equipment by the division of construction and business services shall be made by persons working on or having control of the construction. However, nothing in this section shall be construed to require the administrator to make inspections and investigations.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

### **Sec. 536-402. Notice of availability for inspection as a condition to the accomplishment of further work.**

- (a) Whenever a stage of construction is reached that is designated below, the person, partnership or corporation that obtained the permit shall be under a duty to give appropriate notice to the administrator as assigned by the deputy director of the division of construction and business services that the construction is available for inspection.
- (b) Relative to the construction of, remodeling of or addition to a structure, notice of availability is required, as applicable, for:
  - (1) A "foundation inspection" after poles or piers are set, trenches or basement areas excavated, any required reinforcing steel is in place, but prior to the placing of concrete; and
  - (2) A "frame and masonry inspection" after the roof, masonry, all framing, firestopping and bracings are in place and all electrical wiring, pipes, chimneys and vents are complete, but prior to the interior covering of walls.
- (c) Relative to the installation, modernization or replacement of building equipment (including but not limited to plumbing work for which licensure is required by the Indiana Plumbing Commission, or work on electrical power distribution systems, heating systems, space heating equipment, cooling systems or space cooling

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<sup>3</sup>Editor's note(s)—G.O. 63, 2009, § 28, passed June 29, 2009, repealed the former Art. IV, §§ 536-401—536-405, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from G.O. 160, 1994, § 1; G.O. 132, 1995, §§ 9, 10; G.O. 1, 2002, § 1; G.O. 9, 2005, § 7; G.O. 109, 2005, § 1.

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equipment), notice of availability for a separate "rough inspection" is required, as applicable, for each of the three (3) crafts after installation, but prior to the covering or concealment thereof and before fixtures are set.

- (d) Relative to demolition or removal of a structure, notice of availability for a "fill inspection" is required (in the instance when a basement or subgrade chamber exists) after demolition or removal and prior to placing fill.
- (e) The administrator or the administrator 's authorized representative may, relative to any construction, add a reasonable number of other construction stages by communicating the additional stage requirements to the person obtaining the building permit for that construction.
- (f) Notice of availability shall be given either by telephone communication over a specified telephone line in the office of the division of construction and business services (to which may be attached a recording device to make a record of all information supplied), by electronic means, by hand-delivered written notice or by a letter delivered by the United States Postal Service.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

### **Sec. 536-403. Requirement that construction remain available for inspection.**

- (a) Whenever a stage of construction designated in section 536-402 is reached, no person shall take any action or accomplish any additional construction that would substantially impede the opportunity of the administrator as assigned by the deputy director or the administrator's authorized representative to inspect that stage of construction for a period of at least forty-eight (48) hours after notice of the availability for inspection has been received during business hours in the division of construction and business services or until after an inspection is made, whichever first occurs; provided, however, if the forty-eight-hour period expires on a Saturday, Sunday, or legal holiday, the construction shall remain available for inspection until 5:00 p.m. on the next regular business day or until after an inspection is made, whichever first occurs. The forty-eight-hour period shall begin to run upon actual receipt of the notice during business hours but shall not run during any day when an inspection attempt by a representative of the division of construction and business services is unsuccessful because the work is not accessible.
- (b) A person, partnership or corporation may, however, pour a foundation two (2) hours after notification is received in the office of the division of construction and business services. If a foundation is so poured, the remainder of the excavation must remain open for a period of forty-eight (48) hours from the time when notice is received and the person, partnership or corporation must assist an inspector in making the excavation available for proper inspection; provided, however, if the forty-eight-hour period expires on a Saturday, Sunday, or legal holiday, the remainder of the excavation shall remain open until 5:00 p.m. on the next regular business day or until after an inspection is made, whichever first occurs.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

### **Sec. 536-404. Connection, provision or use of electrical power.**

- (a) No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power relative to an electrical power distribution system in or on a structure where construction (for which a building permit has been or is required to be obtained pursuant to this chapter) has been accomplished, until after an inspection has been made and a distinctive sticker (signifying the electrical power distribution system may be used) has been attached to each service equipment by the administrator as assigned by the deputy director or the administrator's authorized representative. It shall be unlawful for any person other than the administrator or the administrator's authorized representative to use, complete, apply or alter such sticker.

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- (b) As an alternative to section 536-404(a), the administrator as assigned by the deputy director of the division of construction and business services may allow the connection, provision or use of electrical power on the basis of certification by a person who is a licensed electrical contractor if all of the following requirements are met:
- (1) After the completion of the work and before use of the electrical power distribution system is initiated, the licensed electrical contractor who applied for the building permit shall communicate over a specified telephone line in the office of the division of construction and business services during business hours (to which the division of construction and business services may attach a recording device to make a record of all information supplied) the following information:
    - a. The name of the person telephoning;
    - b. The electrical contractor license number of the person telephoning;
    - c. The address of the affected premises;
    - d. The building permit number under which the construction was accomplished; and
    - e. The serial number of the electrical craft work certificate of compliance form to be used.
  - (2) If such information is in order and if the licensed electrical contractor has accomplished construction for a period of the preceding twelve (12) calendar months without violation of building standards or procedures that in the discretion of the administrator are of sufficient seriousness to make the contractor ineligible to use the certificate, the division of construction and business services shall indicate over the specified telephone line authorization to attach a certificate to each service equipment and assign an authorization number to be placed on each certificate by the licensee.
  - (3) A certificate, in the following form, must then be executed and attached to each service equipment as a precondition to the connection, provision or use of electrical power.

#### ELECTRICAL CRAFT WORK CERTIFICATE OF COMPLIANCE

Address of the craft work:

Serial number:

Permit number:

Authorization number:

The undersigned licensee hereby certifies under the penalties for perjury that:

1. I am an electrical contractor licensed in accordance with Chapter 875 of the Revised Code of Indianapolis-Marion County, Indiana;
2. I am responsible for the proper completion of the construction which is the subject of the above referenced building permit as applicant for the permit or applicant representing the transferee of the permit; and
3. I have either personally accomplished or personally inspected all such construction, or in the alternative, I have caused the construction to be inspected by a responsible and competent employee who works under my direction and control, who has fully reported to me the condition of the construction; and
4. I know that such construction is in condition for immediate connection on the date stated below; and
5. I am familiar with building standards and procedures applicable to such construction; and



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6. I know that such construction has been done in compliance with all building standards and procedures; and
  7. I acknowledge and understand that if such construction is done in violation of building standards and procedures, that under the provisions of Chapter 875 my electrical contractor's license may be suspended or revoked.

Date certificate attached to service equipment:

Signature:

Electrical contractor license number:

Typed or printed name:

After the signatory attaches a certificate to each service equipment, such person shall cause a duplicate copy of each certificate to be either delivered to the division of construction and business services or postmarked no later than the next business day by the United States Postal Service.

- (c) It shall be unlawful for any person, partnership or corporation to accomplish the connection, provision or use of electrical power relative to an electrical power distribution system without first receiving authorization from the division of construction and business services either by telephone communication and attachment of an electrical craft work certificate of completion and compliance or by the distinctive sticker described in section 536-404(a).
- (d) Nothing stated in this section shall be construed to deny the right of the division of construction and business services to inspect the electrical power distribution system to which electrical power is connected either before or after such connection is made or before or after the electrical power distribution system is used.
- (e) Electrical craft work certificates of completion and compliance may be purchased only by a licensed electrical contractor who is eligible to use such forms from the division of construction and business services, for a fee specified in Article VI of this chapter. Each certificate form shall bear a different serialized number that shall be recorded by the division along with the name and licensure number of the electrical contractor who purchases the form. The certificate may only be signed and attached by the licensed electrical contractor who purchased it from the division. It shall be unlawful to sell or transfer such certificate and unlawful to use, complete, sign or attach such a certificate except as prescribed in this section.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

### **Sec. 536-405. Inspection of Class 2 structures at request of owner.**

An owner of a Class 2 structure or a contract purchaser of such a structure who occupies the structure may request the division of construction and business services to inspect construction that has been completed within the preceding ninety (90) days on that structure. The request may be made irrespective of whether a building permit was required, or if required, whether a permit was obtained. The division of construction and business services shall accomplish an inspection if reasonably practicable. The person requesting the inspection must be willing to be present during the inspection. No charge shall be made for the inspection.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

**ARTICLE V. INSPECTION OF EXISTING STRUCTURES AND BUILDING EQUIPMENT  
CONTAINED THEREIN; SPECIAL STRUCTURES<sup>4</sup>**

**Sec. 536-501. Inspection of existing public, institutional, commercial and industrial structures and building equipment contained therein.**

The administrator as assigned by the deputy director of the division of construction and business services or his or her authorized representative may inspect public school buildings, public assembly halls, churches, theaters, grandstands, buildings used for manufacturing or commercial purposes, hotels, motels, apartment houses, hospitals, nursing homes, buildings used for entertainment or amusement, and all other structures that are used, occupied or frequented by large numbers of people for the purpose of determining whether such structures and the building equipment related to such structures are safe and comply with applicable building standards and procedures.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

**Sec. 536-502. Inspection of dangerous structures.**

The administrator as assigned by the deputy director of the division of construction and business services or his or her authorized representative may inspect any structure or building equipment reported or appearing to be defective, dangerous or damaged by fire, casualty or vandalism for the purpose of determining whether such structure or building equipment is safe and complies with applicable building standards and procedures.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

**Sec. 536-503. Inspection of premises on which municipally licensed activities are to be carried out.**

The administrator as assigned by the deputy director of the division of construction and business services or his or her authorized representative may inspect the structure and building equipment on any premises that are being used or may be used in connection with a business operation licensed pursuant to Title IV of this Code. Such inspection shall be made for the purpose of determining whether such structure and building equipment are safe and comply with applicable building standards and procedures. Fees as provided in section 131-501 of the Code shall be paid for the original building and fire inspections and each annual building and fire reinspections by the person, partnership or corporation that made application to the division of construction and business services for licensure of such business operation. The division of construction and business services shall cause any fees collected under this section to be deposited into an account for the use and benefit of the department of business and neighborhood services.

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<sup>4</sup>Editor's note(s)—G.O. 63, 2009, § 28, passed June 29, 2009, repealed the former Art. V, §§ 536-501—536-503, and enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter and derived from G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 9, 2005, § 8.

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(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

## **ARTICLE VI. FEES<sup>5</sup>**

### **Sec. 536-601. Payment of fees; determination of floor area.**

- (a) Fees required for activities regulated by this chapter shall be collected by the administrator as assigned by the deputy director of the division of construction and business services and are specified in the following sections.
- (b) For fees that are calculated on the basis of floor area, floor area shall be determined on the basis of exterior dimensions.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

### **Sec. 536-602. Permit fee for construction, placement or additions to structures.**

The permit fee for construction or placement of, or additions to:

- (1) A primary Class 2 structure or an accessory Class 2 structure appurtenant to a primary Class 2 structure; or
- (2) A Class 1 structure;

shall be provided in section 131-501 of the Code.

(G.O. 63, 2009, § 28)

### **Sec. 536-603. Permit fee for remodeling, alteration, or repair of structures.**

- (a) The permit fee for remodeling, alteration, or repair of Class 2 structures shall be provided in section 131-501 of the Code; provided, however, that when remodeling, alteration, or repair of a Class 2 structure is accomplished at the same time as an addition to an existing structure, a single permit fee shall be determined according to section 536-602.
- (b) The permit fee for remodeling, alteration, or repair of Class 1 structures shall be provided in section 131-501 of the Code.

(G.O. 63, 2009, § 28)

### **Sec. 536-604. Permit fee for plumbing activity.**

- (a) The permit fees for the following plumbing activity shall be provided in section 131-501 of the Code:

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<sup>5</sup>Editor's note(s)—G.O. 63, 2009, § 28, passed June 29, 2009, repealed the former Art. VI, §§ 536-601—536-620, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from G.O. 160, 1994, § 1; G.O. 132, 1995, §§ 11, 12; G.O. 81, 1997, § 2; G.O. 168, 1999, §§ 4, 6, 8, 10, 11; G.O. 1, 2002, § 1; G.O. 87, 2004, § 2; G.O. 89, 2004, §§ 1, 2; G.O. 9, 2005, §§ 5, 8—10, 12—14; G.O. 109, 2005, §§ 2—4.

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- (1) Installation of a plumbing fixture in a new structure or in an addition to an existing Class 1 structure;
  - (2) Alteration, repair or replacement of plumbing in an existing structure or in an addition to an existing Class 2 structure;
  - (3) Initial connection or reconnection of plumbing to a structure that has been removed from one (1) location and is being placed at another location or to a factory constructed building; and
  - (4) Plumbing activity limited solely to replacement or installation of one (1) or more water heaters in a structure.
- (b) A permit may encompass plumbing activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems in the structure. Notwithstanding the provisions of this section or of section 131-501 of the Code, the amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

(G.O. 63, 2009, § 28; G.O. 25, 2010, § 6)

Editor's note(s)—G.O. 25, § 42, passed June 7, 2010, shall be in effect from and after (a) its passage by the Council and compliance with IC § 36-3-4-14 or (b) August 1, 2010, whichever last occurs.

### **Sec. 536-605. Permit fee for electrical activity.**

- (a) The permit fees for the following electrical activity shall be provided in section 131-501 of the Code:
- (1) Installation of an electrical power distribution system in a new structure or in an addition to an existing structure other than a Class 2 structure;
  - (2) Repair, alteration or remodeling of an electrical power distribution system in an existing structure, or in an addition to a Class 2 structure;
  - (3) Installation or replacement of space heating equipment using electricity as its primary source of energy;
  - (4) Installation or replacement of space cooling equipment using electricity as its primary source of energy;
  - (5) Installation or replacement of combined space heating and space cooling equipment using electricity as their primary source of energy;
  - (6) Initial connection or reconnection of electrical power to a structure that has been removed from one (1) location and is being placed at another location or to a factory constructed building;
  - (7) Installation, alteration, replacement or repair of a system distributing electrical power to service equipment supplying power to manufactured home located in a manufactured home park; and
  - (8) Obtaining each "electrical craft work certificate of compliance" form, as allowed in subsection 536-404(b).
- (b) A permit may encompass electrical activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems or equipment units in the structure. Notwithstanding the provisions of this section or of section 131-501 of the Code, the amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

(G.O. 63, 2009, § 28)

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**Sec. 536-606. Permit fee for heating, cooling and refrigeration activity.**

- (a) The permit fees for the following heating, cooling and refrigeration activity shall be provided in section 131-501 of the Code:
- (1) Installation, replacement, or addition of a heating system, space heating equipment or other types of heating transfer, or installation, replacement, alteration, or addition of duct work only;
  - (2) Installation, addition or replacement of a cooling system, space cooling equipment, or other types of cooling transfer, or installation, replacement, alteration, or addition to duct work only;
  - (3) Installation, replacement, or addition of combined heating systems and cooling systems, combined space heating equipment and space cooling equipment, or other types of heating or cooling transfer, or installation, replacement, alteration, or addition of duct work only; and
  - (4) Refrigeration equipment.
- (b) A permit may encompass heating, cooling and refrigeration activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems or equipment units in the structure. Notwithstanding the provisions of this section or of section 131-501 of the Code, the amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

(G.O. 63, 2009, § 28)

**Sec. 536-607. Permit fee for demolition or removal of structures.**

The permit fees for demolition or removal of:

- (1) Primary Class 2 structures or any accessory Class 2 structure;
- (2) Class 1 structures; and
- (3) Smokestacks, aboveground storage tanks, overhead hoppers, or other similar structures;

shall be provided in section 131-501 of the Code.

(G.O. 63, 2009, § 28)

**Sec. 536-608. Fee for master permit.**

The fee for the master permit shall be the sum of the fees (calculated according to sections 536-602, 536-603, 536-604, 536-605, 536-606, 536-607 and 131-501) for the structural and craft work for which the master permit is issued.

(G.O. 63, 2009, § 28)

**Sec. 536-609. Administrative fee.**

- (a) To compensate the department of business and neighborhood services for the administrative expenses incurred by its divisions as listed in this section, a fee provided in section 131-501 of the Code may be assessed at the discretion of the deputy director in charge of the division of construction and business services (in accordance with a written policy established by the deputy director) against a person, partnership, or corporation relative to construction for which the person, partnership, or corporation has obtained a building permit, and:

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- (1) Notice was not given that construction was available for inspection within the time period required by section 536-402 and the construction is no longer available for inspection;
  - (2) Notice was given pursuant to section 536-402 that construction was available for inspection, and:
    - a. The construction could not be found because the construction address provided on the permit application was incorrect;
    - b. The construction was not accessible when the inspector attempted to make the requested inspection at the time agreed upon for the inspection (or if no time was agreed upon, between 8:00 a.m. and 5:00 p.m. Monday through Friday on a day that is not a holiday);
    - c. The construction was not yet sufficiently completed for an inspection to be made; or
    - d. The construction was covered or otherwise concealed and therefore not available for inspection;
  - (3) A notice of correction was issued to the person, partnership, or corporation and either no response from the person, partnership, or corporation was made within the time specified for reinspection or the person, partnership; or corporation requested reinspection of corrections and the corrections were not properly completed; or
  - (4) A certificate required by section 536-301, 536-302, 536-303 or 536-404 was not filed within the time period required by those sections.
- (b) To compensate the department of business and neighborhood services for the administrative expenses incurred by its divisions as listed in this section, a fee provided in section 131-501 of the Code may be assessed at the discretion of the deputy director in charge of the division of construction and business services of the department of business and neighborhood services (in accordance with a written policy established by the deputy director), as follows:
- (1) Against a person, partnership, or corporation when an inspection reveals that construction has started or is completed that requires a permit and that a permit was not obtained prior to the time of inspection;
  - (2) Against a contractor when an inspection reveals that construction has started or is completed that requires notification under section 536-216 and notification was not obtained and posted prior to the time of inspection;
  - (3) Against a person, partnership, or corporation relative to construction for which a building permit is not required when an inspection visit to the construction address is needed because the inspector receives information that there exists a substantive violation of the building standards and procedures, resulting in the issuance of a notice of correction;
  - (4) If a certificate required by section 536-301, 536-302, 536-303 or 536-404 was not filed with the division of construction and business services, the permit has expired for a period of more than thirty (30) days, and a request for renewal of the permit provided for in section 536-616 was not requested prior to the issuance of the administrative fee; and
  - (5) Against a person, partnership, or corporation relative to zoning violations when any subsequent inspection visit to the address is needed because a violation has not been corrected and a notice of violation or citation has been issued.
- (c) The chief financial officer in charge of the division of administrative and financial operations of the department of business and neighborhood services, or his or her designee, may, at his or her discretion, waive all or any part of an administrative fee assessed under this section when such fee was assessed in error or when mitigating circumstances indicate the appropriateness of waiving all or part of the reinspection fee.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

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**Sec. 536-610. Permit fee for general service activity.**

The permit fees for the replacement or installation of plumbing, electrical, and/or heating, cooling, or refrigeration parts, fixtures, or systems that:

- (a) Are of the same or similar type not otherwise exempted in section 536-201;
- (b) Do not cause such existing system, fixture, structure, or ductwork to exceed its existing size, strength, capacity or performance;
- (c) Do not require the submission of plans for review by the department;
- (d) Do not require design release by the state of Indiana pursuant to IC 22-15-3;
- (e) Do not require class 1 plan review; and
- (f) Do not typically require more than one (1) inspection by the department prior to completion;

shall be provided in section 131-501 of the Code.

(G.O. 25, 2010, § 7)

Editor's note(s)—G.O. 25, § 42, passed June 7, 2010, shall be in effect from and after (a) its passage by the Council and compliance with IC § 36-3-4-14 or (b) August 1, 2010, whichever last occurs.

**Sec. 536-611. Reserved.**

**Sec. 536-612. Fee for construction not specifically defined above.**

If construction should not be adequately specified by above sections of this Article VI, the general permit or inspection fee shall be provided in section 131-501 or section 131-502 of the Code.

(G.O. 63, 2009, § 28)

**Sec. 536-613. Fee exemption relative to construction accomplished by or for a governmental unit.**

Permits, as required by section 536-201, shall be obtained for construction in the city accomplished by or for a governmental unit, and inspections as specified by this chapter relative to such construction shall be allowed. Fees shall be required as specified in this article, except for the following:

- (1) Construction for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Construction accomplished by a unit of local government, or by its employee or contractor in the course of such employee's or contractor's performance of duties for a unit of local government.

(G.O. 63, 2009, § 28)

**Sec. 536-614. Reserved.**

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**Sec. 536-615. Fee for amendment of permit or plans.**

If an amendment of a building permit that requires submittal of additional plans, but does not cause the building permit fee to increase, the fee shall be provided in section 131-501 of the Code.

(G.O. 63, 2009, § 28)

**Sec. 536-616. Fee for renewal after expiration.**

The fee for renewal of a building permit shall be provided in section 131-501 of the Code.

(G.O. 63, 2009, § 28)

**Sec. 536-617. Fee for accelerated inspection option.**

The deputy director of the division of construction and business services may institute an accelerated inspection option for contractors who want to secure, quickly and within a definite time period, an inspection of construction for which they have secured a building permit. The deputy director shall make known the hours during which the accelerated inspection option is available and the time within which an inspection will be made under the option. The fees for the accelerated inspection option shall be provided in section 131-502 of the Code.

The division of construction and business services may not require that contractors use the accelerated inspection to secure needed inspections.

(G.O. 63, 2009, § 28; G.O. 41, 2016, § 2)

**Sec. 536-618. Refund of fees.**

A permit fee paid under this chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued to the person, partnership or corporation requesting the refund and was in force at the time the second permit was applied for and issued.

(G.O. 63, 2009, § 28)

**Sec. 536-619. Application fees.**

A non-refundable application fee provided in section 131-501 of the Code shall be paid in association with all demolition, master, sign, structural, and infrastructure related permits, for services rendered regardless of the issuance of a permit.

(G.O. 63, 2009, § 28)

**Sec. 536-620. Fees for plan review.**

A non-refundable fee is due upon submission of an application for services rendered in the review of plans, regardless of whether a permit is ultimately issued. The fee shall be determined as provided in section 131-501 of the Code.

(G.O. 63, 2009, § 28)



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**Sec. 536-621. Green building certification discount.**

To encourage the development of certified green building projects, the board of business and neighborhood services is authorized to adopt regulations for the purpose of creating and implementing a policy discounting or offering rebates for permits issued under this chapter for certified green building projects. Such discount or rebate shall not exceed fifty (50) percent of the total cost of each permit issued. Any such policy or program developed by the director shall expire no later than December 31, 2011.

(G.O. 25, 2010, § 8; G.O. 41, 2016, § 2)

Editor's note(s)—G.O. 25, § 42, passed June 7, 2010, shall be in effect from and after (a) its passage by the Council and compliance with IC § 36-3-4-14 or (b) August 1, 2010, whichever last occurs.

***ARTICLE VII. PENALTIES***

**Sec. 536-701. Failure to file a proper certificate of completion and compliance.**

Any person, partnership or corporation that, being required to do so, fails to file with the division of construction and business services a certificate of completion and compliance in accordance with section 536-301, 536-302, 536-303, or 536-404(b)(3) of this chapter or that files a certificate of completion and compliance that is false in a material respect shall not be eligible to subsequently obtain a building permit until a proper certificate of completion and compliance is filed. This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 29; G.O. 41, 2016, § 2)

**Sec. 536-702. Authority to withhold issuance of permits.**

- (a) The administrator as assigned by the deputy director of the division of construction and business services may withhold the issuance of a building permit when the person, partnership or corporation that is either the applicant for or obtainer of a building permit:
  - (1) Owes fees (including checks returned for insufficient funds, permit fees owed pursuant to section 536-209 or administrative fees owed pursuant to section 536-609) to the division of construction and business services pursuant to this chapter;
  - (2) Has failed to maintain the bond and insurance requirements of Chapter 875;
  - (3) Has failed to notify the division of a change of business address; or
  - (4) Has failed to attend a general contractors' orientation as required by section 875-107.
- (b) The administrator as assigned by the deputy director of the division may withhold the issuance of a building permit when the partnership or corporation that is either the applicant for or obtainer of a building permit fails to have at least one general partner (who is a person) or employee of a partnership or at least one (1) officer or employee of a corporation who holds a license of the appropriate type issued pursuant to Articles II, III, or IV of Chapter 875.

(G.O. 160, 1994, § 1; G.O. 132, 1995, § 13; G.O. 1, 2002, § 1; G.O. 9, 2005, § 15; G.O. 63, 2009, § 29; G.O. 41, 2016, § 2)

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### **Sec. 536-703. Reserved.**

Editor's note(s)—G.O. 168, 1999, § 2, passed by the city-county council on Dec. 13, 1999, repealed § 536-703, which pertained to fees for permits obtained after commencement of work. See the Code Comparative Table.

### **Sec. 536-704. Revocation of permits.**

The administrator as assigned by the deputy director of the division of construction and business services may revoke a building permit when:

- (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact;
- (2) The application, plans or supporting documents reflect a lack of compliance with building standards and procedures;
- (3) There is a failure to comply with the requirements of section 536-202, 536-205, or 536-209;
- (4) The contractor has failed to maintain the surety bond or insurance required as a condition to his or her licensure or listing;
- (5) The contractor has failed to maintain the insurance required by section 536-205 as a prerequisite for obtaining a building permit for the demolition or removal of a structure in excess of seventy-five (75) feet in height; or
- (6) The structure for which a building permit has been issued is not being used or constructed in conformance with provisions of an applicable zoning ordinance or other ordinance relating to land use.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 30; G.O. 41, 2016, § 2)

### **Sec. 536-705. Stop-work order.**

Whenever the administrator as assigned by the deputy director of the division of construction and business services or the administrator's authorized representative discovers the existence of any of the circumstances listed below, he or she is empowered to issue an order requiring the suspension of the pertinent construction. The stop-work order shall be in writing and shall state to which construction it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his or her agent. The stop-work order shall state the conditions under which construction may be resumed.

- (1) Construction is proceeding in an unsafe manner, including, by way of example and not of limitation, in violation of any standard set forth in this chapter or any state rule pertaining to safety during construction;
- (2) Construction is occurring in violation of building standards and procedures or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation;
- (3) Construction has been accomplished in violation of building standards and procedures and a period of time that is one-half (½) the time period in which construction could be completed, but no longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was either

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posted on the property in a conspicuous place or given to the person doing the construction, without the violation or noncompliance being corrected;

- (4) Construction for which a building permit is required is proceeding without a building permit being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required building permit is obtained;
- (5) Construction for which a building permit was issued more than thirty (30) days earlier is proceeding without there being in force applicable permits and approvals required by governmental units (including, but not limited to, Indianapolis metropolitan police department, Indianapolis fire department, department of code enforcement, department of public works, Health and Hospital Corporation of Marion County, state department of health, state department of natural resources, state highway department) for compliance with standards for air quality, drainage, flood control, fire safety, vehicular access, and waste treatment and disposal on the real estate on which the structure is located; in such an instance, the stop-work order shall indicate that the order is applicable to all construction allowed by the building permit and that the effect of the order terminates if the required permits and approvals are obtained; or
- (6) Construction is occurring for which a certificate of appropriateness from the Indianapolis Historic Preservation Commission is required pursuant to IC 18-4-22-1 et seq., without a certificate of appropriateness being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required certificate of appropriateness is obtained.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

(G.O. 160, 1994, § 1; G.O. 15, 2001, § 50; G.O. 1, 2002, § 1; G.O. 63, 2009, § 30; G.O. 33, 2016, § 2; G.O. 41, 2016, § 2)

### **Sec. 536-706. Order forbidding occupancy.**

- (a) The administrator as assigned by the deputy director of the division of construction and business services or the administrator's authorized representative is empowered to issue an order forbidding the occupancy of any structure or part of any structure if construction on the structure or applicable part of the structure is not yet completed or has occurred in violation of applicable building standards and procedures.
- (b) The order forbidding occupancy shall be in writing specifying whether it is applicable to the entire structure or to only a part of the structure, and shall state the reason for its issuance. The order forbidding occupancy shall be posted on the structure in a conspicuous place and, if conveniently possible, shall be given to the owner of the property or his or her agent and to any person doing work on the premises. The order forbidding occupancy shall state the conditions under which the structure or part of the structure may be occupied.
- (c) This sanction shall in no way limit the operation of penalties provided elsewhere in the chapter.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 63, 2009, § 30; G.O. 41, 2016, § 2)

### **Sec. 536-707. Civil action.**

The Consolidated City of Indianapolis may initiate a civil action in a court of competent jurisdiction to restrain any person, partnership or corporation from violating a provision of this chapter, Chapter 875 or any building standard or procedure. The purposes for which injunctive relief may be obtained shall include, but not be limited to:

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- (1) Preventing a person, partnership or corporation which is not licensed as an electrical contractor, heating and cooling contractor or wrecking contractor, is not a registered plumbing contractor or is not a listed contractor from engaging in construction for which such licensure, registration or listing is required by Chapter 875; or
  - (2) Enforcing the provisions of a stop-work order issued pursuant to section 536-705; or
  - (3) Enforcing the provisions of an order forbidding occupancy issued pursuant to section 536-706; or
  - (4) Preventing work in violation of a building standard or procedure; or
  - (5) Requiring the reconstruction of any structure or building equipment, or part thereof, which was constructed in violation of building standards or procedures.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter or Chapter 875.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1)

### **Sec. 536-708. Securing payment of bonds and drawing against letters of credit.**

- (a) Recovery of funds upon a surety bond obligation or letter of credit may be made by asserting a claim against the surety or financial institution or by initiating an action in a court of competent jurisdiction.
  - (1) A claim may be asserted by providing written notice of the claim to the surety or financial institution. The written notice must be provided within one (1) year of the date when the work occurred which gave rise to the claim or, in the instance when a fee is not paid, one (1) year from the date when the fee was first due and owing.
  - (2) Court actions may be initiated as follows:
    - a. The corporation counsel of the Consolidated City of Indianapolis may initiate an action in a court of competent jurisdiction to recover funds upon a bond obligation or a letter of credit:
      1. To declare a forfeiture on the bond or letter of credit in an amount to be determined by the court up to ten thousand dollars (\$10,000.00) whenever any listing or license issued pursuant to this chapter or Chapter 875 is suspended or revoked; or
      2. To indemnify the Consolidated City of Indianapolis against any loss, damage or expense for damages to property of the city caused by an action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Revised Code, which requirements must be met to properly carry out construction, a land alteration (as defined in section 561-109 of this Code), sewer work (as defined in section 671-1 of this Code) or driveway work (as defined in section 645-421 of this Code) while engaged in any construction, land alteration, sewer work or driveway work; or excavation work as defined in section 645-431 of this Code;
      3. To secure payment of any fees owed to the Consolidated City of Indianapolis pursuant to this chapter, Chapter 875, Chapter 561 of this Code, section 671-22 of this Code or sections 645-421 through 645-443 of this Code which have become delinquent, after reasonable notice has been given to the contractor of the delinquency.
    - b. A person, partnership or corporation which holds a property interest in the real estate on which construction, a land alteration, sewer work, driveway work or excavation work has occurred may initiate an action in a court of competent jurisdiction against the bond or letter of credit for losses arising out of and expenses necessary to correct violations of requirements of state

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statute, city regulation or this Revised Code which must be met to properly carry out construction, a land alteration, sewer work or driveway work, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers, after written notice of the Code deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also recover, as part of the judgement, court costs and attorneys' fees based on actual time expended determined by the court to have been reasonably incurred by the plaintiff in connection with the commencement and prosecution of such action, unless the court in its discretion shall determine that an award of court costs and attorneys' fees would be inappropriate.

- (b) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of state statute, city regulation or this Revised Code, which requirements must be met to properly carry out construction, a land alteration, sewer work, driveway work or excavation.
- (c) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit unless either written notice of the claim is given to the surety or financial institution or a court action has been initiated within one (1) year of the date when the work occurred that gave rise to the claim or in the instance when a fee is not paid, one (1) year from the date when the fee was first due and owing. This paragraph shall not be construed to limit the time allowed by state law for the filing of court actions.
- (d) If payment is made on a bond or if a letter of credit is drawn against, such bond or letter of credit shall be deemed to not meet the requirements of sections 875-109, 875-216, 875-315 or 875-415. In order to meet the requirements of sections 875-109, 875-216, 875-315 or 875-415, the person, partnership or corporation shall secure a new bond or letter of credit or replenish the bond or letter of credit so that it reflects an obligation in the full amount required for listing or licensure by sections 875-109, 875-216, 875-315 or 875-415.

(G.O. 160, 1994, § 1; G.O. 132, 1995, § 14; G.O. 1, 2002, § 1)

### **Sec. 536-709. General penalty.**

Any person, partnership or corporation violating any provision of this chapter or any building standard or procedure may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500.00). This penalty shall in no way limit the operation of special penalties for specific provisions of this chapter, nor shall such special penalties in any way limit the operation of this general penalty.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1; G.O. 25, 2010, § 9)

Editor's note(s)—G.O. 25, § 42, passed June 7, 2010, shall be in effect from and after (a) its passage by the Council and compliance with IC § 36-3-4-14 or (b) August 1, 2010, whichever last occurs.

### **Sec. 536-710. Metropolitan development commission penalty guidelines.**

The metropolitan development commission may establish guidelines establishing recommended civil penalties for various violations of this chapter and Chapter 875.

(G.O. 160, 1994, § 1; G.O. 1, 2002, § 1)

## **ARTICLE VIII. MINIMUM CONSTRUCTION STANDARDS**

### **DIVISION 1. GENERALLY**

#### **Sec. 536-801. Minimum standards for structures and building equipment.**

- (a) Building rules of the state fire prevention and building safety commission as set out in the following articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this chapter and shall include later amendments to those articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:
- (1) Article 13—Building Codes:
    - a. Fire and Building Safety Standards; and
    - b. Indiana Building Code;
  - (2) Article 14—Indiana Residential Code (formerly known as the Indiana One and Two-family Dwelling Code);
  - (3) Article 16—Indiana Plumbing Codes;
  - (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 Indiana Swimming Pool Code; and
  - (8) Article 22—Indiana Fire Code.
- (b) Copies of adopted building rules, codes and standards are on file in the office of the division of construction and business services.
- (c) The appeal of any decision concerning the rules incorporated under subsection (a) of this section shall lie first with the director, department of business and neighborhood services, and to the fire prevention and building safety commission as provided by IC 22-13-2-7.
- (d) Any variance of a rule adopted herein may be granted only by the fire prevention and building safety commission under IC 22-13-2-11.

(Code 1975, § 8-120; G.O. 1, 2002, § 1; G.O. 63, 2009, § 31; G.O. 41, 2016, § 2)

#### **Sec. 536-802. Required installation of food waste disposer.**

An electrically driven grinder capable of reducing garbage so that it can be accommodated by the sewerage facilities of the CWA Authority shall be installed in the following dwelling units, if such dwelling units have in place or available to them a connection to the sewerage facilities of the CWA Authority:

- (1) Every newly constructed dwelling unit containing a kitchen; and
- (2) Every dwelling unit in which a kitchen is added; and

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- (3) Every dwelling unit where construction of a value in excess of two thousand dollars (\$2,000.00), for which a building permit is required, is accomplished on a kitchen; and
  - (4) Every dwelling unit where construction of a value in excess of five hundred dollars (\$500.00), for which a building permit is required, is accomplished on the plumbing system of a kitchen.

(Code 1975, § 8-121; G.O. 1, 2002, § 1; G.O. 36, 2011, § 20)

## *DIVISION 2. CONDITION OF PREMISES DURING CONSTRUCTION; DEMOLITION OR REMOVAL OF STRUCTURES<sup>6</sup>*

### **Sec. 536-821. Public property; walkways; dust control.**

Any person, partnership or corporation carrying out construction shall comply with the following requirements:

- (1) The use of public property shall meet the requirements of the governmental unit having jurisdiction. Building equipment and materials shall not be placed or stored on public property so as to obstruct free and convenient access to and functioning of any fire hydrant, fire or police call box, utility device, manhole, street, alley or gutter. A protective frame shall be provided for any fire hydrant, fire or police call box or utility device that might be damaged by construction. Bridges or covers shall be provided for sidewalks and manholes that might be damaged by construction.
- (2) A walkway shall be constructed and maintained on the sidewalk and alley around the site of construction involving the erection, construction, major alteration or razing of any structure (except signs, grandstands, tents, air-supported structures) that has an initial or ultimate height in excess of fifteen (15) feet and that is located (or any part of an excavation more than eight (8) feet in depth relative to such construction is located) within twenty (20) feet of the lot line, sidewalk or street (whichever is closer to such structure or excavation); provided, however, that the administrator as assigned by the deputy director of the division of construction and business services has the discretion to waive the requirement of placing the walkway on a showing that omission of the walkway will not significantly increase the possibility of injury to persons or damage to property as a result of construction on the site. The walkway may be placed further from the site on a sidewalk or within a street or alley if the governmental unit having jurisdiction gives appropriate authorization. Such walkway shall be equipped with suitable lighting devices and illumination shall be provided in the walkway at all times. Such walkway shall at all times be maintained in a clean and sanitary condition and shall be kept free from rubbish, litter and advertising display and shall be provided with suitable solid inclined approaches. Such walkway shall be not less than four (4) feet in width and shall have a durable wearing surface capable of supporting a live load of two hundred (200) pounds per square foot, be provided with a fence along the construction side, a railing along the street side and a full roof above, so as to afford maximum protection to pedestrians. The protective fence shall be no less than eight (8) feet high above the grade and be constructed from three-quarter-inch boards or plywood laid tightly together and securely fastened to four-inch uprights, set not over four (4) feet apart, with two-inch by six-inch bracing and girts. The posts shall be securely set and braced to prevent buckling and overturning. Openings in the fence shall be protected by doors that are normally kept closed. The protective railings shall be substantially built and when of wood shall be constructed of new material

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<sup>6</sup>Editor's note(s)—G.O. 1, 2002, § 1, adopted by the city-county council on Jan. 28, 2002 amended the title of Div. 2 to read as herein set out. Formerly, said title pertained to similar subject matter.

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having a nominal size of at least two (2) inches by four (4) inches. Railings shall be at least four (4) feet in height, and when adjacent to the excavation shall be provided with a midrail. The protective roof shall have a clear height of eight (8) feet above the walkway. The roof shall be tightly sheathed. The sheathing shall be two-inch nominal wood planking or equal. Such walkways shall be maintained in place and kept in good condition for the length of time construction continues, after which it shall be removed within thirty (30) days.

- (3) Emission of excessive dust or particulate matter shall not occur in the course of construction. A sufficient supply of water shall be available at the site of construction in case it may be needed to put out a small fire or settle dust.

(Code 1975, § 8-130; G.O. 1, 2002, § 1; G.O. 9, 2005, § 16; G.O. 63, 2009, § 32; G.O. 41, 2016, § 2)

### **Sec. 536-822. Removing structures.**

Any person, partnership or corporation carrying out the demolishing, dismantling, dismembering, razing or removing a structure shall in addition to the requirements of section 536-821 comply with the following requirements:

- (1) The administrator as assigned by the deputy director of the division of construction and business services or his or her authorized representative may, if reasonably necessary to insure public safety, require the licensed wrecking contractor to submit plans and a complete schedule for demolition. Where such are required, no work shall be accomplished until such plans and schedule are approved by the administrator as assigned by the deputy director of the division of construction and business services, or his or her authorized representative.
- (2) Blasting and use of explosives shall be accomplished only by a person who has obtained a blasting permit pursuant to the requirements of this Code and by special permission of and under the supervision of the administrator as assigned by the deputy director of the division of construction and business services, the fire prevention bureau of the appropriate jurisdiction, and the division of air pollution control.
- (3) No open fires or other sources of flame except necessary cutting torches are permitted on the inside of the structure that is being wrecked, or in close proximity to flammable materials located outside of the structure, and every reasonable precaution shall be taken to prevent the possibility of fire.
- (4) Suitable provisions shall be made for the disposal of materials that are accumulated during the wrecking of a structure.
- (5) The buildings, foundations, curbs, sidewalks, concrete or asphalt drives and all appurtenances shall be removed to one (1) foot below the ground line or one (1) foot below subgrade elevation, whichever of the two (2) is lower. Such removal shall also include the removal and disposal of buried or exposed tanks. Concrete slabs, under which a basement, pit, well or cistern exists, shall be broken and removed.
- (6) If a sanitary sewer connection exists, the sewer lateral shall be capped in the manner prescribed by CWA Authority.
- (7) All rubbish and debris including any goods, merchandise, commodities, products or materials of any kind that may have been stored within the structure being wrecked or on such property shall be removed or cleaned away, the ground leveled off, and the premises put in a clean and sanitary condition; provided, however, that if such property is properly fenced and the erection of a new structure is to be commenced within ninety (90) days, the ground need not be leveled until all such work on the premises is completed.



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- (8) Material used for fill or grading shall be only material that can be properly compacted in order to avoid future settlement of filled-in earth or the structure erected over such fill. No pieces of stone, lumber, boards or other material that due to their size or character would prevent proper compaction or would cause later settlement of the surface shall be used in such fill.
  - (9) Where a structure is wrecked and an excavation that at any point is eight (8) or more feet below grade level is left unfilled, the fence portion of the walkway required by section 536-821(2) shall remain at the site; provided, however, that the administrator as assigned by the deputy director of the division of construction and business services may approve a fence that does not meet the standards of section 536-821(2) so long as it is sufficient to prevent persons, especially children, from falling into the excavation.

(Code 1975, § 8-131; G.O. 1, 2002, § 1; G.O. 9, 2005, § 16; G.O. 63, 2009, § 32; G.O. 41, 2016, § 2)

**Sec. 536-823. Electrical power for on-site construction.**

- (a) No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power for on-site construction until after a statement of acceptable condition for temporary on-site electrical power has been attached to the temporary service equipment. Such statement shall be in the following form:

STATEMENT OF ACCEPTABLE CONDITIONS FOR TEMPORARY ON-SITE ELECTRICAL POWER

Address of temporary service equipment:

The undersigned licensee hereby certifies under the penalties for perjury that:

- 1. I am an electrical contractor licensed in accordance with Chapter 875 of the Revised Code of Indianapolis-Marion County, Indiana; and
- 2. I have either personally accomplished or personally inspected all the above referenced electrical work accomplished in connection with the installation of the temporary service equipment, or in the alternative, I have caused such electrical work to be inspected by a responsible and competent employee who works under my direction and control, who has fully reported to me the condition of such electrical work; and
- 3. I am familiar with building standards and procedures applicable to electrical work accomplished in connection with the installation of temporary service equipment; and
- 4. I know that such electrical work has been done in compliance with all building standards and procedures; and
- 5. I acknowledge and understand that if such electrical work is done in violation of building standards and procedures, that under the provisions of Chapter 875 my electrical contractor's license may be suspended or revoked.

Date certificate attached to service equipment:

Signature

Electrical contractor license number:

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Type or printed name

- (b) The provision and use of electrical power for on-site construction shall be subject to reasonable orders made by the administrator as assigned by the deputy director of the division of construction and business services or his or her authorized representative pertaining to such matters as magnitude, duration and method of furnishing and distributing electrical power.

(Code 1975, § 8-132; G.O. 1, 2002, § 1; G.O. 9, 2005, § 16; G.O. 63, 2009, § 32; G.O. 41, 2016, § 2)

**Sec. 536-824. Temporary sign at site of construction of new structure.**

At any location where a structure, not part of or attached to any other structure, is being erected in the consolidated city, the person obtaining the building permit for said structure shall be responsible for placing and maintaining a temporary sign on the premises during construction. The sign shall state the street name and address of the premises as reflected in the building permit and all building permit numbers pertaining to the construction accomplished on the premises shall be placed on the sign. The address information on the sign shall be clearly visible from the street. The sign required by this section shall conform to all zoning requirements.

(Code 1975, § 8-133; G.O. 1, 2002, § 1)