

ALLEN COUNTY CODE - TITLE 6

6-1

ARTICLE 1

AN ORDINANCE ESTABLISHING AND CREATING THE

ALLEN COUNTY, INDIANA, BUILDING DEPARTMENT

WHEREAS, Indiana Code 36-1-3.5-6 transfers jurisdiction over the City-County Building & Minimum Housing Department of Allen County to the Board of Commissioners of the County of Allen, and

WHEREAS, the Board of Commissioners of the County of Allen, Indiana are desirous of creating a Building Department to be known as the Allen County, Indiana Building Department, now, therefore, pursuant to IC 36-1-3.5-6, be it ordained by the Board of Commissioners of the County of Allen, Indiana:

6-1-1

CHAPTER 1.

REJECTION OF LEGISLATIVE POWER AND JURISDICTION

6-1-1-1

Legislative Power Declined

The Board of Commissioners of the County of Allen declines to exercise legislative power regarding the administration and enforcement of the Minimum Housing Code of the City of Fort Wayne and the Unsafe Building Ordinance of the City of Fort Wayne and declines jurisdiction therein.

6-1-1-2

Jurisdiction Power Declined

The Board of Commissioners of the County of Allen specifically rejects the provisions of IC-17-2-72.3-2 regarding the Minimum Housing Code of the City of Fort Wayne and the administration and enforcement of said Minimum Housing Code of the City of Fort Wayne and the City of Fort Wayne Unsafe Building Ordinance is no longer applicable and subject to the jurisdiction of the Board of Commissioners of County of Allen County.

6-1-2

## CHAPTER 2.

### GENERAL PURPOSE

There is hereby created an Allen County, Indiana Building Department to administer and enforce such building, heating, ventilating, air conditioning, electrical, plumbing, sanitation, and standards adopted pursuant to law by Allen County, Indiana and the City of Fort Wayne, Indiana and the Allen County Property Maintenance/Minimum Housing Code.

6-1-2-1

#### Title

This department shall be known as the Allen County, Indiana Building Department (Department).

6-1-2-2

#### Control and Administration

- (a) The Department shall be under the control of and administered by the Board of Commissioners of the County of Allen, who shall appoint a Building Commissioner who shall be responsible for the administration and enforcement of the building codes in the City of Fort Wayne and Allen County.
- (b) The Building Commissioner may also administer in Allen County the County's Minimum Housing Code and Unsafe Building Ordinance.
- (c) All employees of the Building Department shall be appointed by the Building Commissioner subject to the provisions of A.C.C. 6-1-4-1 relating to the qualifications of the employees of the department.

6-1-3

## CHAPTER 3.

### BUILDING DEPARTMENT BOARD

A board of nine (9) members to be known as the Building Department is hereby created.

Appointment and Qualification of Board Members

- (a) The Board of County Commissioners shall appoint Board members.
  - (b) All members of the Board shall be residents of the county and appointed without regard to political affiliation.
  - (c) Member of the board shall be from the building contracting industry as follows:
    - (1) one from the residential building sector,
    - (1) one from the commercial building sector,
    - (1) one from the industrial building sector,
    - (1) one from the residential home improvement sector,
    - (1) one architect and/or engineer,
    - (1) one member at large from any area of the construction industry; and,
    - (3) three of the members shall be from the trades (1) one of whom shall be from the electrical trade, (1) one of whom shall be from the plumbing trade, and (1) one of whom shall be from HVAC trade.
- All appointments except those which fill a vacancy shall be for a term of four (4) years from January 1, of the year in which the previous term of appointment expired.
- (d) Any vacancy occurring for any cause in the membership of the Board shall be filled for the unexpired term by the Board of Commissioners of the County of Allen. Every member of the Board shall serve until his successor has been appointed and qualified.
  - (e) The members of the Board may receive an annual salary to be determined by the County Council of Allen County, Indiana.

- (f) It shall be the duty of the directors to attend, at a minimum, seventy-five (75%) percent of the meetings of the Board of Directors. Failure to attend seventy-five (75%) percent of the meeting shall be a cause for removal and replacement by the Board of Commissioners of the County of Allen.

6-1-3-2

Board Meetings

- (a) The Board shall choose annually, at its first regular meeting in January, one (1) of its members chairman and another of its members vice-chairman, who shall perform the duties of the chairman during the absence or disability of the chairman.
- (b) A majority of the members shall constitute a quorum, and no action of the Board shall be binding unless authorized by a majority of the members at a regular or duly called special meeting thereof.
- (c) The Board shall fix a time for holding regular meetings. Special meetings of the Board shall be called at any time by the chairman or any two (2) Board members, upon a written request to the chairman.
  - (1) Whenever, in the opinion of the chairman, or of any two (2) members, a special meeting is necessary or advisable, he or they shall notify the members by mailing written notice of the time of the meeting, at least one (1) day before the meeting.
  - (2) Any member may waive this notice in writing and the presence of any member at a special meeting shall be deemed to waive notice.
- (d) All meetings shall be open to the public.

6-1-3-3

Powers of the Board

- (a) Rules and Regulation

The Board shall have power to make rules and regulations to aid in the enforcement of the Building Codes of Fort Wayne and Allen County, the permits

and fees required for construction, the licenses and fees required for the performance of construction and the non-monetary penalties for improper and/or non-performance of work under the jurisdiction of the County of Allen or the City of Fort Wayne.

(b) Issuance of Licenses

The Board shall prescribe the standards, rules, and procedures for the issuance of licenses to perform work in the electrical, sanitary plumbing, heating, ventilating and air-conditioning, commercial and industrial (non-sanitary) piping and systems, and other construction businesses after a public hearing with written notice to the affected trade or trade association given at least ten (10) days before the hearing. Proposed amendments or repeal of the standards, rules and procedures requires the same notice procedure.

(c) Schedule of Fees

Upon request of the Board of Commissioners or upon its own motion, the Board shall adopt a proposed schedule of fees for licenses and permits, and a schedule of monetary penalties for either improper or nonperformance of work, or both, and submit the same to the Board of Commissioners of the County who shall adopt it as submitted or as they modify it.

6-1-4

CHAPTER 4.

EMPLOYEES

The Board of Commissioners of the County of Allen, with the advice of the Building Department Board, shall determine the number of employees in the Building Department, and establish a classification of ranks, grades and positions for employees in the Building Department including inspectors, and for each rank, grade and position so established, shall set reasonable standards of qualifications, and fix the prerequisites of training, education and experience.

6-1-4-1                      Testing of Applicants

The Building Commissioner shall devise and administer examinations designed to test applicants as to the qualifications required for the respective ranks, grades, or positions and only those applicants who in the opinion of the County Commissioners, upon advice of the Building Commissioner and the Building Department Board, best meet the prescribed standards and prerequisites shall be appointed.

6-1-4-2                      Employee Restrictions

- (a) An employee of the Building Department may not engage directly or indirectly in any other outside interests or activities which conflict with his official duties or the interests of the Building Department.
- (b) The Building Commissioner may discharge, demote or temporarily suspend any employee for a cause, after preferring charges in writing, a notice of which shall be delivered to the employee to be discharged, demoted or temporarily suspended.
- (c) The provisions of A.C.C. 6-1-4-2 (a) and (b) do not apply to clerical employees.

6-1-5    CHAPTER 5.

BUDGET

The Building Commissioner, with the advice of the Board, shall prepare a budget each year accounting for all monies received and expended for the current year on forms prescribed by the State Board of Accounts and at the time and in the manner as provided by law for other departments and agencies, and submit the same to the Board of Commissioners of the County of Allen, which Board of Commissioners shall submit said budget to the Allen County Council. This budget shall be subject to the approval of the Allen County Council as provided by law.

6-1-5-1                      Provision and Disposal of Funds

The Allen County Council shall establish a tax levy for the Department sufficient to pay the expenses of the

Department. All funds received by the Department shall be deposited with the County Treasurer and all funds not expended or committed at the end of the fiscal year by the Department shall be remitted to the general fund of the County.

6-1-6

## CHAPTER 6.

### APPEALS

Except as provided in IC 36-7-9-1 et seq. and A.C.C. 6-8, every decision, requirement or determination of any administrative officer or inspector may be appealed to the entire Building Department Board.

6-1-6-1

#### Form of Appeal

The appeal shall specify the grounds thereof and shall be filed within such times and in such form as may be prescribed by the Board by general rule.

6-1-6-2

#### Transmittal of Records

The administrative official from whom the appeal is taken shall, upon request of the Board, transmit to it all documents, plans and papers constituting the record of the action from which an appeal was taken.

6-1-6-3

#### Time and Notice of Hearing

The Board shall fix a reasonable time for the hearing of an appeal. Notice shall be given of the hearing to the interested parties.

6-1-6-4

Review

Every decision of the Board shall be subject to review by the Board of Commissioners of the County of Allen. An appeal must be filed within thirty (30) days of the Board decision and the appeal should state that part of the Board's decision to which the petitioner objects and the reasons therefore. All appeals shall be de novo.

6-1-6-5

Court Petition

Any person or persons, firm or corporation jointly or severally aggrieved by any decision of the Board of Commissioners of the County of Allen may appeal same in accordance with the statutory provisions therefore.

6-1-7

CHAPTER 7.

SEVERABILITY

6-1-7-1

Invalid Portions

If any provision of this Ordinance or the application thereof to any person or circumstance is invalid which invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are said to be severable.

6-1-7-2

Unconstitutional Portions

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional for any reason, the remainder of said Ordinance shall not be affected



thereby.

Adopted by the Board of Commissioners of Allen County, Indiana on the 9th day of February, 1983.

Amendments adopted by the Board of Commissioners of the County of Allen this 27<sup>th</sup> day of June, 2014.

Amendments adopted by the Board of Commissioners of the County of Allen this 24<sup>th</sup> day of March, 2017.