

INTRODUCED: 11/3/2025

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councilor Lewis

DIGEST: amends various sections of the Code to reflect unsafe building and permitting process changes within the Department of Business and Neighborhood Services, in accordance with the state legislature

SOURCE:

Initiated by: Department of Business and Neighborhood Services

Drafted by: Department of Business and Neighborhood Services

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL:



Date: October 30, 2025

CITY-COUNTY GENERAL ORDINANCE NO. , 2025

A PROPOSAL FOR A GENERAL ORDINANCE to amend various sections Chapters 536 Buildings and Construction and 537 Vacant Building Standards, of the Revised Code of the Consolidated City and County to reflect fee, penalty, and policy changes regarding enforcement and permitting within the Department of Business and Neighborhood Services

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 536 Section 111 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been ~~stricken through~~ to read as follows:

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.

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, as defined in IC 22-12-1-4:

- (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), except as listed below.

Class 1 structure includes a structure that contains three (3) or more condominium units (as defined in IC 32-1-6-2 IC 32-25-2-9) 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 1 structure does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

- (1) The structure; or
- (2) Mechanical or electrical equipment located within and affixed to the structure.

Class 2 structure means any part of the following, as defined in IC 22-12-1-5:

- (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, including an above-ground 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.

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.

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.

Townhouse, for the purposes of subdivision, means a single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit:

1. Extends from foundation to roof;
2. Is not more than three (3) stories in height;
3. Is separated from each adjoining unit by:
 - a. Two (2) one (1) hour fire-resistance rated walls with exposure from both sides; or
 - b. A common two (2) hour fire resistance rated wall; and
4. Has open space on at least two (2) sides.

SECTION 2. Chapter 536 Section 202 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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 individual 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; or
- b. One (1) or more employees of the individual person, partnership or corporation (including temporary employees hired to do construction work); or
- c. Persons who volunteer to work on the construction and who are not compensated for their services.

Such a Such individual person, partnership or corporation may not obtain a building permit to wreck a structure for which Article IV of Chapter 875 requires licensure. Such individual 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 Such individual may not obtain a building permit to accomplish construction relative to which Articles II and III of Chapter 875 require licensure, unless the requirements of section 875-222 and section 875-321 are met. 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 evidence of authority to apply for the permit.

SECTION 3. Chapter 536 Section 205 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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 required documentation in accordance with guidelines for a complete application as outlined by the division of construction and business services and in accordance with Title III of this Revised Code and with IC 36-7-2.5 (where applicable).
 - (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.
- (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.

SECTION 4. Chapter 536 Section 209 of the Revised Code of the Consolidated City and County is deleted in its entirety:

~~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~~

~~(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.~~

SECTION 5. Chapter 536 Section 210 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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 or private provider responsible for plan review in accordance with IC 36-7-2.5. 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.

SECTION 6. Chapter 536 Section 213 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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) three hundred sixty-five (365) 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) three hundred sixty-five (365)~~ 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, for any schedule requested based on the scope of the project, so long as the extended schedule does not create a public safety concern.~~
- (d) An extension granted under this section shall be granted by the administrator as assigned by the deputy director of the division of construction and business services and shall be confirmed in writing.
- (e) If an issued permit expires without the permit holder contacting the division of construction and business services to request an extension, the city may inspect the site to determine compliance with all standards applicable to the scope of work and the stage of construction.

SECTION 7. Chapter 536 Section 217 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been ~~stricken through~~ to read as follows:

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,~~ or the owner, applicant, site contact, licensed contractor, or design professionals, 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.

SECTION 8. Chapter 536 of the Revised Code of the Consolidated City and County is hereby amended by adding a new Section 218 that has been underlined and shall read as follows:

Sec. 536-218. - Private provider permit.

- (a) A person, partnership or corporation may elect to obtain a private provider permit to utilize third-party private provider plan review and inspection for all construction occurring at, on, or of a Class 2 structure in accordance with IC 36-7-2.5. The private provider permit shall identify all construction to occur at, on, or of the structure and, barring any additional approvals, shall be the

sole permit application required to secure the building permits necessary for the scopes of work permitted on or of the structure.

- (b) The person, partnership or corporation obtaining the private provider 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. In order to obtain a private provider 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 contractor and subcontractor for every type of construction that will occur at the structure for which Articles II, or III of Chapter 875 of this Revised Code require licensure or IC 25-28.5-1 requires a state license.

SECTION 9. Chapter 536 Section 301 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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: form prescribed by the division.

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
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.

SECTION 10. Chapter 536 Section 302 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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: form prescribed by the division.

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

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

SECTION 11. Chapter 536 Section 303 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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 form prescribed by the division, 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: _____

SECTION 12. Chapter 536 of the Revised Code of the Consolidated City and County is hereby amended by adding a new Section 304 that has been underlined and shall read as follows:

Sec. 536-304 Filing a certificate of completion and compliance for work done under a private provider permit.

Within fourteen (14) days after the completion of construction for which a private provider 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 private provider 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 the permit with the division of construction and business services. Such certificate shall be in the form prescribed by the division of construction and business services and shall be filed to accompany the private provider's inspection report when private provider services are utilized in accordance with IC 36-7-2.5. In instances where a private provider permit may require building inspections performed by city staff or a designee, a certificate of completion is required.

SECTION 13. Chapter 536 Section 401 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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, 565-304, 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.

SECTION 14. Chapter 536 Section 402 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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 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 the scheduling systems utilized by the division for such a purpose, 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) If a private provider is being utilized to perform inspection services of a Class 2 structure in accordance with IC 36-7-2.5, the division of construction and business services does not require notice of availability for inspection. In lieu of compliance with 536-402 (a), (b) and (c), upon the completion of construction, the private provider permit holder shall submit documentation demonstrating that the applicable inspections were performed in a form prescribed by the division of construction and business services. The documentation shall be submitted to the division of construction and business services as part of the private provider's complete inspection report in accordance with 536-304 and IC 36-7-2.5.

SECTION 15. Chapter 536 Section 404 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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.
- (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 form prescribed by the division of construction and business services. ~~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-
 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.

SECTION 16. Chapter 536 Section 405 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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 ongoing construction or 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.

SECTION 17. Chapter 536 Section 609 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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:
 - (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, 565-304, 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, 565-304, 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.

SECTION 18. Chapter 536 Section 620 of the Revised Code of the Consolidated City and County is hereby amended by adding the sections that are underlined and deleting the sections that have been stricken through to read as follows:

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 or as provided in IC 36-7-2.5 for private provider permits.

SECTION 19. Chapter 537 of the Revised Code of the Consolidated City and County is hereby amended by adding new Sections 537-12, 537-13, 537-14 and 537-15 that have been underlined and shall read as follows:

Sec. 537-12. Repair order hearings.

1. An order issued under IC 36-7-9-5(a)(5) ("order to repair" or "repair order) becomes final ninety (90) days from the order issuance date, unless a hearing under IC 36-7-9-7 is requested before the ninety (90) day period ends.
2. If a hearing under IC 36-7-9-7 is not requested before the ninety (90) day period ends, and civil penalties are assessed for failure to comply with the repair order pursuant to IC 36-7-9-7.5, an informal civil penalty dispute hearing before the director of the department of business and neighborhood services, or their designee, to dispute the existence of a violation and/or the amount of civil penalties assessed, can be requested within thirty (30) days of the penalty being assessed.
3. If a hearing under IC 36-7-9-7 is not requested before the ninety (90) day period ends, civil penalties are assessed for failure to comply with the repair order pursuant to IC 36-7-9-7.5, and the structure is in compliance with the repair order, an informal civil penalty review hearing before the director of the department of business and neighborhood services, or his or her designee, to dispute the amount of civil penalties assessed, can be requested within four (4) years of the order issuance date.
4. All hearing requests must be submitted in a manner approved by the division. After each informal hearing, the director of the department of business and neighborhood services, or his or her designee, shall determine the existence of a violation and/or the amount of civil penalties assessed and shall notify the recipient of any amounts due to the department. The decision of the director, or his or her designee, shall be final.

Sec. 537-13. Civil penalty dispute hearing eligibility.

The hearing requestor must be the current property owner of record with the Marion County Assessor's Office; and the civil penalties were either paid, or to be paid, by the requestor.

1. Tax sale buyers are eligible for a civil penalty dispute hearing once ownership of the property has been transferred to the tax sale buyer. The division shall waive civil penalties assessed during the tax sale redemption period upon receipt of written request from the tax sale buyer, when property ownership has been transferred to the tax sale buyer and all other civil penalty review hearing

eligibility requirements are met at the time the request is received, without requiring a civil penalty dispute or review hearing.

2. Contract buyers and other parties with a recorded interest in the property are not eligible for a civil penalty dispute hearing, unless:
 - a. The current property owner of record with the Marion County Assessor's Office requests a hearing on the party's behalf;
 - b. The current property owner of record with the Marion County Assessor's Office submits an affidavit provided by the division that authorizes the party to request the hearing; or
 - c. A copy of an instrument recorded with the Marion County Recorder's Office, showing the requestor's recorded interest in the property, is provided to the division.
3. The following civil penalties are not eligible for a civil penalty dispute hearing:
 - a. Civil penalties that were paid, or are to be paid, by a party other than the requesting party;
 - b. Civil penalties paid as part of a property transaction, including, but not limited to, civil penalties paid as part of a willing bid for tax sale, surplus sale, Sheriff's sale, foreclosure, any other auction, or purchase price or closing costs of the property; or
 - c. Civil penalties for which a civil penalty dispute hearing was already decided.

Sec. 537-14. Civil penalty review hearing eligibility.

The hearing requestor must be the current property owner of record with the Marion County Assessor's Office; and the civil penalties were either paid, or to be paid, by the requestor. Prior owners and prior interested parties that did not bring the structure into compliance with the repair order, regardless of whether civil penalties were paid prior to the property transfer, are not eligible for a civil penalty review hearing.

1. Tax sale buyers are eligible for a civil penalty review hearing once ownership of the property has been transferred to the tax sale buyer. The division shall waive civil penalties assessed during the tax sale redemption period upon receipt of written request from the tax sale buyer, when property ownership has been transferred to the tax sale buyer and all other civil penalty review hearing eligibility requirements are met at the time the request is received, without requiring a civil penalty dispute or review hearing.
2. Contract buyers and other parties with a recorded interest in the property are not eligible for a civil review dispute hearing, unless:
 - a. The current property owner of record with the Marion County Assessor's Office requests a hearing on the party's behalf;
 - b. The current property owner of record with the Marion County Assessor's Office submits an affidavit provided by the division that authorizes the party to request the hearing; or
 - c. A copy of an instrument recorded with the Marion County Recorder's Office, showing the requestor's recorded interest in the property, is provided to the division.
3. The following civil penalties are not eligible for a civil penalty review hearing:
 - a. Civil penalties that were paid, or are to be paid, by a party other than the requesting party; or
 - b. Civil penalties paid as part of a property transaction, including, but not limited to, civil penalties paid as part of a willing bid for tax sale, surplus sale, Sheriff's sale, foreclosure, or any other auction, or purchase price or closing costs of the property.

Sec. 537-15 Repair Order Compliance Waiver.

When compliance has been met during the life of a repair order, and the division has closed the active repair order as compliant, all penalties and liens incurred during that order shall be waived. Only penalties paid by the current property owner during the active order shall be refunded. Prior owners and prior interested parties that did not bring the structure into compliance with the repair order, regardless of whether civil penalties were paid prior to the property transfer, are not eligible. Previously closed and/or expired repair orders are not eligible. This waiver will be granted upon closure of the order and does not require a civil penalty hearing.

SECTION 20. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 21. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 22. This ordinance shall be in effect from and after January 1, 2026, by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this ____ day of _____, 2025, at ____ p.m.

ATTEST:

Vop Osili
President, City-County Council

Yulonda Winfield
Clerk, City-County Council

Presented by me to the Mayor this ____ day of _____, 2025, at 10:00 a.m.

Yulonda Winfield
Clerk, City-County Council

Approved and signed by me this ____ day of _____, 2025.

Joseph H. Hogsett, Mayor