

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, SEPTEMBER 11, 1995**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:06 p.m. on Monday, September 11, 1995, with Councillor SerVaas presiding.

Councillor Short led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

26 PRESENT: Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Tilford, West, Williams
3 ABSENT: Brents, Giffin, Smith

A quorum of twenty-six members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor O'Dell introduced Sherry Gass, Director, Greenleaf Community Center. Councillor Dowden recognized the neighbors and remonstrators concerned about the proposed Meijer project on 96th Street. Councillor Golc introduced Diane Arnold, Director, Hawthorne Community Center.

Councillor Borst recognized the Council's efforts in bringing the Circle Centre Mall to fruition. President SerVaas recognized the investors that participated in the Mall's financing.

Councillor Hinkle introduced Carol Curl, candidate for City-County Council. Councillor Gray introduced State Senator Glenn Howard and State Representative Bill Crawford. Councillor Jimison introduced Helen Lands, Executive Director, Crooked Creek Multi-Service Center. Councillor O'Dell introduced Reverend John Hay, Director, John Boner Community Center.

Councillor Boyd recognized the 25 years of service by Robert G. Elrod, General Counsel.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, September 11, 1995, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

August 29, 1995

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on Thursday, August 31, 1995, a copy of a NOTICE TO TAXPAYERS of Public Hearing on Proposal Nos. 124 and 528, 1995, and a NOTICE OF PUBLIC HEARING on Proposal Nos. 574 and 575, 1995, to be held on Monday, September 11, 1995, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

September 1, 1995

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances:

FISCAL ORDINANCE NO. 78, 1995, an appropriation of \$15,530 for the County Sheriff to provide security at the Marion County Children's Guardian Home financed by a transfer of funds from the Children's Guardian Home's County General Fund

FISCAL ORDINANCE NO. 79, 1995, an appropriation of \$294,000 for the County Sheriff, Community Corrections, and the Marion County Justice Agency to continue various programs to divert misdemeanor populations from state penal facilities financed by revenues from the County Correction Fund

FISCAL ORDINANCE NO. 80, 1995, an appropriation of \$767,171 for the Department of Public Works, Environmental Resources Management Division, to meet the City's obligation to the Northside Landfill

September 11, 1995

Superfund and to address USEPA's concerns at the City-owned Tibbs-Banta Landfill financed from Sanitation General Fund balances

GENERAL ORDINANCE NO. 128, 1995, recodifies the cable television regulations

GENERAL ORDINANCE NO. 129, 1995, authorizes a multi-way stop at Fairlane West Drive and Indian Creek Road South (District 23)

GENERAL ORDINANCE NO. 130, 1995, authorizes a multi-way stop at Wallace Avenue and Walnut Street (District 15)

GENERAL ORDINANCE NO. 131, 1995, authorizes a multi-way stop at Euclid Avenue and 15th Street (District 15)

SPECIAL ORDINANCE NO. 10, 1995, authorizing the issuance of economic development water facilities revenue bonds in an aggregate principal amount not to exceed \$18 million for the Indianapolis Water Company

SPECIAL ORDINANCE NO. 11, 1995, authorizes the lease by the Indianapolis Department of Parks and Recreation of approximately 35 acres of land formerly known as the Riverside Nursery to R. N. Thompson & Associates, Inc. for the construction, development, and management of a golf academy

SPECIAL ORDINANCE NO. 12, 1995 authorizes the lease by the Indianapolis Department of Parks and Recreation of approximately 150 acres of land currently consisting of a nine-hole golf course and driving range and commonly referred to as Winding River Municipal Golf Course to R. H. West Management Corporation for the construction, development, and management of an eighteen-hole golf course

SPECIAL ORDINANCE NO. 13, 1995 authorizes the Agreement for the Operation and Maintenance of the Indianapolis International Airport Facilities by and Between the Indianapolis Airport Authority, BAA Indianapolis LLC, and BAA USA Holdings, Inc.

SPECIAL ORDINANCE NO. 14, 1995 elects to fund MECA in 1996 with COIT revenues

SPECIAL RESOLUTION NO. 53, 1995, approves the issuance of \$13 million of Notes for the purpose of paying the costs of certain infrastructure improvements in the Decatur Township portion of the Airport Industrial Economic Development Area

SPECIAL RESOLUTION NO. 72, 1995, recognizes the 25 years of city service by Gary Isterling

SPECIAL RESOLUTION NO. 73, 1995, recognizes the South East Community Organization

SPECIAL RESOLUTION NO. 74, 1995, urges the completion of I-69 from Indianapolis to Texas

SPECIAL RESOLUTION NO. 75, 1995, urges full membership of the Republic of China (Taiwan) by the United Nations

SPECIAL RESOLUTION NO. 76, 1995, recognizes the 75th Anniversary of the Women's Suffrage Amendment

SPECIAL RESOLUTION NO. 77, 1995, authorizes the lease of office space for the Franklin Township Assessor at 4531 Independence Square

SPECIAL RESOLUTION NO. 78, 1995 approves a public purpose grant in the amount of \$65,000 to Indiana University at Indianapolis for the purpose of financing educational access cable television programming

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

**PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS
AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 601, 1995. This proposal, sponsored by Councillors Mullin, Borst, and Coughenour, recognizes the Bible Bowl Team of Southport Heights Christian Church. Councillor Mullin read the proposal and presented a copy of the document to team members Jacob Harris, Heather Harris, Jenny Ziegler, and Heather Bordelon; Roger and Donna Graham, team sponsors; and Gary Bordelon, Minister of Education. Ms. Ziegler expressed appreciation for the recognition. Councillor Mullin moved, seconded by Councillor Borst, for adoption. Proposal No. 601, 1995 was adopted by a unanimous voice vote.

Proposal No. 601, 1995 was retitled SPECIAL RESOLUTION NO. 79, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 1995

A SPECIAL RESOLUTION recognizing the Bible Bowl Team of Southport Heights Christian Church.

WHEREAS, during the 36 years of ministry by the Southport Heights Christian Church, the Church has entered teams in the Bible Bowl 25 times, and finished in the top eight in the nation ten times; and

WHEREAS, this year's Southport Heights Team was well prepared for the questions about the Book of Exodus during the North American Christian Convention Bible Bowl contest that was held in the Indiana Convention Center; and

WHEREAS, eleven hundred, seventh to twelfth grade students entered the contest, but the Southport Heights youth team emerged as the number one team in America, even topping their second place at the Orlando Convention last year; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Southport Heights Christian Church winning Bible Bowl team: Jacob and Heather Harris, Jenny Ziegler, and Heather Bordelon, as well as team sponsors Roger and Donna Graham and Minister of Education Gary Bordelon.

SECTION 2. Jacob and Heather Harris are students at Southport, Jenny Ziegler is a graduate of Beech Grove and now is a student at the University of Indianapolis and Heather Bordelon is at Franklin Township Middle School; all high schoolers ranked in the top three of their class and all have been involved in sports and other school activities.

SECTION 3. The Council commends the winning students, their parents and sponsors, the ministers and Sunday School teachers who over the years have nurtured these champions, and all the members and friends of the congregation for their support of a positive climate of Christian education, inspiration and renewal.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden asked for consent to hear Proposal Nos. 574-575, 1995 at this time. Consent was given.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NOS. 574-575, 1995. PROPOSAL NO. 574, 1995. The proposal approves Petition No. 95-Z-54 to rezone 36.82 acres at 8377 East 96th Street from I-2-S District to C-1 classification to provide for permitted C-1 uses. PROPOSAL NO. 575, 1995. The proposal approves Petition No. 95-Z-55 to rezone 49.60 acres at 9589 Hague Road from C-6 and I-2-S Districts to C-4 classification to provide for retail and theater uses. The proposals were certified by the Metropolitan Development Commission on August 18, 1995. On August 28, 1995 Councillor Dowden moved to schedule Proposal Nos. 574-575, 1995 for public hearing on September 11, 1995. That motion passed by a unanimous voice vote.

Councillor Dowden stated that Michael Quinn, attorney for the petitioner, and Brad Williams, attorney for the neighborhood associations, advised him that a resolution of this rezoning matter had been reached. Councillor Dowden stated that many questions remain about the 96th Street bridge and the Indiana Department of Transportation's commitment to the project. Councillor Dowden stated that Greg Henneke, Director, Department of Capital Asset Management, received the following letter from the Indiana Department of Transportation:

Dear Mr. Henneke,

Please consider this letter as a commitment by the Indiana Department of Transportation to fund the bridge widening project at the I-69 and 96th Street interchange.

This project is currently scheduled for a letting in June 1996 at a total cost of approximately \$7 million.

If you have any questions or need additional information please feel free to contact me.

Sincerely,
s/Richard C. Whitney
Chief, Policy and Budget Division

Councillor Dowden stated that, if the Council approves the rezonings, the bridge widening project would parallel the Meijer project.

Mr. Quinn stated that he and Mr. Crawford have been in continuous negotiations for more than a week. Mr. Quinn stated that an agreement had been reached by both sides to modify the commitments that were certified by the Metropolitan Development Commission. The modifications include: (1) sound levels will be contained by disallowing speakers on the building, however, there will be a speaker allowed in the garden center but it cannot have a higher decible level than the sound of the existing traffic on Village Way; (2) the air-conditioning and mechanical units on the roof will be buffered by at least a three-foot parapit on the sides that border the homes, and these units cannot have a sound level higher than the ambient traffic noise on Village Way; and (3) the proposed center will have only one egress point -- no egress will be available to Village Way.

Mr. Williams thanked the Council, specifically Councillor Dowden, for intervening in the rezoning matters.

Councillor Dowden moved, seconded by Councillor Schneider, for adoption of Proposal Nos. 574-575, 1995, with the amended commitments.

Frank Hogan, attorney, stated that he represents John Knevel, who lives on the corner of Hadway Drive and Village Way (9576 Hadway Drive). He stated that he was hired one week ago and due to scheduling conflicts had not had an opportunity to meet with Mr. Quinn. Mr. Hogan stated that the proposed project will have an adverse affect on Mr. Knevel. Mr. Hogan read the following letter from Bank One:

Dear Mr. Knevel,

Please accept this letter as verification of the appraisal and underwriting findings regarding your property located at 9576 Hadway Drive, Indianapolis, IN.

Our records indicate that you purchased the home in March of 1993 for \$135,000.00. In July 1995 you applied for additional home equity financing. At that time your property was appriased with a value of \$114,000.00.

The appraisal and underwriting departments reviewed your application. Their staff indicated that the reduction in the appraised value primarily reflects the strong likelihood that the large tract of undeveloped property immediately to the west of your property will be developed for retail use. An additional factor is the increased traffic volume associated with a large retail development.

Sincerely,
s/Jay Hoffman
Personal Banking Specialist

Mr. Hogan stated that the impact of the proposed retail center will be much greater on his client's property than the other surrounding homes. Mr. Hogan urged the Council to consider the impact on his client before passing Proposal Nos. 574-575, 1995. President SerVaas asked Mr. Quinn to speak with Mr. Hogan regarding this matter.

Jim McKalip, citizen, asked if the public would be allowed to speak. President SerVaas stated that the two attorneys of record in this matter have agreed upon a resolution. Mr. McKalip stated that he was not invited to the agreement negotiations, has not been represented in this matter, and could offer new information to the Council. President SerVaas asked Mr. McKalip to approach the microphone and offer his views.

Mr. McKalip stated that his objections to the proposed project are based on (1) the increased traffic and the traffic detours through the neighborhoods during widening of the main streets; (2) the drainage problems that currently exist, which will worsen with a retail center; and (3) lack of enforcement by Hamilton County of the existing traffic laws. He urged Hamilton and Marion Counties to provide infrastructure first, then development.

Councillor O'Dell requested for permission to abstain from voting, due to a conflict of interest. Permission was granted.

The President reminded the Councillors that under Council rules the vote to sustain the Commission's approval to rezone this property will take 12 "yes" votes; to reject will take 18 "no" votes. The Commission's decision was approved and Proposal Nos. 574 and 575, 1995 were adopted by the following roll call vote; viz:

21 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Gilmer, Golc, Gray, Hinkle, Jones, McClamroch, Moriarty Adams, Mullin, Rhodes, Schneider, SerVaas, Shambaugh, Short, Tilford, West, Williams

4 NAYS: Black, Boyd, Franklin, Jimison

1 NOT VOTING: O'Dell

3 ABSENT: Brents, Giffin, Smith

Proposal Nos. 574-575, 1995, were retitled REZONING ORDINANCE NOS. 136-137, 1995 and are identified as follows:

REZONING ORDINANCE NO. 136, 1995. 95-Z-54. LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 4.
8377 EAST 96TH STREET (approximate address), INDIANAPOLIS.
BOEHRINGER MANNHEIM CORPORATION, by Thomas Michael Quinn, requests the REZONING of 36.82 acres, being in the I-2-S District, to the C-1 classification to provide for permitted C-1 uses.

REZONING ORDINANCE NO. 137, 1995. 95-Z-55. LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 4.
9589 HAGUE ROAD (approximate address), INDIANAPOLIS.
BOEHRINGER MANNHEIM CORPORATION, by Thomas Michael Quinn, requests the REZONING of 49.60 acres, being in the C-6 & I-2-S Districts, to the C-4 classification to provide for retail and theater uses.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 602, 1995. The proposal, sponsored by Councillors Boyd, Gray, and Jones, instructs the Municipal Corporations Committee of the Indianapolis City-County Council to conduct an information sharing meeting concerning the Indianapolis Metro system. Councillor Boyd read the proposal into the record and then moved, seconded by Councillor Jones, for adoption.

Councillor Jimison moved, seconded by Councillor Black, to amend Proposal No. 602, 1995 as follows:

Mr. President:

I move to amend Proposal No. 602 by the addition of the words underlined in the preamble as follows:

A COUNCIL RESOLUTION instructing the Municipal Corporations Committee and the DCAM Committee of the Indianapolis City-County Council to conduct an information sharing meeting concerning the Indianapolis METRO system,

and

Section 1. The Indianapolis City-County Council, by passage of this resolution, instruct its Municipal Corporations Committee and the DCAM Committee to conduct a special general information sharing Committee meeting concerning METRO.

s/Councillor Z. Mae Jimison

Councillor Schneider asked if the proposal would permit a joint meeting of the Municipal Corporations and the Department of Capital Asset Management Committee ("DCAM"). Councillor Boyd answered in the affirmative. President SerVaas advised Councillors Gilmer and Schneider to meet and set a date for the special joint committee meeting.

Councillor Gray stated that the special meeting should occur prior to the passage of Metro's 1996 budget. President SerVaas stated that the funds will be appropriated during the budget hearings, but the special joint committee hearing will determine how the funds are spent as well as address the current problems of surface transportation. President SerVaas urged any interested parties to attend the budget hearings of the Municipal Corporations Committee and the DCAM Committee as well as attend the special joint committee meeting.

Councillors McClamroch and Coughenour expressed support of the proposal and urged the committees to hold the special meeting in order to address the concerns of all entities involved with Metro. Councillor Gray stated that much of the confusion regarding Metro would be alleviated if the Mayor would come forth with his plan concerning Metro's future.

Councillor Jimison's amendment passed by a unanimous voice vote. Proposal No. 602, 1995, as amended, was adopted by a unanimous voice vote.

Proposal No. 602, 1995, as amended, was retitled COUNCIL RESOLUTION NO. 59, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 59, 1995

A COUNCIL RESOLUTION instructing the Municipal Corporations Committee and the DCAM Committee of the Indianapolis City-County Council to conduct an information sharing meeting concerning the Indianapolis METRO system.

WHEREAS, acting as an agent of the city of Indianapolis and "on behalf of the local taxpayer, it is the mission of the Indianapolis Public Transportation Corporation [IPTC and its Metro buses] to offer select mobility options which enable citizens greater choice in employment, education and social opportunities delivered with the highest quality at the least cost;" and

WHEREAS, current discussions going on in the City of Indianapolis concerning the funding and general budgetary status of the IPTC have caused significant discomfort among some citizen groups and have raised major questions concerning the scope of service in both the immediate and the distant future; and

WHEREAS, inadequate and questionable public transportation facilities, while impacting most immediately minority and economically depressed groups, has far-ranging ripple effects in the business, industrial and general commercial worlds; and

WHEREAS, though it is not a primary goal of local government to provide direct employment for citizens, local government does have a responsibility to treat with humaneness, compassion and fairness those who are in its employ; and

WHEREAS, questions have been raised concerning the advisability of the city being the broker and direct user of the 6.2 million dollars made available through the state General Assembly to cover some of the operating costs of IPTC; and

WHEREAS, many persons in the community, including representatives of the city administration, have observed that some of the anxiety extant in the community is in large part the consequence of misinformation; now, therefore:

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

SECTION 1. The Indianapolis City-County Council, by passage of this resolution, instructs its Municipal Corporations Committee and the DCAM Committee to conduct a special general information sharing committee meeting concerning Metro.

SECTION 2. That at a minimum each of the following entities be invited to designate a person to make a formal presentation:

- Mayor's Office
- Riders Advisory Council
- Amalgamated Transit Union
- Transportation Coalition
- IPTC Board
- Transit Riders Union

September 11, 1995

SECTION 3. The transcript of such meeting shall be made available to the public at cost.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Boyd requested that official invitations be sent to the entities suggested in the proposal as well as anyone else expressing interest in the matter. For the record, President SerVaas instructed the Clerk to send official invitations to interested entities/parties for the special joint committee meeting.

PROPOSAL NO. 489, 1995. The proposal, sponsored by Councillor McClamroch, appoints William Brown to the Air Pollution Control Board. Councillor McClamroch moved, seconded by Councillor Coughenour, for adoption. Proposal No. 489, 1995 was adopted by a unanimous voice vote.

Proposal No. 489, 1995 was retitled COUNCIL RESOLUTION NO. 60, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 60, 1995

A COUNCIL RESOLUTION appointing William Brown to the Air Pollution Control Board.

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

SECTION 1. As a member of the Air Pollution Control Board, the Council appoints:

William Brown

SECTION 2. The appointment made by this resolution is for a term ending June 4, 1997. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Councillor Gilmer stated that Mr. Brown was present and asked that he approach the microphone for recognition. Mr. Brown expressed appreciation for the appointment.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 583, 1995. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves a lease between the Department of Metropolitan Development and the Murat Temple Association, Inc."; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 584, 1995. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which an appropriation of \$3,401,732 for the Marion County Office of Family and Children to pay the expenses of the wards in institutions financed by revenues from the Family and Children Fund"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 585, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which an appropriation transferring \$35,500 to the correct character in the State and Federal Grants Fund for the Prosecuting Attorney to pay

necessary expenses associated with the Governor's Council on Impaired and Dangerous Driving"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 586, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which an appropriation of \$39,725 for the Marion County Public Defender Agency to continue a project that assists with expediting cases and alleviating jail overcrowding financed by revenues from a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 587, 1995. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which moves responsibility for management of abandoned vehicles from the Department of Public Works, Solid Waste Management Division, to the Office of Corporation Counsel, Contract Compliance Division"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 588, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Irma J. Neal as Deputy Mayor of Neighborhoods of the City of Indianapolis"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 589, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which clarifies that the Board of Capital Asset Management has authority over sanitary sewer construction permits"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 590, 1995. Introduced by Councillors Shambaugh and Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Kevin Way and 38th Street (Districts 8, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 591, 1995. Introduced by Councillors Gray and Shambaugh. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Falcon Drive and 34th Street (Districts 8, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 592, 1995. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes stop signs for Maple Creek Country Club Estates subdivision (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 593, 1995. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops for the subdivision of Fall Creek Proper, Citizens Place (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 594, 1995. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes stop signs for Country Pointe subdivision (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 595, 1995. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops for Sunningdale Boulevard and Country Club Road (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 596, 1995. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes stop signs for Gray Road and Stone Mill Drive, and for Stone Mill Drive and Linwood Avenue located in the Stone Mill and Gray Hollow subdivisions (District 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 597, 1995. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Butler Avenue and Julian Avenue (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 598, 1995. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 18th Street and Alton Avenue (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 599, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 58th Street and Guilford Avenue (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 600, 1995. Introduced by Councillors Boyd, Jones, and Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes changes in the speed limit for Keystone Avenue from I-70 to I-465 (Districts 3, 6, 7, 10, 11)"; and the President referred it to the Capital Asset Management Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 603-604, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on September 6, 1995." The Council did not schedule Proposal Nos. 603-604, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 603-604, 1995 were retitled REZONING ORDINANCES NOS. 138-139, 1995 and are identified as follows:

REZONING ORDINANCE NO. 138, 1995. 95-Z-62. WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.

956 NORTH GIBSON STREET (approximate address), INDIANAPOLIS.

ROBERT D. and CHRISTINA COGHILL, by Henry Y. Dein, request the rezoning of 0.27 acre, being in the D-3 District, to the C-3 classification to provide for the expansion of an existing gasoline station.

REZONING ORDINANCE NO. 139, 1995. 94-Z-64. DECATUR TOWNSHIP.
COUNCILMANIC DISTRICT # 19.

5102 STANLEY ROAD (approximate address), INDIANAPOLIS.

DAYSRING DEVELOPMENT, INC., by Stephen D. Mears, requests the rezoning of 71.98 acres, being in the D-A (FF) and SU-9 Districts, to the C-S classification to provide for a range of specific commercial C-4 and C-6 District uses, and I-1-S, I-2-S, I-3-S and I-4-S District uses, including commercial parking, motel, automobile leasing/renting, convenience market, restaurant, gasoline

station, outdoor advertising sign, industrial manufacturing, research laboratory, assembly, warehousing, distribution and truck terminal uses.

PROPOSAL NOS. 605-609, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on September 6, 1995." The Council did not schedule Proposal Nos. 605-608, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 605-608, 1995 were retitled REZONING ORDINANCES NOS 140-144, 1995 and are identified as follows:

REZONING ORDINANCE NO. 140, 1995. 95-Z-I00. WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 5.
11550 EAST 30TH STREET (APPROXIMATE ADDRESS), (AMENDED) INDIANAPOLIS,
CEDAR RUN LTD., INC. requests the REZONING of 119.491 acres, being in the D-A(FF) District, to the D-3(FF) classification to provide for a single-family residential subdivision development.

REZONING ORDINANCE NO. 141, 1995. 94-Z-113. WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 18.
6282 WEST 21ST STREET (APPROXIMATE ADDRESS), INDIANAPOLIS,
J & M DEVELOPMENT COMPANY, INC., by James B. Burroughs, requests the REZONING of 44.647 acres, being in the D-A(FF)(FW) Districts, to the C-S(FF)(FW) classification to provide for a mixed use of industrial, commercial and residential development.

REZONING ORDINANCE NO. 142, 1995. 95-Z-119. PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 1.
5607 WEST 86TH STREET (APPROXIMATE ADDRESS), INDIANAPOLIS,
RTM INDIANAPOLIS, INC. requests the REZONING of 1 acre, being in the I-2-S District, to the C-3 classification to provide for a restaurant.

REZONING ORDINANCE NO. 143, 1995. 95-Z-121. CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 9.
517 WEST 30TH STREET (APPROXIMATE ADDRESS), INDIANAPOLIS, (Amended)
NORTHSIDE NEW ERA BAPTIST CHURCH requests the REZONING of 1.00 acre, being in the C-I and D-5 Districts, to the SU-I classification to provide for church use.

REZONING ORDINANCE NO. 144, 1995. 95-Z-132. PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 25.
2415 WEST THOMPSON ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS,
FIRST OF AMERICA BANK - INDIANA, by J. Murray Clark, requests the REZONING of 5.107 acres, being in the D-A(FF) District, to the I-3-S(FF) classification to provide for office use, warehousing and distribution operations and other permitted industrial uses.

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT SPECIAL ORDERS - PUBLIC HEARING

A quorum being present, the President called the Solid Waste Collection Special Service District Council to order at 8:28 p.m.

PROPOSAL NO. 124, 1995. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 124, 1995 on August 17, 1995. The proposal is an appropriation of \$716,791 for the Department of Public Works, Contract Compliance Division, to contract with the Department of Public Safety, Animal Control Division, for the operation of the animal control shelter operations beginning July 1, 1995 financed by revenues from the Solid Waste Collection Fund. By a 7-1 vote the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Dowden, for adoption.

Councillor Gray stated that he voted against this proposal in Committee because the Mayor promised the Council that the money in this fund would be used only for infrastructure, and now the City is borrowing money from the fund for other uses.

Proposal No. 124, 1995, as amended, was adopted on the following roll call vote; viz:

23 YEAS: *Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Tilford, West*

0 NAYS:

3 NOT VOTING: *Golc, Jimison, Williams*

3 ABSENT: *Brents, Giffin, Smith*

Proposal No. 124, 1995, as amended, was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1995 and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE FISCAL ORDINANCE NO. 2, 1995

A SOLID WASTE COLLECTION SPECIAL SERVICE FISCAL ORDINANCE amending the SOLID WASTE SPECIAL SERVICE DISTRICT Annual Budget for 1995 (City-County Fiscal Ordinance No. 2, 1994) appropriating an additional Seven Hundred Sixteen Thousand Seven Hundred Ninety-one Dollars (\$716,791) in the Solid Waste Collection Fund for purposes of contracting with the Department of Public Safety for the operation on the Animal Control Division starting July 1, 1995 and reducing the unappropriated and unencumbered balance in the Solid Waste Collection Fund.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the SOLID WASTE SPECIAL SERVICE DISTRICT Annual Budget for 1995, be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of allowing the Department of Public Works, Contract Compliance Division, to contract with the Department of Public Safety, Animal Control Division, for the operation of the animal control shelter operations starting July 1, 1995.

SECTION 2. The sum of Seven Hundred Sixteen Thousand Seven Hundred Ninety-one Dollars (\$716,791) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>SOLID WASTE COLLECTION FUND</u>
<u>CONTRACT COMPLIANCE DIVISION</u>	
3. Other Services and Charges	\$716,791
TOTAL INCREASE	\$716,791

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>SOLID WASTE COLLECTION FUND</u>
Unappropriated and Unencumbered	
Solid Waste Collection Fund	<u>\$716,791</u>
TOTAL REDUCTION	\$716,791

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NOS. 487, 488, and 528, 1995. PROPOSAL NO. 487, 1995. The proposal is an appropriation of \$7,754 for the Prosecuting Attorney to continue the Adult Protective Services Unit financed by revenues from a federal grant. PROPOSAL NO. 488, 1995. The proposal is an appropriation of \$89,957 for the Prosecuting Attorney to continue the Adult Protective Services Unit financed by revenues from a Family and Social Services Administration grant. PROPOSAL NO. 528, 1995. The proposal is an appropriation of \$15,812 for the County Sheriff to pay overtime to officers assigned to the FBI Task Force Program financed by a FBI grant. Councillor Dowden asked for consent to postpone Proposal Nos. 487, 488, and 528, 1995 until September 25, 1995. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 231, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 231, 1995 on August 29, 1995. The proposal changes building permit requirements requested by the Federal Emergency Management Administration relative to Floodway areas; and changes terms from one year to two years for (1) listing of general contractors; (2) licensure of craft contractors; and (3) registration of plumbers. By a 4-1 vote the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor West moved, seconded by Councillor Hinkle, for adoption. Proposal No. 231, 1995, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, Rhodes, Schneider, SerVaas, Shambaugh, Short, Tilford, West, Williams

0 NAYS:

2 NOT VOTING: Golc, O'Dell

3 ABSENT: Brents, Giffin, Smith

Proposal No. 231, 1995, as amended, was retitled GENERAL ORDINANCE NO. 132, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 132, 1995

A GENERAL ORDINANCE recodifying and amending Chapter 8 of the Code of Indianapolis and Marion County and Chapter 536 and 875 of the Revised Code of the Consolidated City and County, regulating construction and building practices and licensing.

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

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby, amended to add a new Article I (which is a revision and recodification of Articles I and II of Chapter 8 of the Code of Indianapolis and Marion County) in Chapter 536 (by deleting the stricken-through text and inserting the underlined text) to read as follows:

ARTICLE I. GENERAL PROVISIONS

Sec. ~~8-1~~ 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."

Sec. ~~8-2~~ 536-102. Chapter remedial; purpose.

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

Sec. ~~8-3~~ 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.

Sec. 536-111. Definitions.

Unless otherwise clearly indicated by the context the terms defined in this section shall have the specified meanings when used in this Chapter and Chapter 875:

~~Sec. 8-5.~~

- (1) ~~Building equipment defined.~~ ~~As used herein the phrase "building equipment"~~ means any machine, device, apparatus or material located in or connected directly to a new or existing structure which is used by an occupant to supply or distribute water, remove wastes, supply or transmit electricity, supply or distribute fuel, create conditions of heat or of cold or accomplish the movement of air.

~~Sec. 8-6.~~

- (2) ~~Building standards and procedures defined.~~ ~~As used herein the phrase "building standards and procedures"~~ means regulations, standards or requirements relative to either construction activity 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~~ Indiana Department of Fire and Building Services and the substantive and procedural provisions of this chapter.

~~Sec. 8-7.~~

- (3) ~~Construction activity defined.~~ ~~As used herein the phrase "construction activity"~~ means the erection, construction, placement, repair, alteration, conversion, removal, demolition, maintenance, moving, razing or remodeling of any new or existing structure or any part thereof; or the construction, installation, extension repair, alteration, conversion, removal or maintenance of building equipment; provided, however, the phrase "construction activity" shall not include the construction, alteration, repair or maintenance of airplanes, boats, railroad rolling stock or motor vehicles; the manufacture or shop repair of building equipment; the installation, alteration, maintenance or repair of water supply lines from a public utility to a structure; [the installation, alteration, maintenance or repair of gas supply lines from a public utility to a structure;] the construction, installation, alteration, repair or maintenance of apparatus and equipment used by telegraph companies, [electrical utility and telephone companies] in the direct provision of services to the public; or the installation, alteration, maintenance or repair by an, electrical utility of a system distributing electrical power to service equipment supplying power to factory constructed dwellings located in a mobile home park.

~~Sec. 8-8.~~

- (4) ~~Cooling system defined.~~ ~~As used herein the phrase "cooling system"~~ means a system which utilizes a source of energy to accomplish the cooling (not below a constant temperature of sixty (60) degrees Fahrenheit) of more than one 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.

~~Sec. 8-9.~~

~~(5) Electrical power distribution system defined. As used herein the phrase "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 which uses electricity; provided, however, that class 2 and class 3 circuits (as defined by the National Electrical Code) shall not be considered part of an electrical power distribution system for purposes of this definition.~~

~~Sec. 8-10.~~

~~(6) Heating system defined. As used herein the phrase "heating system" means a system which 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 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 which 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.~~

~~Sec. 8-11.~~

~~(7) One- or two-family residential structure defined. As used herein the phrase "one- or two-family residential structure" shall mean a one-family dwelling structure, a two-family dwelling structure or any accessory structure appurtenant to either a one-family dwelling structure or two-family dwelling structure.~~

~~Sec. 8-12.~~

~~(8) Ordinary maintenance and repair defined. As used herein the phrase "ordinary maintenance and repair" means construction activity commonly accomplished in or on an existing structure or existing building equipment 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 activity which alters the prior or initial capacity, performance specifications, type of required energy or functional features of an existing structure or building equipment.~~

~~Sec. 8-13.~~

~~(9) Person defined. As used herein the word "person" means an individual human being.~~

~~Sec. 8-14.~~

~~(10) Refrigeration equipment defined. As used herein the phrase "refrigeration equipment" means equipment which 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.~~

~~Sec. 8-15.~~

~~(11) Service equipment defined. As used herein the phrase "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.~~

~~Sec. 8-16.~~

~~(12) Space cooling equipment defined. As used herein the phrase "space cooling equipment" means equipment which 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 ductwork 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.~~

~~Sec. 8-17.~~

~~(13) Space heating equipment defined. As used herein the phrase "space heating equipment" means equipment which 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 which 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:~~

- ~~a. 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;~~
- ~~b. Self-contained fireplaces; and~~
- ~~c. A structural design which utilizes largely natural means to cause flow of thermal energy from the sun to accomplish warming of all or part of a structure.~~

~~Sec. 8-18.~~

~~(14) Structure defined. As used herein the word "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 specifically include signs, grandstands, and air-supported structures. The word "structure" shall not include improvements such as public roadways or bridges.~~

~~Sec. 8-19. Reserved.~~

~~Sec. 8-20 536-121. Administration of building code.~~

~~The administrator, division of the neighborhood and development services division, department of metropolitan development, shall administer and enforce the provisions of this chapter.~~

~~Sec. 8-21 536-122. Territorial application.~~

~~This chapter shall be applicable throughout the territorial limits of the Consolidated City of Indianapolis, State of Indiana. Article IV, Division 2 of this chapter shall be applicable throughout the territorial limits of Marion County.~~

~~Sec. 8-22 536-123. Subject matter application.~~

~~All construction activity 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.~~

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

~~The administrator of the neighborhood and development services division 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 administrator, for example, may replace questions, add reasonably related questions or explanatory material, reformat the form or combine the form with another form. The administrator may authorize the form to be completed, used or stored electronically.~~

SECTION 2. Sec. 536-201 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 536-201. When building permits required.

(a) Permit required: ~~No~~ Except for construction activity specified in subsections (b) and (c), no person, partnership or corporation shall engage in any construction activity in the consolidated city unless a written building permit issued by the neighborhood and development services division describing the activity has been obtained by and is in force relative to the person, partnership or corporation which is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction activity allowed by the building permit, ~~provided, however, that:~~

(b) Exemptions for one and two family dwellings: With respect to one or two family residential structures, their appurtenances, and accessory structures the permit 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 health or safety risks as defined in section 8-12; or~~
- ~~(2) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors; or~~
- ~~(3) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or~~
- (41) Replacement of exterior prime doors and windows (limited to like for like in a wall opening of the same dimensions which does not reduce the egress required by code provision existing at the time the building was constructed) so long as the if performed by a listed contractor that complies with the notice and posting requirements of files a prescribed written notification form with notifies the neighborhood and development services division (in the manner prescribed by the administrator of that division) prior to the commencement of such services and posts a completed contractor identification and certification form at the job site as required by Sec. 536-216; ~~or~~ additionally, a person who owns or is purchasing a one or two family residential 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; or
- ~~(5) Exterior repair or renovation of a masonry chimney above the roof line that does not reduce the size of the flue opening; or~~
- (62) Replacement of an existing roof ~~so long as the if performed by a listed contractor that complies with the notice and posting requirements of files a prescribed written notification form with notifies the Division of Neighborhood & Development Services division (in the manner prescribed by the administrator of that division) prior to the commencement of construction and posts a completed contractor identification and certification form at the job site as required by Sec. 536-216, and that construction~~ does not involve:
 - a. a change in roof configuration; or
 - b. a change in type of roof covering (e.g., tile roofing replacing asphalt shingles) that would increase the dead load on the structure; or
 - c. the replacement of basic structural members that support the roof (e.g., replacement of a rafter or more than 128 square feet of decking); or
 - d. the installation of heat-applied roofing material;
 - e. ~~a requirement for a certificate of appropriateness in a historical preservation district; or~~

Additionally, a person who owns or is purchasing a one or two family residential 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 non-compensated volunteers.

- (7) ~~Gutter replacement or installation; or~~
- (8) ~~Installation and replacement of exterior siding so long as the if performed by a listed contractor that complies with the notice and posting requirements of - files a prescribed written notification form with notifies the Division of Neighborhood & Development Services division (in the manner prescribed by the administrator of that division) prior to the commencement of construction and posts a completed contractor identification and certification form at the job site as required by Sec. 536-216; additionally, a person who owns or is purchasing a one or two family residential 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 non-compensated volunteers; or~~
- (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 Sec. 8-12 536-111(8); or
- (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; or
- (6) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
- (7) Exterior repair or renovation of a masonry chimney above the roof line that does not reduce the size of the flue opening; or
- (8) Gutter replacement or installation; or
- (9) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall; or
- (10) Installation of thermal insulation; or
- (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; or
- (12) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan ; or
- (13) Construction of a fence in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district; or
- (14) Construction of an above ground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
- (15) Construction 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 requirement of Sec. 536-215; or
- (16) ~~Erection of retaining walls which are not over four 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); or~~
- (17) Construction of a structure which 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; or

- (18) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
- (19) Installation of a single-phase electric circuit not exceeding sixty (60) amperes at a nominal 120/240 volts which 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; or
- (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; or
- (21) ~~Repairs~~ Replacement in kind ~~on parts of piping in a plumbing system involving when the replacement piping meets the same performance specifications and has the same capacity including plumbing fixtures, appliances, as the piping being replaced and (but not more than twenty percent (20%) of all piping in the structure), valves, and traps is replaced;~~ or
- (22) Replacement of appliances, fixtures, traps and valves in a plumbing system; or
- ~~(22)3~~ Replacement of a water heater with one that is identical as to venting arrangement and type of fuel or energy input; or
- ~~(23)4~~ Extension of heating or cooling duct work ; or
- ~~(24)5~~ Placement of a one-family factory constructed building not on a permanent foundation in a mobile home park licensed by the Indiana State Department of Health; or
- ~~(25)6~~ Initial connection or reconnection of plumbing to a mobile home not placed on a permanent foundation located in a mobile home park licensed by the Indiana State Department of Health; or
- ~~(26)7~~ Erection of real estate signs advertising real estate for sale or for rent, ~~provided such signs do not exceed twenty five (25) square feet in area in conformance with the size limitations provisions of the "sign ordinance" of the zoning ordinance governing signs;~~ or
- ~~(27)8~~ Connection, provision or use of temporary electrical power for on-site construction activity; ~~or.~~
 - (c) Exemptions for commercial construction. With respect to ~~commercial~~ structures other than one or two family residential structures, their appurtenances, and accessory 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 Sec. ~~8-12 536-111(8)~~; or
 - (2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
 - (3) Attachment of window awnings to exterior walls where the awnings project to more than forty-eight (48) inches from any wall; or
 - (4) Painting, papering and similar finish work; or
 - (5) Installation of movable cases, counters and partitions not over sixty-nine (69) inches high; or
 - (6) Construction or installation of temporary motion picture, television and theater stage sets and scenery; or
 - (7) Installation of thermal insulation; or
 - (8) Construction of a fence in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district; or

- (9) Construction of an above ground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
 - (10) Construction of platforms, ~~walks and driveways~~ not more than thirty (30) inches above grade and not over any basement or story below; or
 - (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); or
 - (12) Erection of oil derricks; or
 - (13) Erection of retaining walls which are not over four 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); or
 - (14) Construction of a structure which 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; or
 - (15) Erection of any sign in those categories of signs described in Sec. 8-330 (c) of this chapter; or
 - (16) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
 - (17) Connection, provision or use of temporary electrical power for on-site construction activity; or
 - (18) 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 in apartment buildings when such installation does not include the installation of an electrical circuit; or
 - (19) Repair Replacement in kind ~~on parts~~ of pipings in a plumbing system ~~involving when the replacement piping meets~~ the same performance specifications and has the same capacity ~~including plumbing fixtures, appliances, as the piping being replaced and (but not more than twenty percent (20%) of all the piping in an area occupied by a single tenant in the structure); valves, and traps is replaced;~~ or
 - (20) Replacement of appliances, fixtures, traps and valves in a plumbing system; or
 - (20~~21~~) Replacement of a water heater with one that is identical as to venting arrangement and type of fuel or energy input.
- (d) Provisions in subsection (b) or (c) that exempt those engaged in certain construction activity 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) ~~With respect to construction activity which is exempted by subsection (b) from the permit required by subsection (a) only if the written notice is given by a listed contractor:~~
- (1) ~~such written notice shall be given on the forms and in the manner prescribed by the administrator of neighborhood and development services;~~
 - (2) ~~commencement of such construction activity prior to the required written notice shall subject such activity to all the provisions and penalties of this chapter applicable to construction activity conducted without a required permit;~~

- ~~(3) copies of the written notice shall be posted on the job site in the same manner required for permits issued under this chapter;~~
- ~~(4) upon receipt of the written notice, the administrator shall notify the owner or occupant, who authorized such construction activity, of the right to an inspection of such activity by the division upon request of that owner or occupant;~~
- ~~(5) the listed contractor shall notify the division of the completion of such construction activity in the same manner as required by sec. 536-301 for activity for which a permit is required; and~~
- ~~(6) the listed constructor shall advise the division if such construction activity is not completed in 150 days after such written notice was given.~~

(4) Provisions in subsection (b) or (c) that exempt those engaged in certain construction activity from obligation to secure a building permit do not affect the possible obligation to secure a floodplain development permit for construction activity in the Flood Control Districts as designated by the Flood Control Districts Zoning Ordinance, General Ordinance No. 64, 1992. While a building permit may not be required, a floodplain development permit may be required in such areas.

SECTION 3. Sec. 536-205 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

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

(a) Application for a building permit shall be made to the neighborhood and development services division. The application shall be made in accordance with this section, unless each and every requirement of Sec. 536-209 is met and the administrator 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 neighborhood and development services and shall be supported with:

- (1) Two (2) copies of detailed plans and specifications drawn to scale which 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 of the neighborhood and development services 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 which reflect the location of the structure in relation to existing property lines and which 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 activity is to occur inside an existing structure.
- (3) An improvement location permit, issued by the neighborhood and development services division, department of metropolitan development, 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) Written approval from the Indiana department of fire and building services, division of plan review, if required by Indiana law or any rule of the fire prevention and building safety commission.
- (6) A drainage permit, issued by the department of public works, if required by the ordinance providing for a drainage permit.
- (7) A connection permit, issued by the department of public works, 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 which 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 where there is injury to or death of one 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 Sec. 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; and
- (2) The application and supporting information filed in accordance with this section reflect compliance with building standards and procedures; and
- (3) ~~All fees for all permits required to complete the structure for which the permit application is submitted have been paid.~~ The fee has been paid in compliance with Article VI of this chapter; and
- (4) The person, partnership or corporation obtaining the building permit complies with the requirements of Sec. 536-202; and
- (5) The person applying for the building permit complies with the requirements of Sec. 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 neighborhood and development services division any additions or corrections to that information.

SECTION 4. Sec. 536-209 of the Revised Code of the Consolidated City and County be, and is hereby amended (by inserting the underlined text) to read as follows:

Sec. 536-209. Permits obtained by a telephone communication.

(a) The administrator 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 neighborhood and development services division (to which may be attached a recording device to make a record of all information supplied).

(b) To receive a permit on the basis of a telephone communication, 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 Sec. 536-202, and:
 - a. Have accomplished construction activity in the consolidated city for a period of the preceding twelve (12) calendar months without a violation of building standards or procedures which caused a revocation of a building permit pursuant to Sec. 536-704; issuance of a stop-work order pursuant to Sec. 536-705; issuance of an order forbidding occupancy pursuant to Sec. 536-706; initiation of a civil action filed pursuant to Sec. 536-707; forfeiture of a licensing

bond pursuant to Sec. 536-708; or a judicially imposed fine or imprisonment pursuant to Sec. 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 activity is being accomplished in or on an existing structure;
 - (3) The construction activity does not involve the demolition or removal of a structure;
 - (4) The construction activity does not require the issuance of a design release by the Indiana department of fire and building services, division of plan review;
 - (5) An improvement location permit, issued by the neighborhood and development services division, department of metropolitan development, 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 activity does not require a drainage permit; and
 - (8) The construction activity 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 Sec. 536-210:
 - (1) The name and address of the person telephoning (applicant);
 - (2) The name, address and number of the contractor in whose name the requested building permit is being issued (obtainer);
 - (3) The address of the construction activity;
 - (4) A precise description of the construction activity to be accomplished;
 - (5) The value of the construction activity.
- (d) The obtainer of the building permit shall remit fees for the permit along with a written application (as provided for in Sec. 536-205) to the neighborhood and development services division 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 neighborhood and development services 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 activity 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 neighborhood and development services division over the telephone line to the applicant. Following the issuance of the building permit in accordance with this section, the neighborhood and development services 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 neighborhood and development services division any additions or corrections to that information.

SECTION 5. Sec. 536-211 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 536-211. Transfer of building permits.

(a) A building permit may be transferred with the approval of the administrator of the neighborhood and development services division to a person, partnership or corporation which would be eligible under Sec. 536-202 to obtain such building permit in the first instance (hereinafter called "transferee"), after both the payment of a fee specified in Sec. 536-610 and the execution and filing of a form furnished by the neighborhood and development services division. Such transfer form shall contain, in substance, the following certifications, release and agreement:

(1) The person who ~~applied for~~ obtained the original building permit or a person ~~who meets the requirements of section 536-302 for the execution and filing of a modified certificate of completion and compliance~~ is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:

- a. Certify under penalties for perjury that such person is familiar with construction activity accomplished pursuant to the building permit; such person is familiar with the building standards and procedures applicable to the construction activity; and to the best of such person's knowledge, information and belief the construction activity, 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; and
- b. Certify that the transferee is familiar with the present condition of the premises on which construction activity 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 neighborhood and development services 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 Sec. 536-301 that a certificate of completion and compliance be executed and filed and the requirement of Secs. 536-402 and 536-403 that further construction activity 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 or his authorized representative.

SECTION 6. Sec. 536-213 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 536-213. Expiration of building permits by operation of law for work requiring a building permit.

(a) ~~If the construction activity for which a building permit has been issued, other than activity involving the removal of all or part of a structure,~~ has not been commenced within one hundred fifty (150) days from the date of its 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 of the neighborhood and development services division may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances, but in no event shall the continuance exceed a period of sixty (60) days. Such extension shall be confirmed in writing. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of six (6) months, 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 which is reasonable under the circumstances to allow reinitiation of construction activity.

(b) If construction activity 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 one or two family residential structure - thirty (30) days after issuance
- (2) Removal of all or part of a structure other than one or two family residential structure -sixty (60) days after issuance

Provided, however, the administrator of the neighborhood and development services 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. Such extension shall be confirmed in writing.

SECTION 7. The Revised Code of the Consolidated City and County be, and is hereby amended by adding a new Sec. 536-216 to read as follows:

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

(a) Prior to the commencement of construction activity 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 Sec. 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 neighborhood and development services division 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 activity which is exempt from the building permit requirements
- (4) Address of the construction activity
- (5) Date when the construction activity 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 activity at the job site
- (7) Verification number, if any, provided by the neighborhood and development services division to the contractor when notice of the construction activity 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 neighborhood and development services division will make an inspection of the construction activity at the request of the owner

The listing number shall be at least one (1) inch in height. The form shall include the license/listing seal of the City of Indianapolis, a notice indicating how the listing of the contractor can be verified by communicating with the neighborhood and development services division and how the owner can secure an inspection of the construction activity by the neighborhood and development services division. The administrator of the neighborhood and development services 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, provided, however, this provision shall not require the contractor to place the form at a location objectionable to the owner. 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 Sec. 536-210 of this chapter.

(d) The listed contractor shall deliver to the neighborhood and development services division a copy of the notification form specified in subsection (b). If prior to commencement of the construction activity the copy has not been delivered, the listed contractor shall notify the division by phone, followed by prompt delivery of a copy of the form to the division.

(e) Upon receipt of the filing required by subsection (d) the neighborhood and development services division shall mail notice to the owner of the owner's right to request inspection of the construction activity.

SECTION 8. Article III of Chapter 536 of the Revised Code of the Consolidated City and County be, and is hereby, amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

ARTICLE III. CERTIFICATE OF COMPLETION AND COMPLIANCE

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

Within ten (10) days after completion of the construction activity 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 person who applied for the building permit, the builder, the contractor, the subcontractor, the owner, the architect or the engineer, or an employee of the contractor, the subcontractor, the architect or the engineer, or the owner who is authorized to act for the contractor, the subcontractor, the architect or the engineer, or the owner shall execute and file a certificate of completion and compliance with the neighborhood and development services division. If a master permit was obtained for the structure all licensed subcontractors who worked on the structure shall also execute the certificate of completion. Such certificate shall be in the following form:

<u>CERTIFICATE OF COMPLETION AND COMPLIANCE</u>
Address of premises on which construction activity was accomplished: _____
Permit number/ notification number : _____
The undersigned person(s) hereby certifies/ certify under the penalties for perjury that:
1. I applied for <u>obtained</u> the above referenced building permit or was a licensed subcontractor, who performed work on the structure <u>or am an employee of the obtainer</u> , and
2. I am familiar with the construction activity accomplished pursuant to that building permit, and
3. I know such construction activity has been completed with exceptions here noted _____, and
4. I am familiar with building standards and procedures applicable to such construction activity, and
5. To the best of my knowledge, information and belief such construction activity has been performed in conformity with all building standards and procedures.
Date: _____ Signature: _____ Typed or printed name _____
Signature: _____ Typed or printed name _____
Signature: _____ Typed or printed name _____
Signature: _____ Typed or printed name _____
Signature: _____ Typed or printed name _____
Electrical, heating and cooling or wrecking contractor license number, plumbing contractor registration number, contractor listing number and contractor's license number , or registered architect or registered engineer registration number: _____
If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to Sec. 536-404(b)(3), he shall not be required to file the above certificate of completion and compliance.
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 Sec. 536-303, he shall not be required to file the above certificate of completion and compliance.

~~Sec. 536-302. Modified certificate of completion and compliance.~~

~~If it is impossible or will impose a substantial hardship for the person who applied for the building permit to execute and file a certificate of completion and compliance, a modified certificate of completion and compliance omitting the language stating the person signing the certificate obtained the building permit will be accepted from a person having sufficient knowledge of the construction activity to allow such person to execute the certificate of completion and compliance, if:~~

~~(1) The person executing and filing the modified certificate of completion and compliance fulfills the requirements imposed by section 536-202 of an applicant for the type of building permit obtained to allow such construction activity; and~~

~~(2) An affidavit is executed and filed along with the modified certificate of completion and compliance which provides in substance that it is impossible or will impose a substantial hardship for the person who applied for the building permit to execute and file a certificate of completion and compliance.~~

~~Where a building permit is obtained for a partnership or corporation by an applicant and a certificate of completion and compliance is not filed because it would be impossible to impose a substantial hardship for the applicant to execute and file such certificate, it shall be the responsibility of the partnership or corporation to cause a modified certificate of completion and compliance to be executed and filed relative to such construction activity within ten (10) days after completion of the construction activity.~~

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

Within ten (10) days after the completion of construction activity 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 neighborhood and development services division. All licensed or registered subcontractors who worked on the structure shall also execute the certificate. Such certificate shall be in the following form:

<u>CERTIFICATE OF COMPLETION AND COMPLIANCE FOR WORK DONE UNDER A MASTER PERMIT</u>	
<u>Address of premises on which construction activity was accomplished:</u>	
<u>Permit Number:</u>	
<u>The undersigned person(s) hereby certify under the penalties for perjury that:</u>	
<ol style="list-style-type: none"> 1. I either: <ol style="list-style-type: none"> (a) <u>obtained the above referenced building permit (or am an employee of the obtainer), or</u> (b) <u>am a licensed or registered subcontractor who performed work on the structure, and</u> 2. <u>I am familiar with that part of the construction activity accomplished pursuant to that building permit that is indicated below, and</u> 3. <u>I know the construction activity indicated below has been completed with exceptions noted below, and</u> 4. <u>I am familiar with building standards and procedures applicable to such construction activity, and</u> 5. <u>To the best of my knowledge, information and belief such construction activity indicated below has been performed in conformity with all building standards and procedures.</u> 	
<u>Structural</u> <u>Listing #</u> <u>Exception to work done</u> <u>Signature</u> <u>Typed or printed name</u> <u>Date</u>	
<u>Electrical</u> <u>License #</u> <u>Exception to work done</u> <u>Signature</u> <u>Typed or printed name</u> <u>Date</u>	
<u>Heating and Cooling</u> <u>License #</u> <u>Exception to work done</u> <u>Signature</u> <u>Typed or printed name</u> <u>Date</u>	
<u>Plumbing</u> <u>Registration #</u> <u>Exception to work done</u> <u>Signature</u> <u>Typed or printed name</u> <u>Date</u>	
<u>Wrecking</u> <u>License #</u> <u>Exception to work done</u> <u>Signature</u> <u>Typed or printed name</u> <u>Date</u>	
<u>If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to Sec. 536-404 (b) (3), he shall not be required to file the above certificate of completion and compliance.</u>	

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

Within ten (10) days after the completion of construction activity for which a building permit was issued pursuant to this chapter and for which review and monitoring of construction activity 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 activity accomplished pursuant to the permit shall execute and file an architect's or engineer's certificate of completion and compliance with the neighborhood and development services division in the following form:

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

Address of construction activity: _____

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 Indiana department of fire prevention and building services safety commission, division of plan review and whether the work accomplished is in compliance with building standards rules promulgated by the Indiana Department of Fire prevention and Building safety commission Services and provisions of Article III, Divisions 1 and 3, of Chapter § 536 of the Revised Code of Indianapolis and Marion the Consolidated City and County, with the following exceptions hereafter noted:
2. I am familiar with such building standards and the provisions of Article III, Divisions 1 and 3, 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 Indiana Department of Fire prevention and Building safety commission Services and the provisions of Article III, Divisions 1 and 3 of Chapter § 536.

Date _____ Signature: _____

SEAL Typed name: _____

Architect No.: _____

Engineer No. _____

Indiana Registration No.: _____

Address: _____

Phone number: _____

SECTION 9. Sec. 536-402 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) 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 activity is reached which is designated below, the ~~person who applied for the building permit (or if it is impossible or would impose a substantial hardship for the applicant, the person, partnership or corporation which obtained the permit)~~ shall be under a duty to give appropriate notice to the administrator of the neighborhood and development services division that the construction activity 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 activity, add a reasonable number of other construction stages by communicating the additional stage requirements to the person obtaining the building permit for that construction activity.

(f) Notice of availability shall be given either by telephone communication over a specified telephone line in the office of the neighborhood and development services division (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.

SECTION 10. The Revised Code of the Consolidated City and County be, and is hereby amended by adding a new Sec. 536-405 to read as follows:

Sec. 536-405. Inspection of one and two family residential structures at request of owner.

An owner of a one or two family residential structure or a contract purchaser of such a structure who occupies the structure may request the neighborhood and development services division to inspect construction activity that has been completed within the preceeding 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 neighborhood and development services division 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 11. Sec. 536-609 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 536-~~611~~609. Reinspection fee.

(a) A reinspection fee of seventy five dollars (\$75.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a contractor relative to construction activity for which the contractor has obtained a building permit when an additional inspection visit to a construction address is needed because:

- (1) notice was not given that construction activity was available for inspection within the time period required by Sec. 536-402 and the construction activity is no longer available for inspection; or
- (2) notice was given pursuant to Sec. 536-402 that construction activity was available for inspection; and
 - a. the construction activity could not be found because the construction address provided on the permit application was incorrect; or
 - b. the construction activity was not accessible when then inspector attempted to make the requested inspection at the time agreed upon for the inspection (or if no time was agreed upon, between 8 am and 5 pm Monday through Friday on a day that is not a holiday); or
 - c. the construction activity was not yet sufficiently completed for an inspection to be made; or
 - d. the construction activity was covered or otherwise concealed and therefore not available for inspection; or

- (3) a notice of correction was issued to the contractor and either no response from the contractor was made within the time specified for reinspection or the contractor requested reinspection of corrections and the corrections were not properly completed; or
- (4) a certificate required by Sec. 536-301, 536-302, 536-303 or 536-404 was not filed within the time period required by those sections.

(b) A reinspection fee of seventy five dollars (\$75.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a contractor relative to construction activity for which a building permit is not required when an additional inspection visit to the construction address is needed because an inspection revealed a substantive violation of the building standards and procedures, resulting in the issuance of a notice of correction.

SECTION 12. The Revised Code of the Consolidated City and County be, and is hereby amended by adding new Secs. 536-615 through 536-617 to read as follows:

Sec. 536-615. Fee for permit update.

Fee for the updating of a building permit that requires submittal of additional plans, but does not cause the building permit fee to increase--\$30.00.

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

Fee for renewal of a building permit (except for a permit that has expired under Sec. 536-213 (b))--\$30.00.

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

The administrator of the neighborhood and development services division may institute an accelerated inspection option for contractors who want to secure, quickly and within a definite time period, an inspection of construction activity for which they have secured a building permit. The administrator 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 fee for the accelerated inspection option shall be \$40.00 for an inspection made from 8:00 am through 5:00 pm Monday through Friday on a day that is not a holiday and \$60.00 for an inspection made any other time. The neighborhood and development services division may not require that contractors use the accelerated inspection to secure needed inspections.

SECTION 13. Sec. 536-702 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

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

Whenever a person, partnership or corporation which is either an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to section 536-209 or reinspection fees owed pursuant to Sec. 536-~~611~~ 609) to the neighborhood and development services division pursuant to this chapter or has failed to maintain the bond and insurance requirements of chapter 875, the administrator is authorized to withhold the issuance of subsequently requested permits until such time that the debt is satisfied or the bond and insurance requirements are satisfied.

SECTION 14. Sec. 536-708 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

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 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 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 Code, which requirements must be met to properly carry out construction activity, a land alteration (as defined in Sec. 10 1/2-9 of this Code), sewer work (as defined in Sec. 29-1 of this Code) [or driveway work (as defined in Sec. 28-139 of this Code)] while engaged in any construction activity, land alteration, sewer work or driveway work; or excavation work as defined in Sec. 28-163 of this Code;
 3. To secure payment of any fees owed to the Consolidated City of Indianapolis pursuant to this chapter, Chapter 875, Chapter 10½, Sec. 27-22 or Chapter 28, Article III, Divisions 2 and 3 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 activity, 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 statute, city regulation or this Code which must be met to properly carry out construction activity, 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 Code, which requirements must be met to properly carry out construction activity, 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 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 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 Secs. ~~8-168, 8-194, 8-224 or 8-254~~ 875-109, 875-216, 875-315 or 875-415. In order to meet the requirements of Secs. ~~8-168, 8-194, 8-224 or 8-254~~ 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 Secs. ~~8-168, 8-194, 8-224 or 8-254~~ 875-109, 875-216, 875-315 or 875-415.

SECTION 15. Sec. 8-330 of the Code of Indianapolis and Marion County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 8-330. When required.

(a) No sign shall be erected by any person without first obtaining a permit therefor.

(b) No sign erected before May 22, 1970, shall be altered, rebuilt or relocated without being altered, rebuilt or relocated so as to comply with the requirements of this chapter and without a permit therefor having first been obtained.

(c) A permit shall not, however, be required in the following cases:

(1) Real estate signs advertising real estate for sale or for rent, provided such signs do not exceed ~~twenty-five (25)~~ thirty two (32) square feet in area;

(2) Banners or other temporary advertising displays of less than one hundred (100) square feet in area, not erected over a public highway;

(3) The painting of an advertising display upon any wall or window;

(4) Advertising displays less than twelve (12) square feet in area when maintained flat against a wall of a sidewalk shed, toolhouse or contractor's office, and where not otherwise in violation of this chapter.

(d) Any sign or advertising display that shall be taken down temporarily from its fastenings or supports for repair or replacement, in any manner, shall be considered as a new sign or display, and a permit to erect such sign shall be required, as for a new installation, before such sign or advertising display shall be re-erected.

SECTION 16. Sec. 875-108 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-108. Inspector status.

The inspector status is met by a person who is employed full-time by the consolidated city in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures, ~~Article II provisions of this article of this chapter,~~ the proper performance of any land alteration (as defined in Sec. 10½-9 of this Code) in accordance with state law and Chapter 10½ of this Code, the proper performance of all sewer work (as defined in Sec. 27-1 of this Code) in accordance with state law (including rules of the fire prevention and building safety commission), rules and requirements of the department of public works and Chapter 27 of this Code and the proper performance of all driveway work (as defined in Sec. 28-139 of this Code) and the proper performance of all excavation work (as defined in Sec. 28-163 of this Code) in accordance with state law and Chapter 28, Article III, Divisions 2 and 3 of this Code. Such a person shall not use his listing other than with respect to his employment by the City of Indianapolis. Listing under this section terminates by operation of law when the person is no longer employed by the consolidated city and does not meet the requirements of Sec. 875-109 and Sec. 875-110.

Sec. 875-109. Bond.

(a) Before a listing is issued by the ~~division of neighborhood and development services division~~ to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of ten thousand dollars (\$10,000.00). ~~The~~ Such a bond shall be maintained in full force and effect for a the full period of the license. ~~The bond originally filed with the application for a listing or to renew a listing shall be for a period of not less than one year.~~ The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

(1) Issued by a surety authorized to do business in Indiana;

- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain listing and licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter, Chapter 10½, Chapter 27 and Chapter 28 of this Code; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration (as defined in Sec. 10½-9 of this Code), sewer work (as defined in Sec. 27-1 of this Code), driveway work (as defined in Sec. 28-139 of this Code) or excavation work (as defined in Sec. 28-163 of this Code) while engaged in any construction activity, land alteration, sewer work, driveway work or excavation work; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations,
 2. Expenses necessary to correct violations, and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of [requirements of state statute, city] regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work, driveway work, or excavation work on property of the unknown third party obligee, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in any construction activity, land alteration, sewer work or driveway work. However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of state statute, city regulation or this Code, which requirement must be met to properly carry out construction activity, a land alteration, sewer work, driveway work, or excavation work.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of ten thousand dollars (\$10,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to ten thousand dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 875-110. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction activity accomplished by the listed contractor or under permits obtained by the listed contractor, any land alteration (as defined in Sec. 10½-9 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, all sewer work (as defined in Sec. 27-1 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, and all driveway work (as defined in Sec. 28-139 of this Code) accomplished by the listed contractor or

under a permit obtained by the listed contractor and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the listed contractor and naming the Consolidated City of Indianapolis as an "additional assured," providing for the payment of any liability imposed by law on such listed contractor or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the listed contractor in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage of five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of development services.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the listed contractor. A certificate of such insurance shall be delivered to the administrator of the ~~division of neighborhood and~~ development services division. This provision shall not apply if the listed contractor has no employees and gives appropriate notice to the division of development services.

The insurance carrier shall give notice both to the listed contractor and the ~~division of neighborhood and~~ development services division at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. 875-111. Approval for listing.

Approval of a person, partnership or corporation as a listed contractor shall be by the board or the administrator acting on behalf of the board. Upon receipt of such approval the controller shall issue the listing. The listing shall be for a ~~one-year~~ period from January 1 of any year ending in an odd number to December 31 of the following year. No listing shall be issued by the controller to any person, partnership or corporation except as provided in this article.

Sec. 875-116. Requirement that a contractor secure building permits.

The board may, ~~pursuant to~~ by following the procedures set forth in sec. 875-115, require that a listed contractor obtain building permits for construction activity set forth in sec. 536-201 that is otherwise exempt from building permit requirements. The board shall specify the kinds of construction activity for which permits must be obtained and shall specify the duration of the requirement. The period of time for which this requirement may be imposed shall not exceed one hundred eighty (180) days.

SECTION 17. Sec. 875-203 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

ARTICLE II. LICENSING AND REGULATION OF ELECTRICAL CONTRACTORS

Sec. 875-203. Board of electrical examiners.

A board of electrical examiners (hereinafter in this article referred to as the "board"), shall consist of eight (8) members and shall be responsible for carrying out the provisions of this article relative to licensure of electrical contractors. The administrator shall be a nonvoting member of the board, ex officio. The seven (7) voting members of the board shall be appointed by the mayor for four (4) year terms in such manner that not more than two (2) terms expire on January 1st of ~~one any year and three~~ one any year ~~and three~~ other terms expire on January 1st of the next year. Five (5) of the seven (7) members appointed by the mayor shall be persons to whom a license has been issued in accordance with this article, and the two (2) remaining appointed members shall be persons (not licensed under this article) representing the public at large. Each of the appointed members shall be a resident of the consolidated city. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure and shall hold no other elective or appointive office in the consolidated city.

SECTION 18. Sec. 875-209 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-209. Written examination.

The written examination requirement of Sec. 875-208a is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination administered by the board relative to electrical work for which such license is required:

- (1) General knowledge of the provisions of this chapter and other relevant ordinances of the consolidated city; and
- (2) General knowledge of the rules ~~and regulations~~ of the ~~administrative building council~~; fire prevention and building safety commission and other state and federal agencies applicable in the consolidated city; and
- (3) Expert knowledge about the proper, practical and safe methods of accomplishing electrical work; and
- (4) In the event a person fails to obtain a passing score on the written examination administered by the board, re-examination shall only be allowed pursuant to the written policies and regulations promulgated by the board under Sec. 875-204.

SECTION 19. Sec. 875-214 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-214. Inspector status.

The inspector status requirement of Sec. 8-208(4) is met by a person who is employed full time by the ~~division of neighborhood and~~ development services division in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relative to electricity; ~~Article II provisions~~ or this article of this chapter. Such a person shall not use a license as an electrical contractor other than with respect to his employment by the Consolidated City of Indianapolis. Licensure under this section terminates by operation of law when the person is no longer employed by the ~~division of neighborhood and~~ development services division and does not meet the requirements of Secs. 875-216 and 875-217.

SECTION 20. Sec. 875-216 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-216. Bond.

(a) Before a license is issued by the ~~division of neighborhood and~~ development services division to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of ten thousand dollars (\$10,000.00). ~~The~~ Such a bond shall be maintained in full force and effect for ~~a~~ the full period of the license. ~~The bond originally filed with the application for a license or to renew a license shall be for a period of~~ not less than one year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and

- c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any electrical work or any related construction activity; and
- d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations,
 2. Expenses necessary to correct violations, and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in electrical work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of ten thousand dollars (\$10,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety financial institution relative to this bond or letter of credit is limited to ten thousand dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall prorate payment according to the amount of such claims.

SECTION 21. Sec. 875-217 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-217. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all electrical work and related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of development services.
- (2) Workman's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the ~~division of~~ neighborhood and

development services division. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of development services.

The insurance carrier shall give notice both to the licensee and the ~~division of neighborhood and development services~~ division at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

SECTION 22. Sec. 875-219 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-219. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as an electrical contractor shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one of its officers or the administrator of the division of development services authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by Sec. 875-212(1) or the applicant is a partnership or corporation.

Upon delivery of such approval an electrical contractor's license shall be issued by the controller ~~for a period of one year.~~ The licensure period shall be from January 1 of any year ending in an even number to December 31 of the following year. (However, during a transition period from July 1, 1995 to December 31, 1997, licenses may be issued for a longer period of time than two (2) years). No license shall be issued by the controller to any person, partnership or corporation as an electrical contractor except as provided in this article.

SECTION 23. Sec. 875-222 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-222. Electrical work on one's own property.

A person, who both owns and ~~possesses~~ occupies a one or two family residential structure ~~and the or who desires to construct such a structure for his or her own occupancy on~~ real estate ~~upon which it is located~~ owned by the person personally may perform electrical work for which a license would be otherwise required by this article, without having such a license; provided that, if a building permit is required for such work, such person shall obtain

- (1) the building permit for the electrical work, and
- (2) the written approval from the board or its designee that the person has sufficient knowledge and technical skill to accomplish the work in accordance with building standards and procedures.

The board is to designate a person to perform the determinations under this section, who shall be an employee of the Department of Metropolitan Development qualified to perform inspections of electrical work. The board may appoint an alternate qualified employee for this designee.

A determination by the board's designee to disallow the nonlicensed person to accomplish the work may be appealed to the board for reconsideration.

SECTION 24. Sec. 875-308 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

ARTICLE III. LICENSING AND REGULATION OF HEATING AND COOLING CONTRACTORS

Sec. 875-308. Written examination.

The written examination requirement of Sec. 875-307(1) is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written

examination administered by the board relative to heating and cooling work for which such license of the applicable type is required:

- (1) General knowledge of the provisions of this chapter and other relevant ordinances of the consolidated city; and
- (2) General knowledge of the rules ~~and regulations~~ of the fire prevention and building safety commission and other administrative building council, state and federal agencies applicable in the consolidated city; and
- (3) Expert knowledge about the proper, practical and safe methods of accomplishing heating and cooling work; and
- (4) In the event a person fails to obtain a passing score on the written examination administered by the board, re-examination shall only be allowed pursuant to the written policies and regulations promulgated by the board under Sec. 875-303.

SECTION 25. Sec. 875-313 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-313. Inspector status.

The inspector status requirement of Sec. 875-307(4) is met by a person who is employed full time by the ~~division of neighborhood and development services division~~ in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to heating and cooling work, ~~Article II provisions~~ or this article of this chapter. Such a person shall not use a license as a heating and cooling contractor other than with respect to his employment by the Consolidated City of Indianapolis. Licensure under this section terminates by operation of law when the person is no longer employed by the ~~division of neighborhood and development services division~~ and does not meet the requirements of Secs. 875-315 and 875-316.

SECTION 26. Sec. 875-315 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-315. Bond.

(a) Before a license is issued by the ~~division of neighborhood and development services division~~ to any person, partnership or corporation, the administrator shall require the applicant to file a surety in the amount of five thousand dollars (\$5,000.00). ~~The Such a~~ bond shall be maintained in full force and effect for ~~a the full period of the license. The bond originally filed with the application for a license or to renew a license shall be for a period of~~ not less than one year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any less or expense for damages to property of the Consolidated City of Indianapolis caused by any action, of the contractor, his agent, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any heating and cooling work or any related construction activity; and

- d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
1. Losses arising out of violations,
 2. Expenses necessary to correct violations, and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in heating and cooling work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to five thousand dollars (\$5,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 875-316. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all heating and cooling work and any related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of development services.
- (2) Workman's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the ~~division of~~ neighborhood and development services division. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of development services.

The insurance carrier shall give notice both to the licensee and the ~~division of~~ neighborhood and development services division at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. 875-317. Types of licenses.

There shall be twelve (12) types of licenses approved by the board pursuant to this article. However, after January 1, 1996, there shall only be seven (7) types of licenses. Heating and cooling work may be accomplished under these license types as follows:

- (1) The Air Conditioning "A" (unrestricted)" license authorizes the holder thereof to perform all of the kinds of heating and cooling work without limitation.
- (2) The "light commercial/residential" license authorizes the holder thereof to perform work of the following kinds:
 - a. Installation, modernization, replacement, service or repair of cooling systems or space cooling equipment, which system or equipment has a rated output not in excess of six hundred thousand (600,000) Btuh and does not include preassembled air-conditioning units which exceed a rating of fifty (50) tons under ARI standards; and
 - b. Installation, modernization, replacement, service or repair of heating systems or space heating equipment, which system or equipment has a rated input not in excess of four million (4,000,000) Btuh and which does not utilize a water boiler in which the rated pressure exceeds thirty (30) pounds per square inch.
- (3) The "residential" license authorizes the holder thereof to perform work of the following kinds in one- or two-family residential structures, commercial buildings of not more than one story and apartment buildings:
 - a. Installation, modernization, replacement, service or repair of cooling systems or space cooling equipment, which system or equipment is a single phase and has a rated output not in excess of sixty thousand (60,000) Btuh; and
 - b. Installation, modernization, replacement, service or repair of heating system or space heating equipment, which system or equipment has a rated input of less than two million (2,000,000) Btuh and which does not utilize a boiler in which the rated pressure exceeds fifteen (15) pounds per square inch or steam boiler in which the rated pressure exceeds thirty (30) pounds per square inch.
- (4) The "Air Conditioning "B"" license authorizes the holder thereof to install, maintain, repair, fabricate, alter, or extend central air conditioning, heating and ventilating, including ductwork, within a complete system limited to twenty-five tons cooling and five hundred thousand BTU heating (which does not utilize a water boiler in which the rated pressure exceeds thirty (30) pounds per square inch), and all appurtenances, apparatus, piping vessels, ducts and insulation used in connection therewith.
- (5) The "Air Conditioning "D"" license authorizes the holder thereof to install, maintain, repair, alter, or extend systems of air conditioning and heating including ventilation and any and all duct systems necessary. Systems shall be limited to single phase, five (5) ton cooling capacity, limited to 300,000 BTU/hr input heating capacity and limited to boiler pressures of 15 psig steam and 30 psig water.
- (6) The "high pressure steam" license authorizes the holder thereof to perform installation, modernization, replacement, service or repair of heating systems or space heating equipment, which system or equipment utilizes a boiler.
- (7) The "refrigeration" license authorizes the holder thereof to perform installation, modernization, replacement, service or repair of refrigeration equipment.
- (8) The "heavy commercial (unrestricted) service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "heavy commercial (unrestricted)" license may perform.
- (9) The "light commercial/residential service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "light commercial/residential" license may perform.

- (10) The "residential service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "residential" license may perform.
- (11) The "steam service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "steam" license may perform.
- (12) The "refrigeration service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "refrigeration" license may perform.

Holders of a license listed in (2) or (3) may renew such a license if the holder qualifies for renewal under Sec. 875-311, however, no initial licenses listed under (2) or (3) shall be issued after January 1, 1995.

No initial licenses of the types listed in (8), (9), (10), (11) and (12) shall be issued after January 1, 1995. Holders of a license listed in (8), (9), (10), (11) or (12) may renew such a license if the holder qualifies for renewal under Sec. 875-311, however, such license shall not be renewed for a period of time extending past January 1, 1996.

Sec. 875-318. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as a heating and cooling contractor of the appropriate type shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one of its officers or the administrator of the division of development services authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by Sec. 875-311(1) or the applicant is a partnership or corporation.

Upon delivery of such approval a heating and cooling contractor's license of the appropriate type shall be issued by the controller ~~for a period of one year.~~ The licensure period shall be from January 1 of any year ending in an even number to December 31 of the following year. (However, during a transition period from July 1, 1995 to December 31, 1997, licenses may be issued for a longer period of time than two (2) years). No license shall be issued by the controller to any person, partnership or corporation as a heating and cooling contractor except as provided in this article.

SECTION 27. Sec. 875-321 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-321. Heating and cooling work on one's own property.

A person, who both owns and ~~possesses~~ occupies a one or two family residential structure ~~and the or who desires to construct such a structure for his or her own occupancy on~~ real estate ~~upon which it is located~~ owned by the person personally may perform heating and cooling work for which a license would be otherwise required by this article, without having such a license; provided that, if a building permit is required for such work, such person shall obtain

- (1) the building permit for the heating and cooling work, and
- (2) the written approval from the board or its designee that the person has sufficient knowledge and technical skill to accomplish the work in accordance with building standards and procedures.

The board is to designate a person to perform the determinations under this section, who shall be an employee of the Department of Metropolitan Development qualified to perform inspections of heating and cooling work. The board may appoint an alternate qualified employee for this designee.

A determination by the board's designee to disallow the nonlicensed person to accomplish the work under this section may be appealed to the board for reconsideration.

SECTION 28. Sec. 875-401 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

ARTICLE IV. LICENSING AND REGULATION OF WRECKING CONTRACTORS

Sec. 875-401. License required.

Licensure as a wrecking contractor of the appropriate type is required to either engage or offer to engage in the business, trade or calling of demolishing, dismantling, dismembering, razing or removing structures; provided, however, that licensure as a wrecking contractor is not required:

- (1) To wreck a one-story detached accessory structure containing less than five hundred seventy-seven (577) square feet of floor area which is located on the same premises as a one- or two-family residential structure or to wreck a structure containing less than five hundred (500) square feet of floor area; or
- (2) To wreck a one-story, one- or two-family residential structure if:
 - a. The wrecking is accomplished by the person who owns the structure; and
 - b. The person is a previous occupant of the structure; and
 - c. No part of the structure is located nearer than ten (10) feet to another structure not owned by the person accomplishing the wrecking or any street, alley or sidewalk; and
 - d. The wrecking will not create a substantial potential health or safety hazard; and
 - e. If deemed reasonably necessary by the administrator of the neighborhood and development services division, the person who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy, in amounts established by the administrator (but not less than fifty thousand dollars (\$50,000.00) for personal injury or death and twenty-five thousand dollars (\$25,000.00) for property damage), naming the person doing the wrecking and the Consolidated City of Indianapolis as the insured; or
- (3) To wreck a one-story, wood-frame structure that is not a residential structure if:
 - a. The wrecking is accomplished by the person who owns the structure or by permanent, full-time employees of the partnership or corporation which owns the structure; and
 - b. The person, partnership or corporation which owns the premises where the structure is located is in possession of the premises where the structure is located; and
 - c. No part of the structure is located nearer than ten (10) feet to another structure not owned by the person, partnership or corporation accomplishing the wrecking or any street, alley or sidewalk; and
 - d. The wrecking will not create a substantial potential health or safety hazard; and
 - e. If deemed reasonably necessary by the administrator of the neighborhood and development services division, the person, partnership or corporation who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy in amounts established by the administrator (but not less than fifty thousand dollars (\$50,000.00) for personal injury or death and twenty-five thousand dollars (\$25,000.00) for property damage), naming the person doing the wrecking and the Consolidated City of Indianapolis as the insured; or
- (4) To wreck or dismantle a structure or part of a structure if:
 - a. ~~The administrator of the neighborhood and development services division determines that the~~ structure to be demolished or dismantled is a water storage tank, gas storage tank, or other structure which has some unique characteristic requiring specialized expertise beyond that of

the typical licensed demolition contractor, or that the demolition or dismantling work involves some unique circumstance requiring such specialized expertise, and

- b. The person responsible for supervising the demolition or dismantling work demonstrates his or her familiarity with this chapter and Chapter 536 and his or her expertise and experience in demolishing or dismantling the type of structure or part of the structure to be demolished or dismantled, and
- c. The applicant person, partnership or corporation submits proof of bond and insurance in the amounts required for the type license normally required to demolish or dismantle the structure or part of the structure and naming the person, partnership or corporation doing the demolition or dismantling work and the Consolidated City of Indianapolis as insured, and
- d. The applicant person, partnership or corporation is listed as a general contractor under Article I of this chapter prior to obtaining any wrecking permits or accomplishing any demolition or dismantling work.

~~(5)~~The determinations under this paragraphs ~~(1-4)~~ (4) are to be made by the Board of Wrecking Examiners or an employee of the Department of Metropolitan Development designated by that board as qualified to make such determination. The board may appoint an alternate qualified employee for this designee.

In determining whether to issue a permit for wrecking pursuant to paragraphs (1) through ~~(4)~~ (3) above, the administrator of the neighborhood and development services division may consult with and seek the advice of the board of wrecking examiners.

A determination by the administrator under paragraphs (1-3) or by the Board's designee under paragraph (4) not to allow the nonlicensed person to accomplish the work under this section may be appealed to the board of wrecking examiners for reconsideration.

A person not licensed under this article who is employed by a licensed wrecking contractor may, however, accomplish wrecking while working under the direction and control of a person who is a licensed wrecking contractor. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed wrecking contractor providing direction and control over the nonlicensed person. Such nonlicensed person shall not enter into or offer to enter into a contractual relationship with a consumer to himself engage in wrecking.

Construction activity which this article allows licensed wrecking contractors to carry out is hereafter referred to in this article as "wrecking."

SECTION 29. Sec. 875-415 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-415. Bond.

(a) Before a license is issued by the neighborhood and development services division to any person, partnership or corporation, the administrator of the division shall require the applicant to file a surety bond in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license. ~~The~~ Such a bond shall be maintained in full force and effect for ~~a~~ the full period of the license. The bond originally filed with the application for a license or to renew a license shall be for a period of not less than one year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure;
 - and

- b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
- c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents or employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any wrecking or any related construction activity; and
- d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violation,
 2. Expenses necessary to correct violations, and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in wrecking or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license if the city controller approved the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license. A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rata payment according to the amount of such claims.

SECTION 30. Sec. 875-416 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-416. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all wrecking and related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one or more persons, and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to

property. A certificate of such policy shall be delivered to the administrator of the division of development services.

- (2) Workman's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the neighborhood and development services division. This provision shall not apply if the licensee has no employees and gives appropriate notice to the neighborhood and development services division.

The insurance carrier shall give notice both to the licensee and the neighborhood and development services division at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

SECTION 31. Sec. 875-418 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 875-418. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as a wrecking contractor of the appropriate type shall be in writing signed by a majority of the board of ~~contractors~~. The board may, however, by resolution agreed to by a majority of the board delegate to one of its officers or the administrator of the neighborhood and development services division authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by Sec. 875-411(1) or the applicant is a partnership or corporation.

Upon delivery of such approval a wrecking contractor's license of the appropriate type shall be issued by the controller ~~for a period of one year~~. The license period shall be from January 1 of any year ending in an even number to December 31 of the following year. (However, during a transition period from July 1, 1995 to December 31, 1997, licenses may be issued for a longer period of time than two (2) years. No license shall be issued by the controller to any person, partnership or corporation as a wrecking contractor except as provided in this article.

SECTION 32. Sec. 875-501 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

ARTICLE V. REGISTRATION OF PLUMBING CONTRACTORS

Sec. 875-501. Registration.

(a) Any person or corporation which is licensed by the Indiana Plumbing Commission as a plumbing contractor pursuant to Public Law 188 of the Acts of 1972, as amended, and which performs any work within the Consolidated City of Indianapolis which it is privileged to accomplish pursuant to such license shall register with the ~~administrator of the division of neighborhood and development services~~ division.

(b) Such registration shall be accomplished by ~~annually~~ paying a fee specified by Sec. ~~8-87 875-701~~ and by furnishing the following information on a form supplied by the ~~division of neighborhood and development services~~ division:

- (1) Name of business;
- (2) Legal status (whether sole proprietor, member of partnership or corporation);
- (3) Address of business;
- (4) The identification number of the license issued by the Indiana Plumbing Commission;
- (5) In the instance of a corporation which is a licensed plumbing contractor, the name of all corporate officers or employees who hold a plumbing contractor's license and are authorized by

the corporation to obtain building permits on behalf of the corporation for construction activity relative to which state licensure as a plumbing contractor is required.

(c) Such registration shall expire be for a two (2) year period, beginning on January 1 of any year ending in an even number and expiring on December 31st of the following year. of registration, or

(d) Such registration shall terminate during the period of registration at such ~~earlier~~ time as the person or corporation is not licensed by the Indiana Plumbing Commission as a plumbing contractor.

SECTION 33. Sec. 875-701 of the Revised Code of the Consolidated City and County be, and is hereby amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

ARTICLE VII. FEES

Sec. 875-701. Listing, registration and license fees.

- (a) ~~General contractors, annual listing fee for sole proprietors \$75.00.~~
- (b) ~~Plumbing contractors, annual registration fee for sole proprietors \$55.00.~~
- (c) ~~Electrical contractors, annual license fee:~~
 - (1) ~~Master electrical \$100.00.~~
 - (2) ~~Residential electrical \$75.00.~~
- (d) ~~Heating and cooling contractors, annual license fee:~~
 - (1) ~~Heavy commercial (unrestricted), Air Conditioning "A", light commercial/residential, Air Conditioning "B", Air Conditioning "D", steam and refrigeration licenses \$100.00.~~
 - (2) ~~Residential and all services licenses \$75.00.~~
- (e) ~~Wrecking contractors, annual license fee:~~
 - (1) ~~Type A \$125.00.~~
 - (2) ~~Type B \$100.00.~~
 - (3) ~~Type C \$75.00.~~
- (f) ~~Licensure, listing and registration fees for partnerships and corporations shall be \$100.00.~~

(a) Fee for listing a sole proprietor, partnership or corporation as a general contractor; fee for licensing a person, sole proprietor, partnership, or corporation as an electrical contractor, heating and cooling contractor or wrecking contractor.

- (1) Listing or license--\$250.00
- (2) Renewal of listing or license when the completed application for renewal is received no later than thirty (30) days after the expiration date of the listing or license--\$200.00.
- (3) Listing or license that has a duration for a period from 366 days to 548 days--\$187.00
- (4) Listing or license that has a duration from 1 to 364 days--\$125.00.

(b) Fee for registration of state licensed plumbing contractors who are sole proprietors or for individuals within a corporation who are eligible to secure permits.

- (1) Registration--\$100.00

(2) Renewal of registration when the completed application for renewal is received no later than thirty (30) days after the expiration date of the registration--\$80.00

(3) Registration that has a duration from 365 days to 548 days--\$75.00

(4) Registration that has a duration from 1 to 364 days--\$50.00

(1)(c) Annual fee for persons eligible to apply for permits A licensed or listed contractor shall be allowed to specify five (5) names, which includes officers, partners, or employees or agents of the corporation contractor who are eligible to obtain secure permits for the contractor. ~~An additional~~ Additional names may be specified, but \$40.00 shall be charged for each subsequent additional name.

~~(g)(2) Plumbing registration fees for individuals within a corporation who are eligible to obtain permits \$45.00.~~

~~(h)(d) A person who meets the inspector status requirements stated in Sec. 8-167 875-108, 8-192 875-214, 8-222 875-313 or 8-252 875-413 is relieved of the requirement of the annual license, listing [for registration] fees.~~

(e) Notwithstanding what is stated in subsection (a), the following chart sets forth the applicable fee for the transitional listing of a sole proprietor, partnership or corporation as a general contractor for the period beginning no earlier than July 1, 1995 and ending December 31, 1996.

<u>When transitional listing secured</u>				
	<u>July - Sept.</u> <u>1995</u>	<u>Oct. - Dec.</u> <u>1995</u>	<u>Jan. - Mar.</u> <u>1996</u>	<u>Apr. - Dec.</u> <u>1996</u>
<u>Fees for transitional listing that expires December 31, 1996.</u>	<u>\$125.00</u>	<u>\$100.00</u>	<u>\$75.00</u>	<u>\$50.00</u>

(f) Notwithstanding what is stated in subsection (a), the following chart sets forth the applicable fee for the transitional licensing of a person, sole proprietor, partnership or corporation as an electrical contractor, heating and cooling contractor or wrecking contractor for the period beginning no earlier than July 1, 1995 and ending December 31, 1997.

<u>When transitional license secured</u>						
	<u>July - Sept.</u> <u>1995</u>	<u>Oct. - Dec.</u> <u>1995</u>	<u>Jan. - Mar.</u> <u>1996</u>	<u>Apr. - June</u> <u>1996</u>	<u>July - Sept.</u> <u>1996</u>	<u>Oct.</u> <u>1996-</u> <u>Dec.1997</u>
<u>Fee for transitional license that expires December 31, 1997.</u>	<u>\$225.00</u>	<u>\$200.00</u>	<u>\$175.00</u>	<u>\$150.00</u>	<u>\$125.00</u>	<u>\$100.00</u>

SECTION 34. This ordinance shall be in full force and effect upon adoption and compliance with IC 35-3-4-14.

PROPOSAL NO. 477, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 477, 1995 on August 29, 1995. The proposal amends the Comprehensive Zoning Maps of Marion County by updating base maps #4, #23, #24, and to correct mapping errors on base maps #14D, #18C, #28C, and #35B. By a 6-0 vote the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Gray, for adoption. Proposal No. 477, 1995 was adopted on the following roll call vote; viz:

23 YEAS: *Beadling, Black, Borst, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Tilford, West, Williams*
0 NAYS:

3 NOT VOTING: Boyd, Dowden, Short

3 ABSENT: Brens, Giffin, Smith

Proposal No. 477, 1995 was retitled GENERAL ORDINANCE NO. 133, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 133, 1995

AN ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, Part 21, as amended, the Zoning Ordinance for Marion County, Indiana which Ordinance includes the Comprehensive Zoning Maps of Marion County, Indiana, as amended, and fixing a time when the same shall take effect.

WHEREAS, I.C. 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana Ordinances for the zoning or districting of all lands within the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

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

SECTION 1. The Code of Indianapolis and Marion County, Indiana, Appendix D, part 21, The Comprehensive Zoning Maps of Marion County, Indiana, as amended, pursuant to I.C. 36-7-4, be further amended to update specifically base maps #4, #23, and #24 of said maps to include subsequent rezonings (which Comprehensive Zoning Maps, as amended, are attached hereto, incorporated herein by reference and made a part of this Ordinance); and all land within the area noted on the four sections of base map #4, the four sections of base map #23, and the four sections of base map #24 are hereby classified, divided and zoned in accordance with the zoning district classifications as designated upon said Comprehensive Zoning Maps, as amended, thereby updating said Comprehensive Zoning Maps to include various rezonings by individual legal description or map amendments adopted subsequent to Metropolitan Development Commission docket number 87-AO-2.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to April 10, 1995, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said MAPS in a subsequent map updating amendment hereto).

SECTION 3. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal Airport Zoning Ordinance (94-AO-2, which includes the language of the former Airspace District Zoning Ordinance [62-AO-2] as amended) and the Airspace District Map adopted as a part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 4. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal the Floodway and Floodway District Fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 5. The Comprehensive Zoning Maps of Marion County, Indiana, are further amended to update base maps #14D, #18C, #28C and #35B (adopted under Metropolitan Development Commission Docket Numbers 95-AO-5, 94-AO-8, 95-AO-5, and 94-AO-11 respectively), in order to correct mapping errors made at the time of adoption of these maps. Relevant prior zoning case numbers and applicable legal descriptions for the corrections are included with each map.

SECTION 6. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

PROPOSAL NO. 521, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 521, 1995 on September 5, 1995. The proposal is an appropriation of \$666,000 for Information Services Agency to pay for increased contractual services, maintenance, and telephone expenses financed by a transfer of funds within the Information Services Internal Service Fund; and a reduction in its 1995 budget of \$260,000 due to reasons associated with the Huron project. By a 4-2 vote the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Curry, for adoption. Proposal No. 521, 1995 was adopted on the following roll call vote; viz:

- 24 YEAS: *Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Tilford, West, Williams*
- 1 NAYS: *Black*
- 1 NOT VOTING: *Beadling*
- 3 ABSENT: *Brents, Giffin, Smith*

Proposal No. 521, 1995 was retitled FISCAL ORDINANCE NO. 82, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 82, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Nine Hundred Twenty-six Thousand Dollars (\$926,000) in the Information Services Internal Services Fund for purposes of the Information Services Agency and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(zz) of the City-County Annual Budget for 1995, be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Information Services Agency for increased need for contractual services, maintenance and telephone expenses. The agency is also seeking a reduction in 1995 funds due to timing of the Huron project.

SECTION 2. The sum of Six Hundred Sixty Thousand Dollars (\$666,000) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, by the sum of Nine Hundred Sixty-six Thousand Dollars (\$926,000).

SECTION 3. The following increased appropriation is hereby approved:

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES INTERNAL SERVICES FUND</u>
3. Other Services and Charges	<u>666,000</u>
TOTAL INCREASE	666,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES INTERNAL SERVICES FUND</u>
1. Personal Services	35,000
2. Supplies 60,000	
4. Capital Outlay	<u>831,000</u>
TOTAL DECREASE	926,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 560, 1995. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 560, 1995 on August 29, 1995. The proposal affirms the policy

of providing deferred compensation for county elected officials. By a 5-0 vote the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Borst, for adoption. Proposal No. 560, 1995 was adopted on the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Tilford, West, Williams
1 NAYS: Hinkle
2 NOT VOTING: Beadling, Jones
3 ABSENT: Brents, Giffin, Smith

Proposal No. 560, 1995 was retitled COUNCIL RESOLUTION NO. 61, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 1995

A COUNCIL RESOLUTION affirming the policy of providing deferred compensation for county elected officials.

WHEREAS, the 1996 Budget as submitted by the County Auditor includes in Section 5.01(b)(2) a provision for deferred compensation for certain elected county officers; and

WHEREAS, the Council desires to express its position on such provision prior to committee action as the various budgets of county agencies; now, therefore:

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

SECTION 1. The City-County Council affirms the policy of providing deferred compensation for certain county elected officers as put forth in Section 5.01(b)(2) of the proposed 1996 Annual Budget, City-County Proposal No. 504, 1995.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Shawn Hanson. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:05 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 11th day of September, 1995.

September 11, 1995

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

Burt SerVaas

President

Suellen Hart

Clerk of the Council

ATTEST:

(SEAL)