

ORDINANCE NO. 557

**AN ORDINANCE ESTABLISHING A BUILDING CODE
FOR THE TOWN OF SUMMITVILLE, MADISON COUNTY, INDIANA**

This ordinance is an ordinance establishing a building code for the Town of Summitville, Indiana, for the construction, alteration, repair, location and use of buildings and structures in the Town of Summitville, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-2-9; providing for the issuance of permits; providing penalties for violations; and repealing all ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Town Council of the Town of Summitville, Madison County, Indiana as follows;

SECTION I

TITLE

This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the Town of Summitville, Indiana", may be cited as such, and will be referred to herein as "this Ordinance".

SECTION II

PURPOSE

The purpose of this Ordinance is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

SECTION III

AUTHORITY

The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this Ordinance. Whenever in this Ordinance, it is provided that anything must be done to the approval of or subject to and direction of the Building Commissioner or another officer of the Council, this shall be construed to give such officer only the discretion of determining whether this Ordinance has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this Ordinance shall be, or power to require conditions not prescribed by ordinances or to enforce this cod in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under IC 22-13-2-7(b).

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SECTION IV

SCOPES

The provisions of this Ordinance apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrialized buildings systems or mobile structures certified under IC 22-15-4, in the Town of Summitville.

SECTION V

ADOPTIONS OF RULES BY REFERENCE

a. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this Ordinance and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative.

Code with effective dates as fixed therein:

- 1. Article 13 – Building Codes
 - a. Fire and Building Safety Standards
 - b. Indiana Building Code
 - c. Indiana Building Code Standards
 - d. Indiana Handicapped Accessibility Code

- 2. Article 14 – One and Two Family Dwelling Codes
 - a. Council of American Building Officials One and Two Dwelling Code
 - b. CABO One and Two Family Dwelling Code; Amendments
 - c. Standard for Permanent Installation of Manufactured Homes

- 3. Article 16 – Plumbing Codes
 - Indiana Plumbing Code

- 4. Article 17 – Electrical Codes
 - a. Indiana Electrical Code
 - b. Safety Code for Health Care Facilities

- 5. Article 18 – Mechanical Codes
 - Indiana Mechanical Code

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6. Article 19 – Energy Conservation Codes
 - a. Indiana Energy Conservation Code
 - b. Modifications to the Model Energy Code

7. Article 20 – Swimming Pool Codes
Indiana Swimming Pool Code

b. Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner.

SECTION VI

APPLICATION FOR PERMITS

No building permit, for a building larger than five hundred (500) square feet in area, shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to proposed location showing the work to be done. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release. Buildings in size of thirty thousand (30,000) cubic feet or larger must have plans and specifications completed by an architect or engineer. In flood hazard areas, identified on flood plain insurance rate maps, the applicant must procure a permit from the Department of Natural Resources. ✓

SECTION VII

PERMIT REQUIRED

A permit shall be obtained before beginning construction, alteration or repair of any building or structure in which (1) the cost of such construction, alteration or repair exceeds Five Hundred Dollars (\$500.00) or (2) the size of the structure is greater than one hundred twenty (120) square feet. Permits shall be obtained using forms furnished by the Building Commissioner, and all fees required by this Ordinance shall be paid to the Town Clerk of the Town of Summitville, Indiana. ✓

SECTION VIII

OTHER ORDINANCES

All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances. ✓

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SECTION IX

FEES

TOWN OF SUMMITVILLE PERMIT FEE SCHEDULE

All applications filed with the Building Commissioner shall be accompanied by a fee in accordance with the following schedule:

~~All new~~ ^{or Multi Family} a. Single Family Dwellings, Manufactured Homes ~~Type I & II~~ ^{Custom Built, Prefab} or addition to Single Family Dwellings and Manufactured Homes ~~Type I & II~~ under 1000 square feet.

All new

~~Two Family Dwellings under 1000 sq. ft.~~

~~Custom Built, Prefab~~
Manufactured

~~Two Family Dwellings over 1000 sq. ft.~~

Single Family:

up to

1001 to 1500 sq. ft.	\$ 50.00
1501 to 2000 sq. ft.	\$ 60.00
2001 to 2500 sq. ft.	\$ 80.00
2501 to 3000 sq. ft.	\$110.00
3001 to 3500 sq. ft.	\$130.00
3501 to 4000 sq. ft.	\$160.00
for every 0 to 1000 sq.ft. over 4000 sq. ft.	\$ 50.00

b. Remodel Residential Structure

Porches, Patio, Decks under Roof (up to 80 sq. ft.)	\$ 10.00 25 ⁰⁰
Porches, Patio, Decks under Roof (over 80 sq. ft.)	\$ 15.00
Change occupied Space or Roof Design	\$ 25.00

c. Demolition Permit ^{30 day permit}

*Check utility wire disconnection	\$ 15.00 25 ⁰⁰
*Required for locating all utilities	Call Check

Require Utility

d. Business or Non-Profit Building (per \$1,000.00)

Structure or Remodeling Estimated cost (Minimum Fee - \$25.00) (Maximum Fee - \$2,500.00)	\$ 3.50 5.00
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e. ~~Manufactured Home Type III and Mobile Homes~~

under 1000 sq. ft.	\$ 50.00 of current
over 1000 sq. ft.	\$ 75.00 year

^{model must be replaced with newer, within 10 years}
^{must be placed with 10 days of removal of existing}

Remove →

f. Small Storage Building ~~8' x 10' (80 sq. ft.) & under~~

Small Storage Building 12' x 12' up to 144 sq. ft.	\$ 10.00 25 ⁰⁰
	\$ 15.00

~~Must~~ Not for occupancy

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	Garage, Pole Barns, Accessory Building, over 144 sq.ft. to 1200 sq.ft. over 1200 sq.ft.	\$ 35.00 50 ⁰⁰ variance required
	Pole Barn located on 20 acres or more for Agriculture use fees to be determined	no charge
g.	Swimming Pools (advance purchase) Hot Tub	\$ 30.00 450.00
	Swimming Pools (no advance purchase) (Follow State Guide Lines)	\$ 40.00
h.	Mobile Home Parks or Subdivisions:	
	two (2) to ten (10) Mobile Homes	\$150.00
	eleven (11) to fifty (50) Mobile Homes	\$200.00
	over fifty (50) Mobile Homes	\$300.00
i.	Signs per sq. ft.:	
	0 sq. ft. up to 10 sq.ft.	\$ 20.00
	11 sq. ft. up to 25 sq. ft.	\$ 35.00
	26 sq. ft. up to 50 sq. ft.	\$ 75.00
	51 sq. ft. up to 100 sq. ft.	\$100.00
	over 100 sq. ft.	\$200.00
j.	Petition for Rezoning	\$ 75.00
	Petition for Variance	\$ 75.00
	Petition for Exception	\$ 75.00
	Petition for Appeal	\$ 50.00 75.00
	Petition for Minor Land Subdivision Plat	\$ 75.00
	Petition for Preliminary Major Land Subdivision Plat	\$ 75.00
	Petition for Final Major Land Subdivision Plat	\$ 50.00 75.00
	Petition for Final Major Land Subdivision Plat additional fee per lot	\$ 3.00
k.	Inspection Fee Re-inspection Fee of any phase failed a phase	\$ 25.00 25.00
i.	Certificate of Occupancy	\$ 20.00
m.	Fences (per 100 sq. ft.) concrete ft	\$ 5.00 25.00

EXCEPTION:
Local Permit.

Any agency that is required to receive a State permit must also procure a

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SECTION X

REVIEW OF APPLICATION

Prior to the issuance of any building permit, ^{packet} the Building Commissioner shall:

- a. reviews all building permit applications to determine full compliance with the provisions of this Ordinance;
- b. review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding;
- c. review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair (1) uses construction materials and utility equipment that are resistant to flood damage and (2) use construction methods and practices that will minimize flood damage;
- d. review building permit applications for new construction of substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) (1) is protected against flood damage, (2) is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and (3) uses construction methods and practices that will minimize flood damage. ✓

SECTION XI

INSPECTIONS

After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this Ordinance and the terms of the permit. Re-inspection of work found to be incomplete or not ready for inspection is subject to assessment of reinspection fees as prescribed in this Ordinance. ✓

SECTION XII

INSPECTION ASSISTANCE

The Chief of the Township Fire Department, or the Town Council's designated representative, may assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and may provide reports of such inspection to the Building Commissioner.

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SECTION XIII

ENTRY

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the Town of Summitville to perform any duty imposed upon him by this Ordinance.

SECTION XIV

STOP WORK ORDER

Whenever any work is being done contrary to the provisions of this Ordinance, the Building Commissioner may order work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop work until authorized by the Building Commissioner to proceed with the work.

SECTION XV

CERTIFICATE OF OCCUPANCY

No certificate of occupancy for any building or structure constructed after the adoption of this Ordinance shall be issued unless such building or structure was constructed in compliance with the provisions of this Ordinance. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.

SECTION XVI

WORKMANSHIP

All work on the construction, alteration and repair of buildings and other structures shall be performed in good and workmanlike manner according to accepted standards and practices in the trade.

SECTION XVII

VIOLATIONS

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the Town of Summitville or cause or permit the same to be done, contrary to or in violation of the provisions of this Ordinance.

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SECTION XVIII

RIGHT TO APPEAL

All persons shall have the right to appeal any order of the Building Commissioner first through the Town of Summitville and then, in appropriate cases, to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.

SECTION XIX

REMEDIES

The Building Commissioner shall in the name of the Town of Summitville bring actions in the Town or County Courts of Madison County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover penalties provided for in this Ordinance.

SECTION XX

PENALTIES

If any person, firm or corporation shall violate any of the provisions of this Ordinance, or shall do any act prohibited herein, or shall fail to perform any duty within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey an lawful order given by the Building Commissioner in connection with the provisions of this Ordinance for each such violation, failure or refusal, such person, firm or corporation shall be fined ~~in any sum not less than Ten Dollars (\$10.00), not more than Five Hundred Dollars (\$500.00)~~. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

no maximum of \$250 for first offense and all fees incurred by the town

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SECTION XXI

EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

PASSED AND ADOPTED by the Town Council of Summitville, Indiana, on this 3 day of August, 2013.
September

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[Signature]
Bart Matney, President
Town Council of the Town of Summitville

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ATTEST:

Pam Fields D.C.
Kelley Kornbroke, Clerk-Treasurer

Presented by me, the undersigned City Clerk/Treasurer of the Town of Summitville, to the President of said Town Council for his approval on the 3rd day of Sept., 2013, at 7:15 a.m./p.m.

Pam Fields D.C.
Kelley Kornbroke, Clerk/Treasurer

DATE OF ENACTMENT: _____

DATE OF PUBLICATION: _____

This instrument reviewed and revised by: Thomas M. Beeman, Town Attorney, 33 West 10th Street, Suite 200, Anderson, Indiana, 46016; Telephone: (765) 640-1330; Fax: (765) 640-1332.

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