

ORDINANCE NO. 1995-6

AN ORDINANCE AMENDING ORDINANCE NO. 1985-5 AND 1993-13, AN
ORDINANCE ADOPTING BUILDING CODES, BUILDING PERMIT FEES AND
AUTHORIZING A BUILDING INSPECTOR FOR THE TOWN OF CLOVERDALE,
INDIANA

AN ORDINANCE regulating the construction, alteration, repair, location and use of buildings and structures in the Town of Cloverdale, 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 ordinance in conflict therewith.

BE IT ORDAINED by the Town Council of the Town of Cloverdale, Putnam County, Indiana as follows:

SECTION 1. TITLE

This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the "BUILDING CODE ORDINANCE of the Town of Cloverdale, Indiana", may be cited as such, and will be referred to herein as "THIS ORDINANCE".

SECTION 2. PURPOSE

The purpose of the 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 3 (A). ESTABLISHMENT OF OFFICE OF BUILDING INSPECTOR.

The TOWN COUNCIL of the Town of Cloverdale desires to define and specify the Office of Building Inspector, as well as delineate areas of responsibility, and in the administration of the Town, including enforcement of zoning rules and building codes, it is in the best interest of the Town to establish a single person for such enforcement. The Building Inspector shall be appointed by the President of the Town Council and shall have the approval of the majority of the Town Council.

The Building Inspector named shall have responsibility for the enforcement of building codes and regulations as set forth in Town ordinances, including State statutes incorporated therein and that the said Building Inspector shall further have responsibility for enforcement and recommendations in matters concerning zoning variances. The individual so named may be an employee for the Town and have other responsibilities not related to building inspection, if such an allocation of time and resources is found to be advantageous to the Town.

SECTION 3 (B). AUTHORITY

The Building Inspector is hereby authorized and directed to administer Plan Review, Issue Building Permits, Calculate Fees 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 the direction of the Building Inspector or any other officer of the Town, 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 ordinance in an arbitrary or discriminatory manner. Any variances from adopted building rules are subject to approval under IC 22-15-2-7(b).

SECTION 4. SCOPE

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

SECTION 5. ADOPTION 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
 - (e) Uniform Building Code
 - (f) Uniform Fire Code
- (2) Article 14 - One and Two Family Dwelling Codes
 - (a) Council of American Building Officials One and Two Family Dwelling Code
 - (b) CABO One and Two Family Dwelling Code; Amendments
 - (c) Standard for Permanent Installation of Manufactured Homes
- (3) Article 16 - Plumbing Codes
 - (a) Indiana Plumbing Code
- (4) Article 17 - Electrical Code
 - (a) Indiana Electrical Code
 - (b) Safety Code for Health Care Facilities
 - (c) National Electrical Code

- (5) Article 18 - Mechanical Codes
 - (a) Indiana Mechanical Code
- (6) Article 19 - Energy Conservation Codes
 - (a) Indiana Energy Conservation Code
 - (b) Modifications to the Model Energy Code
- (7) Article 20 - Swimming Pool Codes
 - (a) Indiana Swimming Pool Code
- (8) Article 21 - Life Safety 101 Code
 - (a) Life Safety 101 Code
- (9) Article 22 - American Disability Act (ADA)
 - (a) American Disability Act (ADA)

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

SECTION 6. APPLICATION FOR PERMITS.

No building permit 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 plan and specifications 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 Inspector before issuance of a permit for construction covered by such Design Release. In addition no building permit shall be issued in the unincorporated area (ie. two mile area) of Cloverdale unless the following permits are obtained and a copy accompanying the application:

- (a) County Septic Permit
- (b) County Highway Culvert Permit (Put. Co Code, 6-101-7)
- (c) Drainage Permit
- (d) Highway Access Permit
- (e) Alcoholic Beverage Commission (if applicable)

SECTION 7. PERMIT REQUIRED

A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which exceeds One-Thousand Dollars (\$1,000.00), using form furnished by the Building Inspector, and all fees required by this ordinance shall be paid to the Clerk-Treasurer of the Town of Cloverdale. No permit is required for repairs as long as there are no modifications or structural change.

SECTION 8. OTHER ORDINANCES

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

SECTION 9(A). PLAN REVIEW FEES.

Permits required by Section 7 shall be issued upon prior payment of inspection fees according to the following schedule:

- (a) Residential \$15.00
- (b) Multi-Family/Business/Commercial \$25.00 per 2000 square feet. \$10.00 additional fee required for every 2000 square feet thereafter.

SECTION 9(B). INSPECTION FEES.

<u>Type of Construction</u>	<u>Minimum Required Inspections</u>	<u>Fee Per Inspection</u>	<u>Total Permit Fee</u>
1 or 2 Family Dwelling	6	\$30 per unit	\$180 p/unit
Manufactured 1 or 2 Family Dwelling	4	\$30	\$120
with attached Garage	3	\$30	\$ 90
Apartments, Hotels, Motels each unit	4	\$30	\$120 p/unit
Business, Commercial, Public	10	\$30	\$300
Educational, Institutional, Church	10	\$30	\$300
Industrial, Warehouse Bulk Storage	6	\$30	\$180
Mobile Homes, Temporary Structures	1	\$30	\$30
Accessory Buildings (Residential)	2	\$30	\$60
with Electrical	1	\$30	\$30
Additions/Alterations (all occupancies)	3	\$30	\$90
Demolition of Buildings	2	\$30	\$60
Erection of Signs	1	\$30	\$30
Commercial Storage Building	3	\$30	\$90 p/building

Plus \$30 for any additional inspections

Plus \$.05 per square foot over 1500 square feet (residential)

Plus \$.05 per square foot over 2000 square feet (business/commercial)

The minimum permit fee for any permit shall be \$30. For unusually large or complex buildings or structures, The Building Inspector shall have the power to increase the number of required inspection by fifty percent (50%). The Building Inspector shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. NO concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspection are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Inspector shall have the power to assess a reinspection fee of \$30 for each such additional inspection. Reinspection fees shall be paid to the Clerk-Treasurer prior to the issuance of a Certificate of Occupancy. The Building Inspector shall

submit an annual report to the Town Council of the Town of Cloverdale which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

Fees set hereunder under shall supersede any fees previously in effect.

SECTION 10. REVIEW OF APPLICATION

Prior to the issuance of any building permit, the Building Inspector shall:

(a) Review 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) uses construction methods and practices that will minimize flood damage.

(d) Review building permit applications for new construction or 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 11. INSPECTIONS

After the issuance of any building permit, the Building Inspector 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 code and the terms of the permit. Reinspection of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this ordinance.

SECTION 12. INSPECTION ASSISTANCE.

The Chief of the Fire Department, or his designated representative, shall assist the Building Inspector in the inspection of fire suppression, detection and alarm systems and shall provide reports of such inspections to the Building Inspector.

SECTION 13. ENTRY

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

SECTION 14. STOP ORDER

Whenever any work is being done contrary to the provisions of this ordinance, the Building Inspector may order the 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 such work until authorized by the Building Inspector to proceed with the work.

SECTION 15. 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 the 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 Inspector.

SECTION 16. WORKMANSHIP

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

SECTION 17. VIOLATIONS.

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, 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 Cloverdale or cause or permit the same to be done, contrary to or in violation of the provisions of the ordinance.

SECTION 18. RIGHT OF APPEAL.

All persons shall have the right to appeal any order of the Building Inspector first through the Cloverdale Zoning Board of Appeals, 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 and in the appropriate situation to the Courts.

SECTION 19. REMEDIES.

The Building Inspector shall in the name of the Town of Cloverdale bring actions in the Circuit Court of Putnam County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Inspector, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

SECTION 20. 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 lawfully enjoined, within the time prescribed by the

Building Inspector in connection with the provisions of the ordinance for each violation, failure, or refusal, such person, firm or corporation shall be fined in any sum not less than Twenty-Five Dollars (\$25), nor more than One-Thousand Dollars, (\$1,000), per violation. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 21. 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.

SECTION 22. REPEAL AND AMENDMENT.

Insofar as this Ordinance addresses the same issues as Ordinance NO., 1985-5 and 1993-13, said Ordinance is repealed.

11th PASSED AND ADOPTED by the Town Council of the Town of Cloverdale this day of December, 1995.

By: Maurice Mann
Maurice Mann, President

By: Lonnie Brumfield
Lonnie Brumfield

By: Martha Davis
Martha Davis

By: Dan Johnson
Dan Johnson

By: _____
June Pickens

ATTEST:
Patti Truax, Clerk Treasurer
Patti Truax, Clerk-Treasurer