

ORDINANCE NO. 1993-13

**AN ORDINANCE AMENDING ORDINANCE NO. 1986-5,  
AN ORDINANCE ADOPTING BUILDING CODES,  
BUILDING PERMIT FEES, AND AUTHORIZING A  
BUILDING COMMISSIONER 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 ordinances in conflict therewith.

BE IT ORDAINED by the Town Board 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 of the Town of Cloverdale, Indiana", may be cited as such, and will be referred to herein as "this code".

SECTION 2. PURPOSE.

The purpose of this code 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 energy in the design and construction of buildings and structures.

SECTION 3(A). ESTABLISHMENT OF OFFICE OF BUILDING COMMISSIONER. The Town Council of the Town of Cloverdale desires to define and specify the Office of Building Commissioner, 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 Commissioner shall be appointed by the President of the Town Board and shall have the approval of the majority of the Town Board.

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

SECTION 4. SCOPE.

The provisions of this code 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 code 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 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
  - 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

(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 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 plans and specifications showing the work to be done. In addition, a copy of a Design Release, issued by the State Building Commissioner <sup>and</sup> ~~at~~ 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.

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 Five Hundred Dollars (\$500.00), using form furnished by the Building Commissioner, and all fees required by this code shall be paid to the Clerk-Treasurer of the Town of Cloverdale.

SECTION 8. 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.

SECTION 9. FEES.

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

Type of Construction	Minimum Required Inspections	Single Inspection Fee	Permit Fee
1 or 2 Family Dwelling	6	\$20.00 per unit	\$120.00 per unit***
Manufactured 1 or 2 Family Dwelling	4	20.00 per unit	80.00 per unit***
Apartments, Hotels, Motels, ea. unit	4	20.00 per unit	80.00 per unit**
Business, Commercial, Public	10	20.00	200.00**
Educational, Institutional, Church	10	20.00	200.00**
Industrial, Warehouse Bulk Storage	6	20.00	120.00**
Mobile Homes, Temporary Structures	1	20.00	20.00*
Accessory Buildings (Residential)	1	20.00	20.00**
Additions/Alterations (all occupancies)	3	20.00	60.00**
Demolition of Buildings	2	20.00	40.00*
Erection of Signs	1		20.00*

\*Plus \$20.00 for any additional inspections.

\*\* Plus \$.05 per square foot.

\*\*\*Plus \$.05 per square foot over 1000 square feet.

The minimum permit fee for any permit shall be \$20.00. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the number of required inspections by fifty percent (50%). The Building Commissioner 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 inspections are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall have the power to assess a reinspection fee of \$20.00 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 Commissioner shall submit an annual report to the Town Board of 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 shall supersede any fees previously in effect.

#### SECTION 10. REVIEW OF APPLICATION.

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

- (a) Review all building permit applications to determine full compliance with the provisions of this code.
- (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 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 code and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

#### SECTION 12. INSPECTION ASSISTANCE.

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

#### SECTION 13. 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 Cloverdale to perform any duty imposed upon him by this code.

#### SECTION 14. STOP ORDER.

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner 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 Commissioner 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 code shall be issued unless such building or structure was constructed in compliance with the provisions of this code. 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 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, other than fences, in the Town of Cloverdale or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 18. RIGHT OF APPEAL.

All persons shall have the right to appeal any order of the Building Commissioner 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 Commissioner 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 Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code.

SECTION 20. PENALTIES.

If any person, firm or corporation shall violate any of the provisions of this code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner in connection with the provisions of this code for each violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than Twenty-Five Dollars (\$25.00), nor 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.

SECTION 21. EFFECTIVE DATE.

This code 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. 1986-5, said Ordinance is repealed. Further, this Ordinance shall amend Article 7, Section 1 of the Master Plan of Zoning-Major Streets and Highways-Subdivision Control-Public Utilities Improvement Location Permits Board of Zoning Appeals passed by the Town Board on December 27, 1984 to delete the following language "and shall name a Building Administrator and Inspector whose terms shall be for a period of one year and who shall be in charge of issuing of and rejecting of all building permits from which reject appeals may be made to the Board of Zoning Appeals".

PASSED AND ADOPTED by the Town Board of the Town of Cloverdale this 15<sup>th</sup> day of July, 1993.

By: Daniel G. Johnson  
Daniel G. Johnson, President

By: Martha Davis  
Martha Davis, Member

By: \_\_\_\_\_  
Phylliss J. Gaddis, Member

By: Sandra J. Todd  
Sandra J. Todd, Member

ATTEST:  
Ruby Barnett  
Ruby Barnett, Clerk-Treasurer