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## Akron, Indiana Code of Ordinances

**CHAPTER 150: BUILDING CODE**

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## GENERAL PROVISIONS

### § 150.01 TITLE.

This chapter and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the Town of Akron, Indiana” and may be cited as such, and will be referred to herein as "this code".

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### § 150.02 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 buildings and structures.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### § 150.03 AUTHORITY.

The town executive is hereby authorized and directed to administer and enforce all of the provisions of this code, which duties the town may, by contract, arrange to be performed by the Fulton County Building Commissioner. All references in this code to **BUILDING COMMISSIONER** shall mean either the town executive, either through its own actions or the actions of those contracted to act on behalf of the executive. 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 county, 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 variance from adopted building rules are subject to approval under I.C. 22-15-4, in the Town of Akron. The authority to administer variances is granted in accordance with I.C. 22-13-2-11 and any applicable orders issued under I.C. 22-12-7.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### § 150.04 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 I.C. 22-15-4 in the Town of Akron. Pursuant to I.C. 22-13-2-9 this chapter does not apply to regulated amusement devices, regulated pressure vessels and regulated lifting devices.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### § 150.05 ADOPTION OF RULES BY REFERENCE.

(A) Pursuant to I.C. 22-13-2-3(b), the 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 any later amendments to those rules.

- (1) Article 13 - Building Codes
  - (a) Fire and Building Safety Standards
  - (b) Indiana Building Code
- (2) Article 14 - Indiana Residential Code
- (3) Article 16 - Indiana Plumbing Code
- (4) Article 17 - Indiana Electrical Code
- (5) Article 18 - Indiana Mechanical Code
- (6) Article 19 - Indiana Energy Conservation Code
- (7) Article 20 - Indiana Swimming Pool Code
- (8) Article 22 - Indiana Fire Code
- (9) Article 24 - Supplemental Fire Safety Rules
- (10) Article 25 - Indiana Fuel Gas Code

(B) Copies of adopted building rules, codes and standards are on file in the office of the Town of Akron Clerk-Treasurer.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

## **PERMITS; INSPECTIONS**

### **§ 150.15 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 and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such design release.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09 Penalty, see § 150.99)

### **§ 150.16 PERMIT REQUIRED.**

A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which exceeds \$5,000, using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the Town of Akron Clerk-Treasurer. In addition, a permit shall be required for inspections required by any utility company required as a result of upgrading electrical service. No fee shall be charged under § 150.18 for this inspection.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09) Penalty, see § 150.99

#### ***Cross-reference:***

*Permit and inspection fees, see § 150.18*

### § 150.17 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.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09) Penalty, see § 150.99

### § 150.18 FEES AND REQUIRED INSPECTIONS.

(A) Permits required by § 150.16 shall be issued upon prior payment of inspection fees according to the following schedule:

<i>Type of Construction</i>	<i>Required Inspections</i>	<i>Single Inspection Fee</i>	<i>Permit Fee</i>
New dwelling (one- or two-family)	4	\$25	\$100
Mobile homes, temporary structures, modular and double-wides	1	\$25	\$25
Accessory buildings (residential use)	1	\$25	\$25
Additions/alterations (all occupancies)	2	\$25	\$50
Comm. apartments, hotels, motels (each unit)	3	\$25	\$75
Business, commercial, public	6	\$25	\$150
Educational, institutional, church	6	\$25	\$150
Industrial, warehouse, bulk storage	4	\$25	\$100

(B) The minimum permit fee for any permit shall be \$25. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the number of required inspections by 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 the 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 \$25 for each additional inspection. Reinspection fees shall be paid to the Town of Akron Clerk-Treasurer, prior to the issuance of a certificate of occupancy. The Building Commissioner shall submit an annual report to the Akron Town Council of permit fees collected, costs of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09; Am. Ord. 2-17-09A, passed 2-17-09) Penalty, see § 150.99

### § 150.19 REVIEW OF APPLICATIONS.

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 site will be reasonably safe from flooding.

(C) Review building permit applications for major repairs within the floodplain 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 floodplain 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.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### **§ 150.20 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 ensure 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 code.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09) Penalty, see § 150.99

### **§ 150.21 INSPECTION ASSISTANCE.**

The Chief of the Fire Department, or his or her 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.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### **§ 150.22 ENTRY.**

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

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### **§ 150.23 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.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### **§ 150.24 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.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09) Penalty, see § 150.99

### **§ 150.25 WORKMANSHIP AND DEMOLITION.**

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

(B) All demolition debris/rubbish shall be completely removed and disposed of in a legal and proper manner within 14 days of the start of the demolition process. All demolition sites will be completely enclosed within construction barricades as defined by the Indiana Department of Homeland Security and not to be less than six feet in height. The demolition site will be completely back-filled with suitable material, graded and seeded with a vegetative cover within 30 days of the start of demolition. Any building demolished in a commercial district will be completed by a contractor that is legally bonded and insured.

(C) If any person, firm or corporation shall violate any of the provisions of this section, do any act prohibited herein or fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this code for each such violation, failure or refusal, such person, firm or corporation shall be fined \$250. Each day of such unlawful activity shall constitute a separate offense.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09; Am. Ord. 2-18-2014, passed 2-18-14) Penalty, see § 150.99

## **ENFORCEMENT**

### **§ 150.35 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 Akron or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09) Penalty, see § 150.99

### **§ 150.36 RIGHT OF APPEAL.**

All persons shall have the right to appeal any order of the Building Commissioner first through the Akron Town Council and then to the Fire Prevention and Building Safety Commission of Indiana in accordance

with the provisions of I.C. 22-13-2-7 and I.C. 4-21.5-3-7.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)

### **§ 150.37 REMEDIES.**

The Building Commissioner shall in the name of the Town of Akron bring actions in the Superior or Circuit Courts of Fulton 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.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09) Penalty, see § 150.99

### **§ 150.38 ENFORCEMENT OF BUILDING STANDARDS.**

(A) *Adoption.* I.C. 36-7-9, entitled “Enforcement of Building Standards,” together with all the subsections thereof, is adopted by the Akron Town Council in its entirety.

(B) *Administration.* The town may enter into an agreement with Fulton County for the Fulton County Building Commissioner to be responsible for the administration of the provisions of I.C. 36-7-9. In the absence of such an agreement, the Clerk-Treasurer shall be responsible.

(C) *Enforcement.* The town may enter into an agreement with Fulton County for the Fulton County Building Commissioner to be responsible for the enforcement of the provisions of I.C. 36-7-9. In the absence of such an agreement, the Clerk-Treasurer shall be responsible.

(D) *Hearing authority.* The Akron Town Council shall be the hearing authority as provided in I.C. 36-7-9.

(E) *Substantial property interest.* The definition of ***SUBSTANTIAL PROPERTY INTEREST*** as provided in I.C. 36-7-9 is incorporated by reference.

(F) *Procedures.* All of the procedures, requirements and other conditions set forth in I.C. 36-7-9 shall be followed in any action taken under this section.

(Ord. 04-15-08A, passed 5-20-08)

### **§ 150.99 PENALTY.**

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, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this code for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than \$100, nor more than \$500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(Ord. 04-15-08, passed 5-20-08; Am. Ord. 2-17-09, passed 2-17-09)