

TOWN OF FULTON

ORDINANCE NO. 2013-02

AN ORDINANCE regulating the construction, demolition, alteration, repair, location and use of buildings and structures in the Town of Fulton, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-8-2-9; 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 Fulton, 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 Fulton, 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 buildings and structures.

SECTION 3: 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 variance from adopted building rules are subject to approval under IC 22-13-2-7(b) in the Town of Fulton.

SECTION 4: SCOPE. The provisions of this code apply to the construction, demolition, 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 Fulton.

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 Code
Indiana One and Two Family Dwelling Code
- (3) Article 16 – Plumbing Code
Indiana Plumbing Code
- (4) Article 17 – Electrical Codes
 - (a) Indiana Electrical Code
 - (b) Safety code for Health care Facilities
- (5) Article 18 – Mechanical Code
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 Code

Indiana Swimming Pool Code

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

SECTION 6: APPLICATION FOR PERMITS. No building permit shall be issued for the foregoing purposes, unless the application for permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications shoeing 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.

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 Three Thousand Dollars (\$3,000.00), using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the Office of the Building Commissioner. In addition, a permit shall be required for inspections required by any utility company required as a result of upgrading electrical service. The following fee shall be charged under Section 9 of this Ordinance for this inspection: \$ 30.00 .

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

<u>Type of Construction</u>	<u>Required Inspections</u>	<u>Single Inspection</u>	<u>Fee Permit Fee</u>
1 or 2 Family Dwelling, detached	4	\$25.00	\$100.00
Apartments, Hotels, Motels, ea. Unit	4	\$25.00	\$100.00
Business, Commercial, Public	3	\$25.00	\$75.00
Educational, Institutional, Church	6	\$25.00	\$150.00

Industrial, Warehouse, Bulk Storage	4	\$25.00	\$100.00
Mobile Homes, Temporary Structures	1	\$25.00	\$25.00
Accessory Buildings (residential use)	1	\$25.00	\$25.00
Additions/alterations (all occupancies)	2	\$25.00	\$50.00

The minimum permit fee for any permit shall be \$25.00. For unusually large or complex building or structures, the Building Commissioner shall have the power to increase the number of required inspection 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 foundation 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 submit an annual report to the Fulton Town Council of permits collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

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 site 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. Re-inspection of work found to be incomplete or not ready for inspection are subject to assessment of re-inspection 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 inspections 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 Fulton 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, demolition, alteration and repair of buildings and other structures shall be performed in a good and workman like manner according to accepted standards and practices in the trade.

SECTION 17: SITE STANDARDS. 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 with construction barricades as defined by the Indiana Department of Homeland Security and not to be less than 6' 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 along the State Road 25 corridor, will be completed by a contractor that is legally bonded and insured.

SECTION 18: 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 Fulton or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 19: RIGHT OF APPEAL. All persons shall have the right to appeal any order of the Building Commissioner first through the Fulton Town Council and then 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 20: REMEDIES. The Building Commissioner shall in the name of the Town of Fulton 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.

SECTION 21: 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, 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 three times the permit fee.

SECTION 22: 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.

Attest: Fulton Town Clerk

Signed: May 28, 2013