

## TITLE XV: LAND USAGE

### Chapter

- 150. BUILDING AND CONSTRUCTION REGULATIONS
- 151. FLOOD HAZARD AREAS
- 152. [RESERVED]
- 153. UNSAFE BUILDING LAW
- 154. RESERVED
- 155. LAND USE AND DEVELOPMENT CODE; SUBDIVISION CONTROL CODE
- 156. PROPERTY MAINTENANCE CODE
- 157. HISTORIC PRESERVATION





## CHAPTER 150: BUILDING AND CONSTRUCTION REGULATIONS

Section	requirements
	150.43 Violations; enforcement
	150.44 Stop work order
	<b><i>Cross-reference:</i></b>
	<i>Building permit fees, see ' 155.171</i>
	<i>Unsafe building law, see Ch. 153</i>
	<b><i>General Provisions</i></b>
150.01	Direct deposit of sump pump discharges on streets and sidewalks prohibited
	<b><i>Contractor Licensing</i></b>
150.15	License required
150.16	Definitions
150.17	Exemptions
150.18	Board of Licensing
150.19	Examinations and issuance of license
150.20	Application for license
150.21	License terms and fees
150.22	Bond
150.23	Insurance
150.24	Revocation of license
150.25	Revocation procedures
	<b><i>Building Regulations</i></b>
150.35	Adoption of building codes
150.36	Director; powers and duties
150.37	Building permits
150.38	Application for building permit
150.39	Duration of permit
150.40	Revocation of permit
150.41	Inspections
150.42	Certificate of occupancy;

## **GENERAL PROVISIONS**

### **' 150.01 DIRECT DEPOSIT OF SUMP PUMP DISCHARGED ON STREET AND SIDEWALKS PROHIBITED.**

It is unlawful to directly discharge onto any sidewalk street, public highway, or roadway in the town, any direct discharge from any sump pump or footing tile from any building or structure.

(Ord. 1993-18, passed - -93) Penalty, see ' 10.99

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

*Construction wastes on street and sidewalks*

*prohibited, see ' 97.07*

### **' 150.15 LICENSE REQUIRED.**

Except as expressly permitted herein, no person shall do or perform any work to construct, alter, remodel, remove, repair or demolish any structure, or to engage in the business of or act in the capacity of a contractor or specialty contractor without first obtaining a valid license from the Building Department.

(Ord. 2010-02, passed 6-28-10)

### **' 150.16 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

## **CONTRACTOR LICENSING**

**BOARD.** The Lowell Board of Licensing and Registration.

**BUILDING DEPARTMENT.** The Building Department for the Town of Lowell, which operates under the supervision of the Building Department Superintendent.

**CONTRACTOR.** Any person who, in any capacity other than as the employee of another for wages as the sole compensation, undertakes to construct, repair, move, wreck or demolish any structure. The term includes a subcontractor or specialty contractor but does not include a person who only furnishes materials or supplies.

**DIRECTOR.** The Director of the Town of Lowell Community Development Department.

**MAINTENANCE PERSON.** An individual who is employed on a permanent basis to keep the premises of a business establishment in good repair.

**PERSON.** An individual, partnership, corporation, limited liability company or any other form of unincorporated enterprise.

**SPECIALTY CONTRACTOR.** A contractor who specializes in a particular branch of the building construction industry and who shall be registered in his or her specialty in order to work in the specific field in which he or she is registered.

(Ord. 2010-02, passed 6-28-10)

#### ' 150.17 EXEMPTIONS.

The provisions of this subchapter shall not apply to the following:

(A) An authorized employee of the United States, the State of Indiana, County of Lake, Town of Lowell or any political subdivisions thereof, so long

as the employee does not hold him or herself out for hire and is acting within the scope of his or her employment.

(B) Public utilities where construction, maintenance and development work is performed by their own employees and incidental to their business.

(C) The owner of a one or two family dwelling who undertakes to alter, remodel, repair and maintain his or her own dwelling(s). In the event an owner may retain the services of a contractor, subcontractor or specialty contractor to assist the owner in performing such work, the contractor, subcontractor and/or specialty contractor shall be registered.

(D) The owner-occupant (in the case of a new single-family dwelling unit) when the owner-occupant is him or herself alone constructing the residential unit he or she will occupy. This exclusion shall not be available more than one time every five years when applied to construction of a new residence. If any owner-occupant determines he or she

cannot alone complete the construction, any person hired to complete any portion of the construction, installation, alteration, remodel or repair must hold a valid license as described in this subchapter.

(E) Any construction, alteration, improvement or repair of improvements located on any site and project where state and federal law supersedes this subchapter.

(F) Any individual who is employed or acts as a maintenance person as that term is defined in this subchapter at his or her place of employment.

(G) The owner of a commercial building replacing windows or doors on his or her building or performing nonstructural general maintenance on his or her building, for which a building permit is not required.

(Ord. 2010-02, passed 6-28-10)

' 150.18 BOARD OF LICENSING.

(A) *Creation and composition.* There is hereby created a Board of Licensing and Registration (Board). The Lowell Board of Zoning Appeals (BZA) is hereby designated and shall serve as the Board.

(B) *Powers and duties.* The Board shall have the duty of administering and enforcing the provisions of this subchapter. The Board shall adopt rules and regulations and do all other things necessary to carry out its duties.

(C) *Meetings.* The Board shall hold meetings as necessary to carry out its duties. A majority of the membership of the Board shall constitute a quorum for the transaction of all business, and the majority vote of all the members in attendance at a meeting shall control any issue presented to the Board.

(Ord. 2010-02, passed 6-28-10)

(3) Filing proof of a bond posted with Lake County, Indiana, of the type and in the amount required by the ordinances and resolutions of the county;

(4) Submitting proof of insurance as required by ' 150.23; and

(5) Paying the license fee required by ' 150.21.

' 150.19 EXAMINATIONS AND ISSUANCE OF LICENSE.

(A) *County license holder.* Notwithstanding the other provisions of this chapter, a person holding a current contractor's license issued by Lake County, Indiana, may obtain a license required hereunder by:

(1) Completing an application;

(2) Filing proof of a current license issued by Lake County, Indiana;

(B) *Issuance.* If the results of any examination required in this subchapter prove to be satisfactory, the Director shall issue a license upon payment of the required fee and submission of the required bond and insurance. (Ord. 2010-02, passed 6-28-10; Am. Ord. 2011-10, passed 10-24-11)

' **150.20 APPLICATION FOR LICENSE.**

(A) *License application.* To obtain a license or have a state license validated, a person shall, prior to being permitted to take an examination if the same is required, complete an application for license form with the Director which shall be on a form prescribed by the Board and which shall require, in part, the following information:

- (1) Name.
- (2) Address.
- (3) Description of type of work performed.

2012 S-23

(4) Qualifications.

(5) Identification of all other licenses, registrations, certifications and the like currently held.

(6) Identification of the names and qualifications of all individuals who will be providing services under this license.

(B) Each applicant shall submit a non-refundable application fee in the sum of \$100 to the Town Clerk-Treasurer when the application is submitted. (Ord. 2010-02, passed 6-28-10)

' **150.21 LICENSE TERMS AND FEES.**

(A) *Initial fee.* Before a license is issued to an applicant, the applicant shall pay an initial fee of \$100 to the office of the Town Clerk-Treasurer.

(B) *Expiration and renewal.*

(1) All licenses shall be valid from the date of issuance until December 31st of the same calendar year and may be renewed by the payment of a renewal fee of \$50 for each calendar year thereafter.

(2) A license issued by the town is valid on the payment of the annual renewal fee of \$50 per annum, unless the person to whom the license was issued fails to perform any work under that license for a period of five years from the date of the last renewal thereof; in which case, the license shall be deemed expired, and a new initial application shall be made by the contractor.

(3) Upon receipt of an application for renewal by an applicant, who during the preceding license period has violated any of the provisions of this subchapter or any rules promulgated by the Board, the Director or his or her designee shall make such investigation as deemed necessary to determine the fitness of the applicant for renewal of his or her license. In the event the Director or his or her designee determines after the investigation that a question exists as to whether the license should be renewed, the Director or his or her designee shall so advise the applicant. The applicant shall thereafter within 30 days show cause to the Board why his or her license should be renewed. The Board shall notify the applicant of its decision.

(4) No license shall be renewed during

any period in which a licensee is under citation for violation of any of the provisions of this subchapter or any rules promulgated by the Board. However, the Board, at its discretion, may temporarily extend the applicant's current license for a period or periods of time not to exceed 30 days, or until the act complained of shall be heard by the Board, and during any period of appeal provided for by this subchapter.

(5) Whenever the licensee becomes disabled or dies, the legal representative of the

licensee may apply to have the balance of the unexpired term of the license issued to the legal representative without any further cost, provided that such legal representative applies for and successfully passes the examination and submits the required insurance for the license.

(C) *Prior license.* All contractors or specialty contractors who had a valid registration certificate issued by the town prior to the effective date of this subchapter under prior law shall not be required to refile an initial application under ' 150.20, pay the initial fee required thereunder, or take the examination required by ' 150.19, but thereafter shall conform to all other requirements of this subchapter.

(D) *Issuance.* Upon submission of an appropriately completed application, fee, bond and certificate of insurance as required by this subchapter, the Director or his or her designee shall issue a license to the applicant.  
(Ord. 2010-02, passed 6-28-10)

**' 150.22 BOND.**

All contractors must provide to the Building Department as a part of the license application either a bond in the amount of \$5,000 to ensure full and complete compliance with all applicable ordinances, rules, regulations and/or laws at the local, state and/or federal level or proof that such a bond has been duly recorded in the County Recorder=s office pursuant to the requirements of this subchapter.  
(Ord. 2010-02, passed 6-28-10)

**' 150.23 INSURANCE.**

(A) All contractors must further submit to the Building Department as part of the license application a current certificate of insurance establishing that the contractor maintains public liability, property and personal injury coverage in an amount not less than

\$500,000 per occurrence or pay \$1,000,000 in the aggregate, which certificate contains adequate notice of cancellation requirements indicating that the town will be notified in the event of cancellation at least 30 days prior to the effective date of cancellation.

(B) If during the term of a license the insurance certificate or policy expires, is revoked, rescinded or cancelled, or coverage is otherwise terminated, or if the insurance company ceases doing business, goes bankrupt, is placed in receivership, or there is other reason to believe it will not be able to meet its obligations, the license for which it has been obtained shall be deemed immediately suspended until such time as a new certificate or policy is recorded and filed with the Director. An applicant or licensee who fails to notify the Director of any such problems with his or her insurance policy, certificate or company of which he or she is aware shall be subject to punishment by the Board, including but not limited to suspension, revocation of the license, fine or permanent ineligibility for obtaining any license from the town.

(Ord. 2010-02, passed 6-28-10)

(B) Cancellation of or failure to maintain the insurance coverage required under ' 150.23.

(C) Failure to pay the license and/or renewal fees under ' 150.21.

(D) Violation of any provision of this code of ordinances or any other ordinance of the town, or state or federal laws related to the work or services performed by the contractor, including but not limited to a violation of ' 150.40.

**' 150.24 REVOCATION OF LICENSE.**

The following shall constitute grounds for the revocation of a license:

(A) Cancellation of or failure to maintain the bond required under ' 150.22.

(E) Failure to correct any red card or inspection violation within the required time frame and/or proceeding with a project in violation of any red card inspection notice.

(F) Fraud and/or misrepresentation of any fact as set forth in the application for license and/or any supplements thereto.

(G) Gross negligence or gross incompetency while engaged in the business of acting in the capacity of a contractor or subcontractor within the meaning of this subchapter.

(H) Aiding, abetting or knowingly combining or conspiring with an unlicensed person with the intent to evade the provisions of this subchapter.

(I) Abandonment without legal excuse of any construction project or operation engaged in or undertaken as contractor or subcontractor.

(J) Diversion of funds or property received

for a specified purpose, and for the purpose and prosecution or completion of any construction project or operation, and the application or use of such funds for any other project or operation, obligation or purpose with the intent to defraud or deceive creditors or the owners.

(K) Willful departure from or disregard of plans or specifications in any material respect, without the consent of the person entitled to have the particular construction or operation completed.

(L) The doing of any willful or fraudulent act as contractor or subcontractor as a consequence of which another is substantially injured.

(M) Disregarding a stop work order which has been issued for violation of ordinances or the building codes or laws; provided, when a contract has been executed or commenced, the contractor may proceed, nevertheless, to complete the contract on the condition

that he or she will make the necessary adjustments and repairs.

(N) Conviction of a felony for obtaining money under false pretenses, extortion, forgery, embezzlement, criminal conspiracy to defraud, or other like offense; and if a duly certified or exemplified copy of the record of conviction in the proceeding is filed with the Board, the Board shall revoke the license.

(Ord. 2010-02, passed 6-28-10)

pertaining to the specific charges of the violation of this subchapter, other ordinances and/or state law pertaining to the building construction, or of any act which may be the cause of suspension or revocation of a license. The licensee may be present and may be represented by counsel at the hearing.

(C) When a hearing is requested by a licensee on charges brought under this subchapter, the Board shall set the time and place when the hearing shall be held.

#### ' 150.25 REVOCATION PROCEDURES.

(A) In the event that the Director or his or her designee determines that grounds exist to revoke a license, the Director or his or her designee shall immediately serve written notice of the intent to revoke at least ten days prior to its effective date upon the licensee and advise the licensee that the licensee may request a hearing in front of the Board.

(B) The Board may, upon a complaint filed by a member of the Building Department, or upon the filing of a verified complaint in writing by a contractee, prefer charges against any licensee under this subchapter. The Board shall forthwith issue a notice directing the licensee within 20 days after service of notice to appear and answer to the complaint showing cause, if any, why his or her license should not be suspended or revoked. The licensee may request a hearing on the charges, and the Board shall, within 30 days, set a date for a hearing. The complaint shall contain a statement of facts

(D) A service of notice upon the licensee shall be fully effective upon mailing a copy thereof, by United States Registered Mail, with return receipt requested, in a sealed envelope with postage fully paid thereon, addressed to the licensee at his or her last address of record as shown in the Building Department's office. Failure of the licensee to answer may be deemed to be an admission by him or her of the facts stated in the complaint, and his or her license thereupon may be suspended forthwith upon the complaint filed thereon and without any further evidence in this case. The Board shall have the authority, in its discretion, to continue such cause for further hearing should the circumstances of this case warrant this action.

(E) Whenever the Board shall determine that a licensee is in violation of the terms of this subchapter, the Board shall have the power to suspend such license for a definite period, to revoke the license or to issue an order against the licensee to correct the violation, fixing a reasonable time within which the correction shall be made or accomplished and, upon

compliance with such order, the Board may dismiss the complaint. If the licensee shall not correct the violation within the time required by the previous order of the Board, the Board shall have the power to extend the time for correction of the violation or shall have the right to suspend the licensee's license for a determinative period or may revoke the license without any further right to hearing.

(F) After the revocation of any license, such license shall not be renewed, and no new license shall be issued to the same licensee within a period of at least one year subsequent to the date of revocation. After the expiration of the one-year period, a new license shall only be issued upon proper showing that all violations, acts or omissions for which the license was revoked have been corrected and that all conditions imposed by the decision of the revocation correction order or suspension have been fully complied with.

(G) Any licensee who is aggrieved by the decision of the Board may take an appeal from the Board as allowed by the laws of the state.

(H) Whenever a new license is issued to any applicant whose license has previously been revoked, the issuance shall be treated as an initial issuance, and the applicant shall be required to pay the fee and shall be required to comply with the requirements applicable to all other applicants.

(Ord. 2010-02, passed 6-28-10)

(5) Indiana Plumbing Code (675 IAC 16, IPC), based on: *1997 Uniform Plumbing Code*, with Indiana Amendments, effective July 30, 1999.

(6) Indiana Electrical Code (675 IAC 17, IEC), based on: *2008 National Electrical Code* (1st printing), with Indiana Amendments, effective August 26, 2009; Fire & Building Safety Commission, 675 IAC 17-1.8-1.

***BUILDING REGULATIONS***

**' 150.35 ADOPTION OF BUILDING CODES.**

(A) The following rules, regulations and codes, as amended from time to time, are hereby adopted by reference as the rules applicable to repair, relocation and the use of buildings and structures in the town.

(1) General Administrative Rules (675 IAC 12, GAR).

(2) 2014 Indiana Building Code (675 IAC 13, IBC), based on: *2012 International Building Code* (1st printing), with Indiana Amendments, effective December 1, 2014.

(3) Indiana Residential Code (675 IAC 14, OTFDC), based on: *2003 International Residential Code* (5th printing), with Indiana Amendments, effective April 5, 2008.

(4) Industrialized Building Systems (675 IAC 15, ISB), effective May 15, 2003.

(7) 2014 Indiana Mechanical Code (675 IAC 18, IMC), based on: *2012 International Mechanical Code* (1st Printing), with 2008 Indiana Amendments, effective December 1, 2014.

(8) Indiana Energy Conservation Code 2010 (ASHRAE 90.1 2007 edition, as amended), effective May 6, 2010.

(9) Indiana Swimming Pool Code (675 IAC 20, ISPC), based on: *1989 Indiana Swimming Pool Code*, with Indiana Amendments, effective December 26, 2002.

(10) Indiana Safety Code for Elevators, Escalators, Man lifts and Hoists (675 IAC 21, SCEEMH), based on: ANSI/ASME, effective January 2, 2003, including new Elevator Safety Code and related rules, under LSA Doc. #09-871, effective April 13, 2011.

(11) 2014 Indiana Fire Prevention Code (675 IAC 22, IFC), based on: *2012 International Fire Code* (1st printing), with 2008 Indiana Amendments, effective December 1, 2014.

(12) Indiana Supplementary Fire Safety Rules (675 IAC 24, SFSR), effective May 17, 2003.

(13) 2014 Indiana Fuel Gas Code (675 IAC 25, IFGC), based on: *2012 International Fuel Gas Code* (1st printing), with Indiana Amendments, effective December 1, 2014.

(14) Indiana Handicapped Accessibility Code (675 IAC 13-2.5-12).

(B) All subsequent amendments shall be automatically incorporated into this subchapter. (Ord. 2011-16, passed 12-27-11; Am. Ord. 2014-27, passed 12-22-14)

**' 150.36 DIRECTOR; POWERS AND DUTIES.**

(A) The Director or his designee is hereby authorized and directed to enforce the provisions of this chapter. The Director shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this chapter and shall not have the effect of waiving requirements specifically provided for in this chapter.

(B) The Director shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter. The Director shall not approve any plans, or issue any permits for any excavation or construction until he has inspected such plans and their relation to the premises in detail, and found them to conform to this chapter.

(C) The Director shall make and keep a record of all nonconforming uses existing at the effective date of this chapter for the purpose of carrying out the provisions of this chapter. Whenever the buildings, lands and uses thereof, as set forth on an application, are in conformity with the provisions of this chapter, the Director shall issue a building permit within two weeks after the receipt of such application.

(D) The Director shall issue all necessary

notices or orders to ensure compliance with this chapter.

(E) The Director is authorized to make all of the required inspections, or the Director shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Director is authorized to engage such expert opinion as deemed necessary to report upon

unusual technical issues that arise, subject to the approval of the Town Council.

(F) Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the Director has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the structure or premises unsafe, dangerous or hazardous, the Director or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the Director shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.

(G) The Director shall keep official records

of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required of the retention of public records.

(H) In all cases where the Director refuses to issue a building permit, he shall document such refusal in writing with the causes and reasons for the refusal.

(Ord. 2011-16, passed 12-27-11)

#### ' 150.37 BUILDING PERMITS.

(A) No building, structure or use of land may hereinafter be erected or located on platted or unplatted land unless the structure, improvement or use in this location conforms to the codes adopted in ' 150.35, this code of ordinances and any other ordinance of the town, and a building permit has been issued for such structure, improvement or use. In

addition, no lot shall be elevated by filling or lowered by removal of soil unless a permit has been obtained.

(B) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be done, shall first make application to the Director and obtain the required permit.

(1) No building permit shall issue which is not in strict conformity with the building codes adopted in ' 150.35 and with this chapter except upon written order of the Board of Zoning Appeals.

(2) All building permits shall be clearly visible and conspicuously posted 30 inches above grade on the premises where the permitted work is to be performed from the time the permit is issued until construction is fully completed and all final inspections are made and/or a certificate of occupancy is issued. Failure to properly post and display and continuously post a building permit pursuant to this chapter shall be a violation of this chapter.

(3) All work performed under a permit shall strictly conform, without deviation, to the plans and applications officially approved and all other applicable local and state building codes and standards.

(4) No building permit shall issue for construction subject to a state design release from the Indiana Fire Prevention and Building Safety Commission until the design release has been obtained by the applicant and is filed with the Director.

(C) No building permit shall issue for any multi-family residential structure, including but not limited to duplexes, fourplexes and other denser or similar residential structures, unless and until:

(1) The applicant submits, as part of the application, a written solid waste and recycling plan that describes in detail how the solid waste generated by the occupants of each structure, and each unit therein, will be managed and the specific procedures that will be implemented for reduction, reuse and recycling to reduce the anticipated waste stream; and

(2) The solid waste and recycling plan is approved by the Director or his or her designee.

(3) Each solid waste and recycling plan submitted shall include:

(a) The name and address of the owner of the structure;

(b) The address of each structure and total number of residential units therein;

(c) The anticipated solid waste stream per residential unit and total for each structure;

(d) The name, address and

telephone number of the solid waste hauler that will be responsible for managing the solid waste and implementing the recycling plan; and

(e) Any other information the Director deems relevant to evaluate and approve the plan.

(D) No building permit shall issue for any commercial, industrial, manufacturing or business structure within any zoning district, unless and until:

(1) The applicant submits, as part of the application, a written solid waste and recycling plan that describes in detail how the solid waste generated by the occupant of each structure, and each unit therein, will be managed and the specific procedures that will be implemented for reduction, reuse and recycling to reduce the anticipated waste stream; and

(2) The solid waste and recycling plan is approved by the Director or his or her designee.

(3) Each solid waste and recycling plan submitted shall include:

(a) The name and address of the owner of the structure;

(b) The address of each structure and total number of commercial units therein;

(c) The anticipated type of solid waste to be generated by the occupant of the structure, the anticipated stream per unit and total stream for the entire structure;

(d) The name, address and telephone number of the solid waste hauler that will be responsible for managing the solid waste and implementing the recycling plan; and

(e) Any other information the Director deems relevant to evaluate and approve the plan.

(E) Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the town. Permits shall not be required for the following:

(1) *Building.*

(a) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

(b) Prefabricated swimming pools that are less than 24 inches deep.

(c) Swings and other playground equipment accessory to a one- or two-family dwelling.

(2) *Electrical repairs and maintenance.* Minor repair work, including the replacement of

lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(3) *Gas.*

(a) Portable heating, cooking or clothes drying appliances.

(b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(c) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(4) *Mechanical.*

(a) Portable heating appliances.

(b) Portable ventilation appliances.

(c) Portable cooling units.

(d) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.

(e) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(f) Portable evaporative coolers.

(g) Self-contained refrigeration systems containing ten pounds or less of refrigerant or that are actuated by motors of one horsepower or less.

(h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(5) *Plumbing.*

(a) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this chapter.

(b) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(6) *Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted with the next working business day to the Director.

(7) *Ordinary repairs.* Ordinary repairs to structures as long as such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or

mechanical or other work affecting public health or general safety.

(8) *Public service agencies.* The installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

(F) It shall be the responsibility of the Director to determine if a building permit is required.

(Ord. 2011-16, passed 12-27-11) Penalty, see ' 10.99

**' 150.38 APPLICATION FOR BUILDING PERMIT.**

(A) The Director shall require that all applications for building permits be in writing in duplicate for residential buildings and in triplicate for commercial and industrial buildings. The application shall contain the following:

(1) A plat of survey prepared by an Indiana licensed land surveyor with his or her seal affixed thereto. The survey shall show, to scale: (a) the actual shape, location and dimension of the lot or parcel; (b) the shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot or parcel; (c) all proposed driveways, sidewalks, easements, and utilities already on the lot or parcel; (d) zoning setbacks; (e) existing grades at lot or parcel corners, curbs, and center of building area and the proposed elevation of the finished floor and lot or parcel corners; (f) arrows indicating the proposed surface drainage as per approved subdivision plan if applicable; (g) lot and block numbers and street

address approved by the town; and (h) on new construction only, a staked survey shall be required.

(2) The existing and intended use of the lot or parcel and of all structures upon it including the number of dwelling units the building is intended to accommodate.

(3) A dimension plan showing all existing buildings and structures on adjacent lots or parcels.

(4) The name, address and telephone number of each electrical, plumbing, and mechanical contractor.

(5) Two copies of construction drawings drawn to 1/4 inch x one foot scale showing: (a) floor plans with rooms dimensioned to scale and door sizes; (b) basement or foundation plan showing beam or girder layout, column or pier size and spacing; (c) all four exterior elevations showing window sizes or

manufacturers numbers; (d) typical wall section, from bottom of footing to ridge line, indicating size of members and spacing, roof pitch, eave size, insulation R-factor and attic access location; and (e) electrical wall and ceiling outlets and switching.

(6) Such other information concerning adjoining lots, and any other information which may be required for determining whether the provisions of this subchapter and each and every rule, regulation, law, ordinance or statute are being complied with.

(B) The construction drawings shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Director is authorized to require additional construction documents to be prepared by a registered design professional.

(C) The Director is authorized to waive the submission of construction drawings and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this chapter.

(D) For buildings and structures in flood hazard areas, construction documents shall include:

(1) Delineation of flood hazard areas,

floodway boundaries, and flood zones, and the design flood elevation, as appropriate;

(2) The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;

(3) The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and

(4) If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the Director and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

(E) One copy of the plans shall be returned to the applicant by the Director, after such copy has been marked either as approved or disapproved and attested to same by an officially authorized signature. A second copy of the plans, similarly marked, shall be retained by the Director.

(F) This chapter shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this chapter and has not been abandoned.

(G) The Director is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(H) Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

(Ord. 2011-16, passed 12-27-11) Penalty, see ' 10.99

' **150.39 DURATION OF PERMIT.**

(A) In the event a building permit shall have been issued by the Director and no proceeding under authority thereof shall have commenced by the applicant within a six-month period, the applicant shall apply for reinstatement thereof. No original building permit shall be reinstated more than once.

(B) If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire and be cancelled by the Director and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit, shall not proceed unless and until a new permit has been obtained.  
(Ord. 2011-16, passed 12-27-11) Penalty, see ' 10.99

' **150.40 REVOCATION OF PERMIT.**

Any permit issued under the provisions of this chapter may be revoked by the Director at any time, whenever the holder thereof:

(A) Shall have made any false or fraudulent statement in the application for such permit, or in the exercise of such permit.

(B) Shall have violated any of the provisions of this chapter.

(C) Shall have failed to satisfy the

requirements of this chapter or of any rules adopted pursuant thereto.

(D) Shall have caused, created or maintained, in the exercise of such permit, a menace or danger to public health, safety or welfare.  
(Ord. 2011-16, passed 12-27-11) Penalty, see ' 10.99

' 150.41 INSPECTIONS.

(A) For onsite construction, from time to time the Director, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent when the work fails to comply with this chapter.

(1) *Footing and foundation inspections.* Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

(2) *Plumbing, mechanical, gas, electrical systems and insulation inspection.* Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to

covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

(3) *Floodplain inspections.* For construction in areas prone to flooding, upon placement of the lowest floor, including basement, and prior to further vertical construction, the Director shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lower floor, including basement.

(4) *Frame and masonry inspection.* Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, fire stopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

(5) *Other inspections.* In addition to the called inspections above, the Director may make or

require any other inspections to ascertain compliance with this chapter and other laws enforced by the Director.

(6) *Final inspection.* Final inspection shall be made after the permitted work is complete and prior to occupancy.

(B) It shall be the duty of the permit holder or their agent to notify the Director that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

(C) Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Director. The Director, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder when the work fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Director. (Ord. 2011-16, passed 12-27-11) Penalty, see ' 10.99

**' 150.42 CERTIFICATE OF OCCUPANCY; REQUIREMENTS.**

(A) No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or

structure or portion thereof shall be made until the Director has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this chapter or of other ordinances of the town. Certificates presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the town shall not be valid.

(B) Before a certificate of occupancy will be issued, the following requirements shall be met:

(1) The dwelling unit and/or structure must be completed to the extent that the occupant's safety and health will not be endangered.

(2) All utility services used must be permanently connected and be operating. This includes sewer, water, gas and electricity.

(3) Property address numbers must be displayed on the front of the structure next to the front entrance, and if possible under the front door entrance light. The numbers must be at least four inches in height and be contrasting in color with the background.

(4) All exterior doors must have the stoop, handrails (where needed), and the appropriate steps permanently installed. These installations must have a deep and firm enough bearing to prevent heaving and settling in the future.

(5) All front or main entrances must have a safe and suitable walkway extending to the sidewalk or to the driveway.

(6) Driveways of a hard surface at least 16 feet in width shall be installed according to the specifications set forth in Chapter 154. Driveways shall not extend into the street curb and gutter system as to obstruct the flow of water in the gutter.

(7) The sidewalks as specified by town ordinances must be installed.

(8) Parkways and private yards must comply with Chapter 53.

(9) In all approved subdivisions, all appropriate street signs, as specified by Chapter 154, must meet Street Department specifications and be in the proper place for the street in which the dwelling unit is located.

(10) The street on which the dwelling unit is located must have two inches binder course over base.

(11) All required fire hydrants must be installed and operating properly. The fire hydrant's outlets must be facing as specified by the Fire Department.

(12) In areas where the Postmaster requests mail boxes be grouped, a mounting rack must be provided for the occupant's mail box.

(13) (a) In the event that the requirements set forth in divisions (B)(4), (5), (6), (7) and (8) cannot be met for any valid reason a permit may be issued upon the filing of a bond or a cash escrow deposit adequate to insure the completion of each item. The applicant shall submit estimates for each of the unfinished items to the Director for review and determination of the final amount of the bond or escrow deposit.

(b) All unfinished work shall be completed within eight months from the issuance of the occupancy permit, or if not completed, the bond and/or cash deposit shall be forfeited to the town which shall have the right, by and through its agents and/or employees, to use said funds and to enter upon the premises to complete the required work.

(c) Upon completion of each requirement, the Director shall be notified by the applicant. Upon such notification, the

Director shall conduct an inspection and upon approval by the Director, the applicable portion of the security may be released by the Town Clerk-Treasurer. If the Director does not approve the installation of the specific requirements, the Director shall notify the applicant in writing giving the reasons for disapproval.

(d) In the event that a lending institution requires an escrow account to be retained to cover such unfinished work, then the town may, upon the submission of adequate proof of the

existence of the escrow by an authorized representative of the lending institution, accept said escrow account in lieu of an additional bond and/or cash deposit with the town at the time of the issuance of the occupancy permit.

(C) The Director is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Director shall set a time period during which the temporary certificate of occupancy is valid.

(D) The Director shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this chapter.

(Ord. 2011-16, passed 12-27-11) Penalty, see ' 10.99

#### ' 150.43 VIOLATIONS; ENFORCEMENT.

(A) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair move, remove, demolish or occupy any building, structure or equipment regulated by this chapter, or cause it to be done, in conflict with or in violation of any of the provisions of this chapter.

(B) The Director is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this chapter, or in violation of a detail statement or a plan approved hereunder, or in violation of a permit or certificate issued under the provisions of this chapter. Such order shall direct the discontinuance of the illegal action or conditions and the abatement of the violation.

(C) If the notice of violation is not complied with in the time prescribed by such notice, the Director is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

(D) Any person who violates a provision of this chapter or fails to comply with any of the requirements hereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Director or of a permit or certificate issued under the provisions of this chapter, shall be subject to penalties as prescribed by ' 10.99 of the code.

(Ord. 2011-16, passed 12-27-11) Penalty, see ' 10.99

(B) Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by " 150.43 and ' 10.99.

(Ord. 2011-16, passed 12-27-11)

#### ' 150.44 STOP WORK ORDER.

(A) Upon notice from the Director that work on any building or structure is being prosecuted contrary to the provisions of this chapter or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.

2012 S-23