

TOWN OF BURNS HARBOR, INDIANA

TOWN CODE

CHAPTER 4
TOWN OF BURNS HARBOR, INDIANA
BUILDING CODE

ARTICLE I BUILDING COMMISSIONER AND BUILDING PERMITS

Sec. 4-1. TITLE.

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

Sec. 4-2. 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.

Sec. 4-3. AUTHORITY.

The Town of Burns Harbor hereby creates the office of Building Commissioner. 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 of Burns Harbor, this shall be construed to give such office only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any office 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. 22-13-2-7(b).

Sec. 4-4. SCOPE.

The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than fences, in the Town of Burns Harbor, Indiana.

Sec. 4-5. ADOPTION OF RULES BY REFERENCE.

A. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this (ordinance, chapter, 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. Standards for Permanent Installation of Manufactured Homes
3. Article 16 - Plumbing Codes
 - a. Indiana Plumbing Code
4. Article 17 - Electrical Codes
 - a. Indiana Electrical Code
 - b. Safety Code for Health Care Facilities
5. Article 18 - Mechanical Codes
 - a. Indiana Mechanical Code
6. Article 19 - Energy Conservation Codes
 - a. Indiana Energy Conservation Code
 - b. Modifications to the Model Energy Code
7. Article 20 - Swimming Pool Codes
 - a. Indiana Swimming Pool Code

- B. *Indiana Code 16-41-27-1, et se, providing for the licensing and regulation of mobile home parks by the State Department of Health and the resulting rules set out in the Indiana Administrative Code beginning at 410 IAC 60601 et seq for mobile park sanitation and safety are hereby incorporated by reference in the Burns Harbor Building Code which incorporation shall include later amendments to said Indiana Code and Administrative Code as the same are officially published by the State of Indiana from time to time with effective dates as are fixed from time to time in the official versions of said Indiana Code and Administration Code. (Ordinance 169, 12/26/2001)*
- C. Copies of adopted building rules, codes and standards are on file in the office of the Burns Harbor Clerk- Treasurer.
- D. No occupancy permit shall be issued for any structure containing a subgrade basement unless the basement contains a means of egress. *(Ordinance 229-2009)*

Sec. 4-6. 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 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.

Sec. 4-7. PERMIT REQUIRED.

- A. A permit shall be required for beginning construction on any building or structure or for the restoration or repair of any building or structure if the cost of the construction, repair or restoration exceeds \$1,000.00. A permit shall be required prior to the erection of any fence or prior to the construction, restoration or repair of any deck, or shed, regardless of the cost of such construction, restoration or repair. *(Ordinance 230-2009)*
- B. A permit shall be required for beginning construction and for the alteration or repair of any residential swimming pool as is such is defined in 675 IAC Article 20.
- C. All temporary, non-permanent pools with a depth exceeding twenty-four inches (24") shall be registered with the Building Commissioner. No

temporary pool exceeding twenty-four inches (24") shall be maintained within the Town without obtaining a temporary pool permit from the Building Commissioner.

Sec. 4-8. 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, including but not limited to, all engineering and legal fees of the Town's paid staff incurred in the review of applications for approval of subdivisions or planned unit development districts under Chapter 14. (*Ordinance 214, 4/9/2008*)

Sec. 4-9. 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.

The Building Commissioner shall give Town Council Members a copy of all papers filed for application of an Improvement Location Permit prior to issuing the Improvement Location Permit. (Resolution 91-112)

- E. Determine whether there are any unpaid fees owed by the developer or owner of the subdivision or the planned unit development district in which the improvement location permit site is located, including but not limited to, all engineering and legal fees of the Town's paid staff incurred in the review of applications for approval of subdivisions or planned unit development districts under Chapter 14. (*Ordinance 214, 4/9/2008*)

Sec. 4-10. 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 ordinance and the terms of the permit. Reinspections of work found to be incomplete nor not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

Sec. 4-11. 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.

Sec. 4-12. 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 Burns Harbor to perform any duty imposed upon him by this code.

Sec. 4-13. 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 person shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

The Building Commissioner shall be authorized to stop work by written notice at any location improvement site where it is determined there are any unpaid fees owed by the developer or owner of the subdivision or the planned unit development district in which the improvement location site is located, including but not limited to, all engineering and legal fees of the Town's paid

staff incurred in the review of applications for approval of subdivisions or planned unit development districts under Chapter 14. The Clerk-Treasurer shall forward to the Building Commissioner a list, by subdivision or planned unit development district, where there are legal or engineering fees that have been unpaid for more than thirty (30) days. (*Ordinance 214, 4/9/2008*)

Sec. 4-14. CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this ordinance. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.

No occupancy permit shall be issued unless the owner has completed landscaping in accordance with the requirements of Chapter 15 or has provided sufficient security in the form of a surety bond or letter of credit with an accompanying schedule for completion of the landscaping required in a form acceptable to the building commissioner. In cases where the landscaping requirements are secured by a bond or letter of credit, occupancy shall be conditioned upon completion of the landscaping requirements. (*Ordinance 229-2009*)

Sec. 4-15. WORKMANSHIP.

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

Sec. 4-16. 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 Burns Harbor or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

Sec. 4-17. RIGHT OF APPEAL.

All persons shall have the right to appeal the Building Commissioner's decision first through the Town Council of the Town of Burns Harbor 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.

Sec. 4-18. REMEDIES.

If the Building Commissioner finds any violation of this Chapter or the Town Code pertaining to the use and occupancy of Buildings or land within the Town, he shall in the name of the Town of Burns Harbor bring actions for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made, and any such action or mandatory or injunctive relief may be joined with an action to recover the penalties provided for in Town Code. In any action commenced under this paragraph or otherwise brought to enforce the provisions of this Chapter, and in the event the Town prevails, the Town shall recover, in addition to any penalty, its attorney fees and staff costs incurred in connection with such proceedings at the rates on file with the Clerk-Treasurer.(*Ordinance 230-2009*)

Sec. 4-19. PERMIT FEES.

REFER TO CHAPTER 15, SEC. 15-5-4-A

Sec. 4-20. PERMIT FEE REQUIRED.

That no application will be considered until the building permit fee is received.

Sec. 4-21. PENALTIES.

If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or in connection with the provisions of this ordinance for each such violation, failure or refusal, such person firm or corporation may be fined in any sum not less than \$500.00 nor more than \$2,000.00. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. (Ord. No. 115, 1988)

ARTICLE II. UNSAFE BUILDING

Sec. 4-22. UNSAFE BUILDING LAW ESTABLISHED.

Under the provisions of Indiana Code 36-7-9, there is hereby established the Burns Harbor Unsafe Building Law.

Sec. 4-23. INDIANA CODE ADOPTED BY REFERENCE.

Indiana Code 36-7-9-1 through 36-7-9-28 is hereby adopted by reference as the Burns Harbor Unsafe Building Law. All proceedings with the Town of Burns Harbor for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control. Two copies of I.C. 36-7-9-1 through 36-7-9-28 are on file for public review in the office of the Clerk-Treasurer of the Town of Burns Harbor.

Sec. 4-24. UNSAFE BUILDING TO BE REPAIRED OR REMOVED.

All building or portions thereof within the Town of Burns Harbor which are determined after inspection by the Building Commissioner to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

Sec. 4-25. ENFORCEMENT.

The Burns Harbor Building Commissioner, as chief administrative officer of the Building Department of the Town of Burns Harbor, is the enforcement authority under this ordinance and shall be authorized to administer and proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified herein or as specified hereafter. The hearing authority under the terms of this ordinance and Indiana law shall be the Town Council of the Town of Burns Harbor.

Sec. 4-26. OFFICER'S AUTHORITY RE: ENFORCEMENT.

Wherever in the building regulations of the State of Indiana or the Burns Harbor Unsafe Building Law, 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 the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

Sec. 4-27. DEFINITION OF UNSAFE BUILDING.

The description of an unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Town of Burns Harbor, Indiana, by adding the following definition:

UNSAFE BUILDING: Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

- A. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- B. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose or location.
- C. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.
- D. Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- E. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.
- F. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

- G. Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.
- H. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- I. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- J. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- K. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.
- L. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Town, or of any law or ordinance of this state or town relating to the condition, location or structure of buildings.
- M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member or portion less than fifty percent, or in any supporting part, member or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

- N. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Official to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- O. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire- resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Commissioner to be a fire hazard.
- P. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Sec. 4-28. SUBSTANTIAL PROPERTY INTEREST.

The definition of "substantial property interest" set forth in I.C. 36-7-9-2 is hereby incorporated by reference herein as copied in full.

Sec. 4-29. WORK STANDARDS.

All work for the reconstruction, alteration, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical, and one and two family dwellings, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Commissioner of the Town of Burns Harbor, Indiana.

Sec. 4-30. FUND ESTABLISHED.

An Unsafe Building Fund is hereby established in the operating budget of the Town of Burns Harbor in accordance with the provisions of I.C. 36-7-9-14.

Sec. 4-31. VIOLATION PENALTIES.

No person, firm, or corporation, whether as owner, lessee, sub-lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this ordinance or any order issued by the Town. Any person violating the provisions of this ordinance shall be subject to a fine of not more than \$2,500.00.

ARTICLE III CULVERTS

Sec. 4-32. CULVERTS REQUIRED.

*Where required to facilitate proper roadside drainage, each party installing a driveway entrance shall be required to install and maintain a 12 inch minimum diameter 12 gauge or heavier corrugated galvanized steel pipe at least 20 feet in length with flared end sections or concrete head walls designated so as not to create a hazard to the under part of automobiles, at the entrance of each driveway.
(Ordinance 198,2006)*

Sec. 4-33. BLOCKING OF DITCHES PROHIBITED.

No party shall fill or otherwise block roadside drainage ditches. They shall be permitted to install field tile or other suitable conduit for roadside water, providing the top of the cover over such tile or conduit is at least 12 inches below the surface of the pavement adjacent to said tile or conduit. All such tile installed shall be the property owners to maintain.

Sec. 4-34. RESPONSIBILITY OF LANDOWNER.

It shall be the duty of each party to insure the culvert or drain is of sufficient capacity and in the proper location to comply with Sec. 4-40 and 4-41 above. It is recommended that parties request the advice of the Burns Harbor Street Commissioner before making said installation and should such facility be inadequate or require replacement, it shall be the obligation of the party using the driveway entrance and shall in no way be any liability to the Burns Harbor Street Commissioner.

ARTICLE IV. NUMBERING OF STRUCTURES

Sec. 4-35 NUMBERING OF STRUCTURES REQUIRED.

It shall be the duty of the owner or occupant of each house, business structure or other structure within the Town of Burns Harbor, Porter County, Indiana, now existing or hereafter erected which has been assigned a mailing address for the receipt of mail through the United States Postal system to place on such structure within 90 days from the date of passage of this ordinance, letters or numerals not less than 3 inches high showing the number of the mailing address of each such structure. The aforesaid letters or numerals shall be placed on said structures so that they are visible from the street and shall contrast with the color of the structure. In addition, in the event that the structure is not visible from the street, then the mailing address should be placed in such a way that it is visible from the street, making it possible for emergency vehicles to easily locate and identify the structure. (*Ordinance 123, 6/28/89*)

Sec. 4-36. VIOLATIONS; PENALTIES.

Violations of this Ordinance shall be punishable by a fine of one hundred dollars (\$100.00) for a first offense. Second and subsequent violations shall be subject to the general penalty provisions found in Sec. 1-9 of the Town Code. (*Ordinance 230*)