

ORDINANCE NO. 325-95

AN ORDINANCE regulating the construction, alteration, structural repair, location and use of buildings and structures in the Town of Battle Ground, Indiana; providing for the issuance of permits therefore providing penalties for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith, exclusive of the UNIFIED ZONING ORDINANCE and UNIFIED SUBDIVISION ORDINANCE ADOPTED UNDER I.C. 36-7-4 et. seq.

BE IT ORDAINED by the Board of Trustees of the Town of Battle Ground, Indiana, as follows:

SECTION 1. TITLE. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of Battle Ground, 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, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.

SECTION 3. (A) AUTHORITY. The Tippecanoe County Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in the building regulations, 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 Board of Trustees of the Town of Battle Ground, 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 provision shall be construed as giving any officer discretionary powers as to what such regulation, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.

SECTION 3. (B). The Building Commissioner, after having been designated as the officer of a single agency to administer and enforce building regulation, shall be authorized to issue building permits, collect permit fees, perform inspections, order correction of violations of building regulations, and authorize occupancy of buildings and structures situated within the incorporated areas of the Town of Battle Ground.

The provisions of this section are subject to the issuance of an improvement location permit by the ADMINISTRATIVE OFFICER of the Town of Battle Ground pursuant to the UNIFIED ZONING ORDINANCE.

SECTION 4. SCOPE. The provisions of this code apply to the construction, demolition, alterations, structural repair use, occupancy, maintenance and additions to all buildings and structures other than fences, mobile structures and/or industrialized buildings certified under I.C. 22-15-4 in the Town of Battle Ground, except storage buildings of 120 square feet or less and not constructed on a masonry or concrete foundation.

SECTION 5. ADOPTION OF REGULATIONS 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 and shall include later amendments to those Articles as the same are published in the Indiana Register of the Indiana Administrative code with effective dates as fixed therein:

(1) Articles 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 (675 IAG 14-4)

- (a) Council of American Building Officials One and Two Family Dwelling Code
- (b) CABO One and Two Family Dwelling Code; Amendments
- (c) Standard for Permanent Installation of Manufactured Homes
- (d) Section R-309.6-GROUND COVERING: The entire ground surface of the under-floor space shall be covered with a vapor barrier having a maximum permeability rating of one (1) perm

(3) Article 16-Plumbing Codes

- (a) Indiana Plumbing Code

(4) Article 17-Electrical Code

- (a) Indiana Electrical Code, including Article 547 (Agricultural Building)
- (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
- (b) Modifications to the Model Energy Code

(7) Article 20-Swimming Pool Code

- (a) Indiana Swimming Pool Code

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

SECTION 6. APPLICATION FOR PERMITS. No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by plans and specifications showing the work to be done. All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the State of Indiana must also be filed with the State Build Commissioner if state permit is required. No local permits shall be issued hereunder until a copy of a Design Release from the State

Building Commissioner is received by the County Building Commissioner if such Design Release is required. No permit shall be issued until an improvement location permit has been approved in writing by the Administrative Officer of the Town of Battle Ground pursuant to the Unified Zoning Ordinance and Unified Subdivision Ordinance.

SECTION 7. PERMIT REQUIRED. A permit shall be obtained before beginning construction, demolition, alteration, or repair of any building or structure, using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner, and all fees provided for herein shall be paid to Tippecanoe County, Indiana.

a. A building permit expires and becomes void if:

(1) the work authorized by the permit is not started within one year from the date of issuance

(2) the work authorized by the permit is suspended or abandoned for six months.

(3) the work authorized by the permit is not completed within two years from the date of issuance

b. The Building Commissioner may grant extensions to these time limitations provided that the extension request is submitted prior to the expiration date of the permit.

SECTION 8. OTHER ORDINANCES. All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, including, without limitation, Unified Zoning Ordinance and Unified Subdivision Ordinance, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances.

SECTION 9. (A) FEES - OTHER THAN ELECTRICAL (PERMITS).

a. One and two family dwelling fees are based on the square footage of the buildings with the exterior measurements used in determining the building area. The fees are eleven (11) cents per square foot up to two thousand square feet, and then nine (9) cents per square foot for each additional square foot over two thousand (this includes attached garages), and six (6) cents per square foot for basements.

b. Detached garages and livestock confinement buildings fees are based on square footage with the exterior measurements used in determining the building area. The fee is six (6) cents per square foot or twenty-five (25) dollars, whichever is greater.

c. Pole structure fees are based on the square footage of the buildings with the exterior measurements used in determining the building area. The fee is two and one half (2.5) cents per square foot or twenty-five (25) dollars, whichever is greater.

d. All other buildings not listed above (9 a-c) will continue to have their fees determined by the following system; twenty five (25) dollars for the first one (1) thousand dollars of estimated value, then two (2) dollars for each additional one (1) thousand dollars of estimated value up to one (1) million dollars, then ten (10) cents for each additional one (1) thousand dollars of estimated value over one (1) million.

This group of buildings includes all Class 1 structures, grain bins, yard barns, carports, room additions and other miscellaneous structures.

e. Electrical permit fees are thirty five (35) dollars for electrical services up to and including two hundred (200) amperes and sixty (60) dollars for electrical services over two hundred (200) amperes.

f. A re-inspection fee of twenty (20) dollars will be charged for the third and subsequent inspections on a project for the same violations. Re-inspection fees must be paid before subsequent inspections will be made. If the inspections are on an electrical service, the fee shall be paid before the service will be approved for connection.

g. A surcharge of fifty (50) dollars will be added to permit fees on buildings where construction is started without first obtaining a building permit.

SECTION 10. REVIEW OF APPLICATION. Prior to the issuance of any building permit hereunder, the Building Commissioner shall:

(a) Review all building permit applications to determine full compliance with provisions of this ordinance.

(b) Provide the application to Administrative Officer for zoning compliance review and issuance of an improvement location permit.

(c) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will comply with the Unified Zoning Ordinance of the town of Battle Ground.

(d) An application for a building permit becomes null and void if the applicant does not secure the permit within ninety (90) days after its approval.

SECTION 11. INSPECTIONS. After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to make, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit.

SECTION 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 Battle Ground to perform any duty imposed upon him by this Code.

SECTION 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 persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

SECTION 14. CERTIFICATE OF OCCUPANCY. No final approval of construction 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 and the Unified Zoning Ordinance with the Town of Battle Ground.

SECTION 15. STANDARDS. 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.

SECTION 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 Battle Ground or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 17. RIGHT OF APPEAL. All persons shall have the right to appeal the Building Commissioner's decision first through the Town Board of Trustees of the Town of Battle Ground and then to the Tippecanoe County Board of Commissioners and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 or I.C. 4-21.5-3-7 as applicable.

SECTION 18. REMEDIES. The Building Commissioner shall in the name of the Trustees of the Town of Battle Ground bring actions in the Tippecanoe Circuit Court, 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 ordinance.

SECTION 19. 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 shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance, for each violation, failure or refusal, such person, firm, or corporation shall be fined in the sum of Fifty Dollars (\$50.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 20. EFFECTIVE DATE. This ordinance 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.

No building permit shall be issued for the construction, extension, remodeling, alteration or repair of any proposed or existing building in Battle Ground, except single family dwelling houses in approved subdivisions, until the plans for such construction, extension, remodeling, alteration or repair have been approved in writing by the Tippecanoe County Drainage Board.

No building permit shall be issued until the plans have been found to be in compliance with the Unified Zoning Ordinance and Unified Subdivision Ordinance of the Town of Battle Ground and an improvement location permit has been issued by the Administrative Officer of the Town Battle Ground.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA THIS 3RD DAY OF APRIL, 1995.

TOWN OF BATTLE GROUND BOARD OF TRUSTEES

David L. Ferringer
David L. Ferringer

Stanley J. Cunningham
Stanley J. Cunningham

Donald D. McKee
Donald D. McKee

Marie McCoy
Marie McCoy

ATTEST: Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

ENDORSEMENT:

Approved this 3rd day of May, 1995, by the Fire Prevention and Building Safety Commission of the State of Indiana.

Howard W. Cundiff, Chairman