

ORDINANCE NO. 94-2 BUILDING CODE OF NEWTON COUNTY, INDIANA

An ordinance regulating the construction, alteration, repair, location and use of buildings and structures in the unincorporated areas of Newton County, Indiana: incorporating by reference building rules, codes, and standards required by state law; providing for the issuance of permits; providing penalties for violations; and repealing all ordinances and parts or ordinances in conflict therewith and specially repealing Ordinance 89-2.

Now, therefore, be it ordained by the Board of Commissioners of the County of Newton, Indiana, that:

SECTION 1(a). TITLE.

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

SECTION 1 (b). DEFINITIONS

Approval – approval by the building commissioner under the provision of this Code or by other authority designated by law to give approval of the matter in question.

Area – the maximum horizontal area of the building at finished grade exclusive of unroofed porches, terraces, steps and area-ways.

Basement – that portion of a building, between floor and ceiling, which is less than 50 percent underground. When 50 percent or more of the space in a basement is used for a habitable room, it shall be counted as a story.

Building Inspector – the person charged with administration and enforcement of this code.

Ceiling Height – the vertical distance between the floor and ceiling. Where a finished ceiling is not provided, the underside of joist shall determine the upper point of measurement.

Cellar – that portion of a building, between floor and ceiling, which is more than 50% underground.

Concrete –
1. Plain – concrete cast in place without metal reinforcement or reinforced only for shrinkage or temperature changes.
2. Re-enforced – concrete in which steel rods or mesh are embedded for increased strength

Erected – Includes any construction, reconstruction, enlargement, movement, or physical operation on either the dwelling or on the land required for the dwelling.
Excavation, fill, drainage, and the like shall be considered a part of erection.

Floor Area of a Room- the number of square feet of floor space within the walls of a room.

Grade, Finished – Finished grade is the line formed at the junction of a building and the area immediately surrounding the building to which the ground is to be or has been cut or filled.

Habitable Room – a room occupied by or designed for occupancy by one or more persons for living, sleeping, eating, or cooking, including kitchens serving a dwelling unit, but not including bathrooms,

watercloset compartments, laundries, serving and storage pantries, corridors, cellars, frequently or during extended periods.

Incombustible – material that will not of and by itself ignite when the temperature and that of the surrounding air is 1,200 degrees Fahrenheit (649 degrees Centigrade).

Lintel – A horizontal structure member supporting masonry above an opening in a wall or partition

Load, Dead – Dead load is the weight of walls, floors, roofs, partitions, and other permanent portions of the structure.

Masonry – Stone, brick, structural clay tile, concrete masonry, units, gypsum tile or block, structural glass block, or other similar building units or materials or a combination of same bonded together with mortar. Masonry also includes plain concrete.

Partition, Bearing –A bearing partition is a partition which supports any vertical load in addition to its own weight.

Partition, Nonbearing – A nonbearing partition is a partition which supports no load other than its own weight

Pier – an isolated column of masonry. A bearing wall not bonded at the side into associated masonry and whose length does not exceed four times its thickness.

Wall, Veneered – A veneered wall is a wall having a facing which is not attached and bonded to a backing so as to form an integral part of the wall for purposes of load bearing and stability.

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 of 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. Wherever 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 Plan Commission, this shall be constructed 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 such 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.

SECTION 4. SCOPE

The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance, and additions to all buildings and structures, and swimming pools greater than 4 ft deep, in incorporated Newton County, Indiana.

SECTION 5. ADOPTION OF BUILDING RULES, CODES, AND STANDARDS 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 (675 IAC 13-1)
 - b. Indiana Building Code (675 IAC 13-2)
 - c. Indiana Building Code Standards (675 IAC 13-3)
 - d. Indiana Handicapped Accessibility Code (675 IAC 13-4)
- (2) Article 14 – One and Two Family Dwelling Codes
 - a. Council of American Building Officials One and Two Family Code (675 IAC 14-1)
 - b. CABO One and Two Family Dwelling Code; Amendments (675 IAC 14-2)
 - c. Standard for Permanent Installation of Manufactured Homes (675 IAC 14-3)
 - (3) Article 16 Plumbing Codes
 - a. Indiana Plumbing Code (675 IAC 16-1)
 - (4) Article 17 Electrical Code
 - a. Indiana Electrical Code (675 IAC 17-1.1)
 - b. Safety Code for Health Care Facilities (675 IAC 17-2)
 - (5) Article 18 – Mechanical Codes
 - a. Indiana Mechanical Code (675 IAC 18-1)
 - (6) Article 19 – Energy Conservation Code
 - a. Indiana Energy Conservation Code (675 IAC 19-1)
 - b. Modifications to the Model Energy Code (675 IAC 19-2)
 - (7) Article 20 – Swimming Pool Codes
 - a. Indiana Swimming Pool Code (675 IAC 20-1)
- b. Copies of adopted building rules, codes, and standards are on file in the office of Building Commissioner, Newton County, Indiana.
 - c. The use of alternate types of materials from these specified in this Code shall be permissible, at the discretion of the building inspector, upon showing by manufacturers standards that such alternate materials are equal to or better than those specified by this code.

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 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 IC-22-15-3-1 if required, 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 or alteration of any building or structure in excess of 160 square feet: except repair and maintenance, such as siding or roofing shall not require a permit unless the cost exceeds \$5,000.00. All fees required by this code shall be paid to the Building Commissioner and deposited until paid to the Auditor monthly along with a report of collections.

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:

Land Use Change	\$100. ⁰⁰
Petition for Variance or Special Exception	\$50. ⁰⁰
Single-Family Dwelling	10 ¢ per square foot of living space. (\$100. ⁰⁰ Minimum; \$200. ⁰⁰ maximum)
Two-Family Dwelling	10 ¢ per square foot of living space. (\$150. ⁰⁰ Minimum; \$200. ⁰⁰ maximum)
Multi-Family Dwelling	10 ¢ per square foot of living space. (\$150. ⁰⁰ Minimum; \$200. ⁰⁰ maximum)
Mobile Home	10 ¢ per square foot of living space. (\$75. ⁰⁰ Minimum; \$200. ⁰⁰ maximum)
Manufactured Home	10 ¢ per square foot of living space. (\$75. ⁰⁰ Minimum; \$200. ⁰⁰ maximum)
Commercial Buildings	10 ¢ per square foot of living space. (\$100. ⁰⁰ Minimum; \$200. ⁰⁰ maximum)
Additions & Remodeling	10 ¢ per square foot of living space. (\$50. ⁰⁰ Minimum; \$100. ⁰⁰ maximum)
Garages & Accessory Building	10 ¢ per square foot of living space. (\$50. ⁰⁰ Minimum; \$100. ⁰⁰ maximum)
Repair and Maintenance (Over \$5,000. ⁰⁰)	\$50. ⁰⁰
Electrical Inspections	\$15. ⁰⁰
Swimming Pools	\$50. ⁰⁰
Signs (More than 4 square feet)	\$20. ⁰⁰
Preliminary Hearing, New Plats	\$25. ⁰⁰
Final Hearing (Each Lot in Plat)	\$2. ⁰⁰
Complete Ordinance Book	\$15. ⁰⁰
Individual Ordinance Copies	\$5. ⁰⁰

SECTION 10. REVIEW OF APPLICATIONS.

Prior to the issuance of any building permit, the Building Commissioner shall:

- (a) Review all building permit applications to determine full compliance with the provisions of this code.
- (b) Review all building permit applications for new construction or substantial improvements to determine whether proposed building 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 uses construction materials and utility equipment that are resistant to flood damage, and 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.
 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 cause to be made, inspections of work being done as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit. The owner of a permit is required to notify the Building Commissioner, during working hours, at least 24 hours in advance when construction is ready for inspection. The inspection is to be completed within 16 working hours.

SECTION 11.1. FOOTING PRE-POUR INSPECTION.

Commonly made after poles or piers are set or trenches or basement areas are excavated and forms erected and any required reinforcing steel is in place and prior to the placing of concrete.

SECTION 11.2. FOUNDATION INSPECTION.

After the foundation wall is placed and prior to backfilling, an inspection shall be made to ascertain proper damp proofing of the foundation, installation of drainage tiles and proper use of anchor bolts.

SECTION 11.3. ROUGH-IN INSPECTION.

After all framing, electrical, and plumbing is installed, but prior to insulation and wallboard.

SECTION 11.4. INSULATION INSPECTION.

After the placement of insulation, but prior to any wallboard.

SECTION 11.5. OTHER INSPECTIONS.

In addition to the called inspections above, the Building Department may make or require any other inspections to ascertain compliance with this code and other laws enforced by the Building Department.

SECTION 11.6. FINAL INSPECTION.

Commonly made after the building is completed and ready for occupancy.

Re-inspection of work found to be incomplete or not ready for inspection is subject to assessment of re-inspection fee as prescribed in this code. The re-inspection fee shall be \$15.00 for each re-inspection.

SECTION 12. FIRE SAFETY.

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.

SECTION 13. ENTRY.

Upon presentation of proper credentials, the Building Commissioner and his/her duly authorized representative may enter, at reasonable times, any building, structure, or premises in the unincorporated areas of Newton County to perform any duty imposed upon him/her 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 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.

SECTION 16. WORKMANSHIP AND COMPLETION.

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. Construction of a building must be started within 60 days of the time that a building permit is issued. The building must be completed in 12 months, unless an extension is issued by the Building Commissioner.

SECTION 17. 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 Newton County, Indiana, or cause to permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 18. RIGHT OF APPEAL.

All persons shall have the right to appeal the Building Commissioner's decision through the Board of Zoning Appeals of Newton County, Indiana.

SECTION 19. REMEDIES.

The Building Commissioner, shall, in the name of Newton County, Indiana, bring actions in the Circuit or Superior courts of Newton County, Indiana, for mandatory and injunctive relief in the enforcement of, and to secure compliance with, any order or orders 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 20. HEALTH AND SANITATION.

- 1. Open Areas.** For the provision of sufficient light, air, and ventilation, no structure shall be erected or remodeled unless provisions for front, side, and rear yards adjoining such structure are in compliance with the requirements of the currently legal Zoning Ordinance of the county of Newton, Indiana.
- 2. Water Supply.** All water supply shall be from public or quasi-public mains, when available, or from such wells or other private sources of such type and in such location as to meet the requirements of the county Health Officer and the standards of the Indiana State Board of Health.
- 3. Sewage Disposal.** All sewage shall be disposed of in existing sanitary sewer systems, when available, or through the use of septic tanks, cesspools, or privies which are so designed and located as to meet the requirements of the County Health Officer and the standards of the Indiana State Board of Health.

SECTION 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 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 such violation, failure, or refusal, such persons, firm, or corporation shall be fined in any sum not less than \$25.00, nor more than \$100.00. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 22. EFFECTIVE DATES.

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.

AMENDMENT TO ORDINANCE NO. 94-2 BUILDING CODE OF NEWTON COUNTY, INDIANA

An amendment to the Building Code of Newton County, Indiana, providing for the issuance of permits, and repealing all ordinances and parts of ordinances in conflict therewith.

WHEREAS, the existing Building Code of Newton County, Indiana, Ordinance No. 94-2, was enacted on November 7, 1991, at which time various fees for filing of petitions and applications for permits were established; and,

WHEREAS, such Ordinance did not provide for payment of a fee in connection with an application or request for a Driveway Permit; and,

WHEREAS, upon receiving an application or request for a Driveway Permit a considerable amount of time is required of the Newton County Highway Department to determine if such a permit should be issued or request granted, and, if so, upon what conditions, if any.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Newton County, Indiana, under authority of Indiana Code 36-1-3-1, et seq, that Section 9 of the Building Code of Newton County, Indiana, regarding permit fees, be amended by the addition of the following:

Driveway Permit – \$50.00

BE IT FURTHER ORDAINED that all fees generated by the application or request for Driveway Permits be deposited in the Highway Department Fund.

BE IT FURTHER ORDAINED that any ordinance or portion thereof in conflict with this amendment is hereby revoked.

BE IT FURTHER ORDAINED shall take effect upon passage by the Board of County Commissioners and after proper notice and posting as by law provided.

PASSED AND ADOPTED by the Board of Commissioners of Newton County, Indiana, this 3rd day of December 2001.