

**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LONG BEACH, LAPORTE COUNTY, INDIANA, AMENDING CHAPTER 150 OF THE TOWN OF LONG BEACH'S CODE OF ORDINANCES**

WHEREAS, the Town Council ("Town Council") of the Town of Long Beach, LaPorte County, Indiana ("Town") previously adopted Chapter 150 of the Town's Code of Ordinances; and

WHEREAS, Chapter 150 of the Town's Code of Ordinances contains the Town's Building Code; and

WHEREAS, Chapter 150 of the Town's Code of Ordinances remains in full force and effect; and

WHEREAS, the Town Council is desirous of amending Chapter 150 of the Town's Code of Ordinances in order to amend the Town's Building Code regulating the construction, alteration, equipment, use, occupancy, and location of building and structures in the Town. This Ordinance incorporates by reference the building rules, codes, and standards required to be enforced under Ind. Code §36-7-2-9 and providing for the issuance of permits, inspections and penalties for violations; and

WHEREAS, in accordance with the requirement of § 150.06 of the Town's Code of Ordinances on \_\_\_\_\_, the Advisory Plan Commission of the Town met in a public meeting and voted \_\_\_\_\_ to favorably recommend that the Town Council adopt this Ordinance and the amendment to Chapter 150 of the Town's Code of Ordinances.

WHEREAS, also in accordance with the requirements of § 150.06 of the Town's Code of Ordinances, on the \_\_\_\_ day of \_\_\_\_\_, 2017, public notice of this Ordinance was published in the \_\_\_\_\_ newspaper with general circulation in LaPorte County, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LONG BEACH, LAPORTE COUNTY, INDIANA, THAT CHAPTER 150 OF THE TOWN'S CODE OF ORDINANCES SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

**CHAPTER 150. BUILDING CODE OF TOWN OF LONG BEACH, INDIANA.**

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## Article I. General Requirements

### 150.010 Title.

This chapter and all material included herein by reference shall be known as the “Building Code of the Town of Long Beach, Indiana,” and refers to the enforcement area within its corporate boundaries and the same area under the jurisdiction of the Plan Commission and may be cited as such, and will be referred to herein as this “Chapter.”

### 150.020 Purpose.

The purpose of this Chapter is to comply with the requirements of Ind. Code § 36-7-2-9, to provide minimum construction requirements to safeguard the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property and from fire and other hazards attributed to the built environment of class 1 structures, as defined in IC 22-12-1-4, and class 2 structures, as defined in IC 22-12-1-5, and to provide for fire limits in accordance with IC 36-7-10-2.

### 150.030 Definitions for Chapter 150 Building Code.

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

“Building Commission” as used in this Chapter, is the Town of Long Beach Building Official appointed by the Long Beach Town Council (150.05) as the agency charged with the administration and enforcement of Title XV of the Long Beach Town Code. The Building Commission may designate one or more individuals: Building Commissioner, Building Inspector(s) or Town Engineer or other to enforce the provisions of this Chapter and Title XV of the Long Beach Code. IC 22-13-2-11 and IC 22-12-7

“Building Permit” means the written permission in the form of a permit issued by the Building Commission stating that the proposed erection, construction, enlargement, alteration, repair, demolition or removal, moving of a building or structure or the change of any use or condition of the land referred to therein complies with the provision of this Chapter.

“Class 1 structure” has the meaning ascribed thereto in IC 22-12-1-4.

“Class 2 structure” has the meaning ascribed thereto in IC 22-12-1-5.

“Construction” has the meaning ascribed thereto in IC 22-12-1-7.

“Industrialized building system” has the meaning ascribed thereto in IC 22-

12-1-14.

“Manufactured home” has the meaning ascribed thereto in IC 22-12-1-16.

“Mobile structure” has the meaning ascribed thereto in IC 22-12-1-17.

“Person” has the meaning ascribed thereto in IC 22-12-1-18.

“Structural safety” means the continued capability of either of the following:

- (1) Load-bearing members of a building or structure to transmit actual and design live and dead loads to a foundation.
- (2) Other load-bearing members within the allowable working stresses of the materials or assembly of materials involved.

“Structure” means both class 1 and class 2 structures, unless specifically stated otherwise.

“Vehicular bridge” has the meaning ascribed thereto in IC 22-12-1-26.

#### **150.040 Scope.**

All construction shall be accomplished in compliance with the provisions of this Chapter. Pursuant to IC 22-13-2-6, this Chapter shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Chapter and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structures not certified under IC 22-15-4. Pursuant to IC 22-13-2-9, this Chapter is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

#### **150.050 Authority.**

The Building Commission is hereby authorized and directed to administer and enforce the following:

- (A) All the provisions of this Chapter.
- (B) Variances granted in accordance with IC 22-13-2-11.
- (C) Orders issued under IC 22-12-7.

#### **150.051 Amendments.**

The Building Commission may from time to time recommend changes, alterations or amendments to this Chapter the Town Council of the Town. No such change, alteration, or amendment shall be made, except upon approval by a majority of the Town Council.

#### **150.060 Severability.**

Should any provision (section, clause, phrase, word, or any other portion) of this

Chapter be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this Chapter. To this end, the provisions of this Chapter are severable.

**150.061 Effect of Adoption on Prior Ordinance.**

The expressed or implied repeal or amendment by this Chapter of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this Ordinance. Such rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Ordinance had not been adopted.

**Article II. Building Permits**

**150.070 Building Permit Required.**

Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commission prior to commencement of construction. Application for a building permit shall be made by the property owner or by an employee or agent of that person. The Building Commission may require that such an employee or agent provide written authority to apply for the permit.

(A) Any property owner or authorized agent who intends to do any of the following:

- a. construct a class 1 or class 2 structure, enlarge, alter, move, demolish, or change the occupancy or use of a class 1 or class 2 structure,
- b. to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, or to cause any such construction to be done to a class 1 or class 2 structure
- c. alter topography of the zoning
- d. or commence any demolition or construction activity specified in Title XV of the Long Beach Town Code

shall obtain a Building Permit from the Building Commission. No Building Permit will be issued to a person that would cause a violation of [IC 22-15-3-7](#) and no construction shall be done on a class 1 or class 2 structure until the Building Commission or its designee issues a Building Permit unless the construction is of a type specifically exempt from Building Permit requirements.

A Building Permit is not required for the following:

(1) Building Construction Exempt from Class 2 Structure Building Construction Permits.

- (a) One-story detached accessory buildings used as tool and storage

sheds, playhouses and similar uses, provided the floor area does not exceed 100 square feet. All such buildings or structures must still abide by all Title XV Land Use Ordinances.

(b) Painting, papering, carpeting, and replacement or reglazing of glass. This exemption does not include repair, maintenance, and replacement of interior load bearing members which affect the structural safety of a class 2 structure.

(c) Temporary prefabricated swimming pools that are less than 24 inches deep.

(d) Swings and other playground equipment.

(e) Repair, maintenance, and replacement of siding, soffits, fascia, gutters and similar exterior maintenance. This exemption does not include repair, maintenance, and replacement of load bearing members that affect the structural safety of a class 2 structure.

(2) Exempt Electrical.

(a) Maintenance, repair, or replacement of existing electrical systems with like equipment. This exemption does not include replacement or installation of electrical utility metering equipment or electrical service equipment.

(b) Portable or temporary lighting equipment and devices.

(c) Replacement of branch circuit overcurrent devices.

(d) Installation of branch circuits not exceeding the capacity of the electrical distribution system.

(e) Electrical wiring, apparatus, or equipment installed by a public or private utility.

(3) Exempt Gas.

(a) Maintenance, repair, or replacement of existing gas appliances and equipment. This exemption does not include replacement or installation of gas utility metering equipment.

(b) Portable or temporary gas equipment.

(4) Exempt Mechanical.

(a) Maintenance, repair, or replacement of existing heating, ventilating and air conditioning systems with like equipment.

(b) Portable or temporary heating appliances.

(c) Portable or temporary ventilation appliances.

(d) Portable or temporary cooling units.

(e) Steam, hot- or chilled-water piping within any heating or cooling equipment.

(f) Replacement of any minor parts that do not alter the approval of equipment or make such equipment unsafe.

(g) Portable or temporary evaporative coolers.

(5) Exempt Plumbing.

(a) The stopping of leaks in drains, water, soil, waste or vent pipes.

(b) The clearing of stoppages or the repairing of leaks in pipes, valves

- or fixtures, and the removal and reinstallation of water closets.
- (c) Replacement of piping, valves, or fixtures.
- (d) Replacement of water heaters with a similar type and capacity.
- (e) Installation of water heaters with a capacity of 100 gallons or less.
- (f) Portable or temporary plumbing equipment.

(B) The Building Permit requirements, including filing of plans and specifications, shall apply for any construction otherwise exempt when a part of, supplemental to, or an accessory of a class 2 structure construction project that otherwise requires a Building Permit.

(C) Class 2 structure construction exempt from the Building Permit requirements is not exempt from compliance with other ordinances and regulations including, but not limited to, Indiana Code (IC), or Indiana Administrative Code (IAC). Exemption from Building Permit requirements shall not be deemed to grant authorization for any construction to be done in any manner in violation of the provisions of this chapter or any other ordinances or regulations including, but not limited to,, Indiana Code (IC), or Indiana Administrative Code (IAC).

(D) Building Construction Exempt from Class 1 Structure Building Construction Permits. No construction shall be done on a class 1 structure other than maintenance in accordance with 675 IAC 12-4-9, until a Building Permit is issued by the Building Commission.

(E) Work requiring a Building Permit shall not be commenced until the permit holder or his/her agent shall have posted a Permit Inspection Record Card in a conspicuous place on the front of the premises and in such a position as to allow any authorized person of the Town to make the necessary entries thereon regarding inspection of the work. This card shall not be removed until final approval has been given and a certificate of occupancy issued.

#### **150.080 Application for Building Permit.**

A. Any person required to have obtain a Building Permit shall submit a complete application to the Building Commission.

B. The Building Permit Application shall be submitted on a form prepared by the Building Commission and shall contain the following:

1. Information that the Building Commission determines to be necessary to locate and contact the applicant. Submitted in triplicate
2. Identify and describe the construction to be covered by the Building Permit for which application is made:
  - Established by stakes placed by an Indiana licensed land surveyor and,
  - If requested by the Building Commission or its designee, all public utility locates marked at least five (5) days prior to the application for a Building Permit. (Include parcel number)

- Construction plans showing elevations, floor plans, and all plumbing and electrical with dimensions - as required.
  - If required, a topographic map of the site pre and post construction
  - Location of the Ordinary High Water Mark and Flood Plain Zone,
3. Describe the land on which the proposed construction is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or construction. Site plans showing the structure, or improvement, and meeting with the requirements listed herein. Show the location of all existing and all proposed improvements on the property, the front, side and rear yard setback dimensions and distances between structures as required.
  4. Indicate the use and occupancy for which the proposed construction is intended.
  5. State the square footage and valuation of the proposed construction.
  6. Provide a site plan drawn to scale; provided, however, such site plan shall not be required in the instance where all such construction is to occur entirely within an existing structure. The site plan shall show dimensioned location of building property lines, and to all adjacent buildings on the property, as well as width of any street or easements bordering the property.
  7. Provide a clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all construction to be accomplished drawn in scale sufficient to show the required details with clarity. The preferred scale shall be one (1) inch equals twenty (20) feet.
    - Show all property lines and right-of-way dimensions.
    - Show existing and proposed easements, their purposes, and their widths as required.
  8. If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of the construction design release issued by the State of Indiana Building Commissioner pursuant to IC 22-15-3-1 and a complete set of plans and specifications that conform exactly to the design that was reviewed and released by the office of the state Building Commissioner.
  9. If required, written approval from the Long Beach Advisory Plan Commission indicating compliance with Long Beach Comprehensive Plan.
  10. If required, written approval from the Long Beach Town Engineer or Street Department showing the location of all water supply system improvements and service taps; the location and elevation of all sanitary sewer and septic system improvements; the location and elevation of all storm water system improvements; the location of all streets, sidewalks, and curbs depicting the final locations in relation to the actual lot corners; and showing compliance with Storm Water Management regulations.
  11. If required, written approval or release from the LaPorte County Surveyor or written approval from the LaPorte County Drainage Board for any drainage variance required.

12. If required, written approval or a non-objection letter from the LaPorte County Health Department. Well, septic or sanitary sewer permits, whichever is applicable, as required.
13. If required, written approval from the Long Beach Street Department for any driveway cuts, culverts. Dedication of right-of-way to the Town of Long Beach, when and where required. Show means and access to and from town right-of-way.
14. If required, written approval from the Long Beach Water Dept. for all new water supply system improvements.
15. If required, written approval from the LaPorte County Health Dept. for all new sanitary sewer and septic collection systems. The site plan will show proposed connections to sanitary sewers, storm sewers, private wastewater system and water; location, size and depth of same, the type and location of backflow devices for water and the location of fire protection devices such as hydrants.
16. If required, written approval of construction (Flood Plain Development Permit) within a Special Flood Hazard Area in accordance with Floodplain Management Regulations Chapter 155 of the Long Beach Town Code and the National Flood Insurance Act.
17. If required, written approval from the Long Beach Street Department for all new curb and gutter, streets, and storm water system improvements (inlets, catch basins, manholes, culverts, and the like).
18. If required, written approval from the Long Beach Park Dept. indicating compliance with this code of which the Long Beach Park Dept. is responsible to administer.
19. If required, written approval from the Long Beach Fire Chief.
20. Any additional information that the Building Commission finds to be necessary to determine that the construction will conform to all applicable building and fire safety laws and will not violate any other applicable ordinances or laws.
  - Show the pre-construction location and description of all natural landforms, structures, trees and other vegetation in Town right-of-way adjacent to the zoning lot.
  - All measurements and calculations are to be supplied by the permit applicant who is solely responsible for their calculation and accuracy.
  - Commercial site plans shall show the proposed landscaping, fencing and/or walls, and location of all utilities.
  - For commercial sites, the number and location of parking spaces shall be shown, including all disability parking spaces.
  - Commercial sites shall designate all uses to be conducted within said sites and the items to be stored within the boundaries of it.
  - All required street name and regulatory signs must be installed per Town Standards prior to any building permits being issued for development.
21. The building permit fee established by Long Beach Ordinance. (151.300)

C. Action on Application. The Building Commission shall examine or cause to be examined Applications for Building Permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the application requirements or the requirements of pertinent laws, the Building Commission shall reject such application in writing, stating the reasons therefor.

D. Time Limitation of Application. An Application for a Building Permit for any proposed construction is deemed to have been abandoned 60 days after the date of filing, unless such application has been pursued in good faith or a building construction permit has been issued.

#### **150.090 Issuance of Building Permit.**

Upon satisfaction of the Building Commission that all of the proper authorities have approved the location and use proposed, and that the applicant has furnished sufficient evidence that the building or structure will be constructed in conformance with all applicable building and fire safety laws and will not violate any other applicable ordinances or laws, the Building Commission shall issue a Building Permit.

#### **150.100 Reserved.**

#### **150.110 Commencement.**

After a Building Permit is issued it shall become null and void if:

- (A) the project does not commence within 120 days of the date of issuance or;
- (B) the permitted work is abandoned for one hundred and twenty (120) consecutive days.

#### **150.120 Expiration.**

After a Building Permit is issued, the project shall be completed within 12 months of the issuance date or it shall become null and void. Each permit for any residential or commercial structure shall have twelve (12) months to be completed from the issuance date of such permit before the permit expires.

#### **150.130 Extensions.**

1. A Building Permit may be extended for up to an additional four (4) months at no fee if applied for at least 10 days prior to original permit expiration.
2. One additional six (6) month extension may be obtained at 50% of the original permit fee if applied for before expire of the existing permit.
3. Before any uncompleted work can be recommenced after the expiration of a permit, a new permit shall be first obtained and a new fee shall be paid in accordance with this Chapter.

4. The Building Commission may grant the requested extension. Both the request for the extension and the Building Commission's decision concerning the extension shall be made part of the Building Permit file.

**150.140 Validity of Building Permit.**

The issuance or granting of a Building Permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter or of any other ordinance of the Town. Permits presuming to give authority to violate or cancel the provisions of this Chapter or other ordinances of the Town shall not be valid. The issuance of a Building Permit based on construction documents and other data shall not prevent the Building Commission from requiring the correction of errors in construction documents and other data. The Building Commission is also authorized to prevent occupancy or use of a structure where in violation of this Chapter or of any other ordinance of the Town. Further, a Building Permit shall be invalid if the building or structure or land use improvement as built does not conform to the issued Building Permit.

**150.150 Certificate of Occupancy.**

(A) No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this Chapter.

(B) Prior to an Occupancy Permit being issued, an as-built site plan drawing identifying all of the improvements including, but not limited to the following: building layouts, infrastructure, top of the footing elevation, top of the foundation walls elevation, finished garage floor elevation, final grade elevations for the parcel and extending at least twenty (20) feet into surrounding parcels, and drainage flow arrows.

(C) It shall be unlawful to occupy or use any such building or structure unless a full or temporary certificate of occupancy has been issued by the Building Commission.

(D) The Building Commission may issue a temporary certificate of occupancy for a period not exceeding 90 days if the following standards have been satisfied:

(1) Such portion or portions of the building or structure subject to the temporary certificate of occupancy may be occupied safely and present no threat of fire or threat to the life, health, or welfare of the occupants or the public;

(2) Construction of the building or structure subject to the building construction permit is substantially complete and only minor items of the permit remain for full completion and issuance of a full certificate of occupancy.

**Article III. Investigations and Inspections of Construction Activities**

**150.160 General Authority to Make Inspections and Investigations.**

(A) All construction shall be subject to periodic inspections by the Building Commission irrespective of whether a Building Permit has been or is required to be obtained.

(B) The Building Commission and/or its designee may at any reasonable time go in, upon, around, or about the premises where any structure subject to the provisions of this Chapter or to the rules of the Fire Prevention and Building Safety Commission for the purposes of inspection and investigation of such structure. That inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this chapter and the rules of the Fire Prevention and Building Safety Commission.

**150.170 Inspections by Fire Department.**

The Building Commission and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws. The Fire Department has independent authority to conduct inspections and take enforcement actions under [IC 36-8-17](#).

**Article IV. Service Utilities**

**150.180 Service Utilities.**

No person shall make connections from a utility, source of energy, fuel, water, sewer or power to any building or system until released by the Building Commission.

**150.190 Temporary Connection.**

The Building Commission shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, water, sewer or power.

**150.200 Authority to Disconnect Service Utilities.**

The Building Commission shall have the authority to authorize disconnection of utility service to the building, structure or system in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval of the Building Commission. The Building Commission shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## **Article V. Enforcement and Penalties**

### **150.210 Withholding Issuance of Building Permits.**

(A) If a property owner or holder of a Building Permit owes fees including, but not limited to, checks returned for insufficient funds, the Building Commission may withhold the issuance of subsequently requested Building Permits or certificate of occupancy until such time that the aforementioned debt is satisfied.

(B) Whenever a property owner or authorized person applies for a Building Permit for a structure that is not being used or constructed in conformance with applicable provisions of the Town's Zoning Ordinance and/ or other ordinances or regulations relating to land use, the Building Commission is authorized to withhold the issuance of requested Building Permits or a certificate of occupancy until such time that the property is brought into full conformance with applicable ordinances.

### **150.220 Building Construction Permit Revocation.**

The Building Commission or its designee is authorized to suspend or revoke a Building Permit issued under the provisions of this Chapter whenever the Permit is issued in error or on the basis of incorrect, inaccurate or incomplete information or in violation of this Chapter and/or any ordinance or regulation of the Town. The Building Commission and/or its designee may also revoke a Building Permit when any of the following are applicable:

(A) The application, plans, or supporting documents contain a false statement or misrepresentation as to a material fact.

(B) The application, plans, or supporting documents reflect a lack of compliance with building standards and procedures.

(C) There is failure to comply with this Chapter.

(D) The structure for which the Building Permit has been issued is not being used or constructed in conformance with the Town's Zoning Ordinance or other ordinance or regulation relating to land use.

## **Article VI. Violations**

### **150.230 Violations.**

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 same to be done, in conflict with or in violation of any of the provisions of this chapter.

### **150.240 Notice of Violation.**

The Building Commission 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 permit or certificate issued

under the provisions of this Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**150.250 Procedure for Violation.**

(A) Corrected. If the noncompliance is corrected, please contact the Building Commission office and no further action shall be taken.

(B) Arrangements to have the noncompliance corrected within a reasonable time period not exceeding 10 days, and is agreed to by the person responsible for the noncompliance and the Building Commission, no further action shall be taken.

**150.260 Prosecution of Violation.**

If the notice of violation is not complied with promptly, the Building Commission is authorized to request the Town Attorney of the Town 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 or use of the building or structure in violation of the provisions of this Chapter or of the order or direction made pursuant thereto.

**150.270 Violation.**

Any person who violates a provision of this Chapter or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Commission, or of a permit or certificate issued under the provisions of this chapter, shall be subject to penalties as prescribed by law. See 150.999-Violation Penalty

**150.280 Stop Work Order.**

(A) The Building Commission may issue an order requiring suspension of the pertinent construction (stop work order) in accordance with this section.

(B) The stop work order shall:

(1) Be in writing.

(2) State with specificity the construction to which it is applicable and the reason for its issuance.

(3) Be posted on the property in a conspicuous place.

(4) If practicable, be given to the person doing the construction and to the owner of the property or the owner's agent.

(5) The stop work order shall state the conditions under which construction may be resumed. (See 150.250)

(C) The Building Commission may issue a stop work order if:

(1) Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this chapter or any state law pertaining to safety during construction.

(2) Construction is occurring in violation of this Chapter or in such a manner that if construction is allowed to proceed, there is a reasonable

probability that it will be substantially difficult to correct the violation.

(3) Construction for which a Building Permit is required is proceeding without a valid Building Permit being in force.

(D) The issuance of a stop work order shall in no way limit the operation of penalties provided elsewhere in this Chapter.

#### **150.290 Civil Action.**

Pursuant to IC 36-1-6-4, the Town may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this Chapter.

#### **150.300 Remedies.**

The erection, repairing, and removing of any structure, building, or appurtenances thereto, or the alterations thereof, except in conformity with the requirements of this Chapter shall be and is declared to constitute a common nuisance. Such common nuisance may be abated in such manner, and any relief therefrom may be available, as is now, or may hereafter be provided for under the law of the State of Indiana. The provisions of this Chapter may be enforced by injunction or other appropriate proceedings as provided for by the law of the State of Indiana. It shall be the duty of the Building Commission and/or its designee to order any such violation stopped and abated, a copy of which order shall be posted on the property, or served upon the owner, agent, or contractor, by the Building Commission, its designee or the Town Marshal.

#### **150.310 Right of Appeal.**

Any person aggrieved by an order issued under this Chapter shall have the right to petition for review of any order of the Building Commission. Such a person may file a petition using either, or both, of the following procedures:

(A) Appeal to the Fire Prevention and Building Safety Commission.

(1) A person aggrieved by an order issued under this chapter may appeal to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7.

(2) The Commission may modify or reverse any order issued by the municipality that covers a subject governed by IC 22-12, 22-13, 22-14, 22-15, or a fire safety or a building rule.

(3) The Fire Prevention and Building Safety Commission must review orders that concern a class 2 structure if the person aggrieved by the order petitions for review under IC 4-21.5-3-7 within 30 days after the issuance of the order.

(4) The Fire Prevention and Building Safety Commission may review all other orders issued under this chapter.

(5) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the

order.

(B) Appeal to an Established Local Administrative Body or Court.

Pursuant to IC 36-7-8-9, a person aggrieved by a decision of the Building Commission may appeal as in other civil actions. The appellant must, by registered mail, give the Municipality Executive a fifteen (15) day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to IC 36-1-6-9, the Municipality has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order.

## **Article VI. Minimum Construction Standards**

### **150.320 Adoption of Rules by Reference.**

(A) Pursuant to IC 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission, as set out in the following articles of IAC Title 675, are hereby incorporated by reference in this code and shall include any later amendments to those rules.

- (1) Article 12 - General Administrative Rules
- (2) Article 13 - Building Codes.
- (3) Article 14 - Indiana Residential Code.
- (4) Article 15 - Industrialized Building Systems
- (5) Article 16 - Indiana Plumbing Code.
- (6) Article 17 - Indiana Electrical Code.
- (7) Article 18 - Indiana Mechanical Code.
- (8) Article 19 - Indiana Energy Conservation Code.
- (9) Article 20 - Indiana Swimming Pool Code.
- (10) Article 21 - Safety Code for Elevators, Escalators. Manlifts and Hoists
- (11) Article 22 - Indiana Fire Code.
- (12) Article 25 - Indiana Fuel Gas Code.
- (13) Article 28 - NFPA Standards.

(B) Two copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection required by IC 36-1-5-4.

(C) The Building Commission and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this chapter. Pursuant to IC 22-13-2-7(b), a variance granted by the Building Commission is not effective until it has been approved by the Fire Prevention and Building Safety Commission.

### **150.321 Lifting Devices Located within a Private Residence.**

1. Pursuant to IC 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting

devices. Therefore, the following standards applicable to

lifting devices located within a private residence are incorporated by reference:

(a) Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators

and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(b) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for

Elevators and Escalators published by the American Society of Mechanical Engineers, Three

Park Avenue, New York, New York, 10016.

(c) Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to

ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the

American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(d) Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to

ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the

American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(e) Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-

1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

2. Two (2) copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4

### **150.322 Use of Engineered Roof Trusses And Floor Joists.**

1. This article applies only to new construction of a Class 1 structure and a Class 2 structure.

2. (a) As used in this article, "engineered lumber roof trusses and/or floor joists" refers to a structural assembly that:

(1) is fabricated from:

(A) wood;

(B) light gauge metal;

(C) other component materials; or

(D) any combination of materials described in clauses (A) through (C);

- (2) has less mass cross sectional area than sawn lumber members that would be used in an equivalent application;
    - (3) is assembled from combustible or noncombustible materials, or both; and
    - (4) is not a vertical member and supports a roof or floor, or both.
  - (b) The term does not include a structural assembly that provides a minimum of one (1) hour fire resistance when tested in accordance with ASTM Standard E119.
  - (c) As used in this article, "owner" means a person having control or custody of any structure to which this article applies.
3. (a) A structure that contains engineered lumber roof trusses and/or floor joists must have a placard affixed to the structure that meets the requirements of this article.
- (b) The placard shall use [insert required color] coding and lettering that identifies both of the following:
- (1) The types of engineered lumber roof trusses and floor joists used in the structure, including truss or engineered lumber.
  - (2) The location of engineered lumber roof trusses and/or floor joists used in the structure including floor joists or truss roof systems.
- (c) The placard may not be:
- (1) smaller than three and one-half (3 1/2) inches by four and one-half (4 1/2) inches; and
  - (2) larger than five (5) inches by five and one-half (5 1/2) inches.
4. (a) The placard must be permanently affixed:
- (1) below the structure's electrical meter, if the structure has electrical service; or
  - (2) on the left side of the front entrance four (4) to six (6) feet above the ground, if the structure does not have electrical service.[may insert one or more additional locations]
5. (a) An applicant for a building permit must indicate on the application:
- (1) the types of engineered lumber roof trusses and/or floor joists used in the structure;
  - (2) the location of the engineered lumber roof trusses and/or floor joists used in the structure; and
  - (3) [may insert any other information].
- (b) The application form for a building permit must include a place on the form for providing the information under subsection (a).
6. (a) An applicant for a building permit shall not be issued a building permit unless the individual at the time of the application is issued a placard by the Building Commission.
- (b) A fee, not to exceed five dollars (\$5.00), shall be charged for each placard issued.
7. The Building Commission shall not
- (a) approve a structure on final inspection; or

(b) issue a certificate of occupancy for a structure; unless a placard is affixed to the structure that meets the requirements of this article.

8. (a) Not later than ten (10) business days after issuing a building permit, the Building Commission shall send written notification to the local fire department and the 911 telephone call center that has jurisdiction in the area where the structure is located. The notification shall be sent by certified mail, return receipt requested.

(b) The notification must include the following information:

(1) The street address of the property.

(2) The name of the municipality and county in which the structure is located.

(3) The types of engineered lumber roof trusses and/or floor joists used in the structure.

(4) The location of the engineered lumber roof trusses and/or floor joists by area within the structure.

9. Upon receiving a copy of the notification under section 8 of this article, the chief of the fire department or the chief's designee shall:

(1) post the information in a conspicuous place for all emergency personnel;

(2) provide the information to any fire department providing mutual aid; and

(3) for Class 1 structures only, add the structure to the inspection file for follow up on a timely basis for inspection.

10. Upon receiving a notification under section 7 of this article, the 911 telephone call center shall maintain the information on each property, by the address of the property, that uses engineered lumber roof trusses and/or floor joists. When dispatching to the listed address, the dispatcher shall notify the responding units of the information.

11. An owner of a structure shall ensure that the placard remains affixed to the structure during the life of the structure.

12. (a) If:

(1) the Building Commission provides written notice to an owner that the owner has failed to install or maintain a placard on the structure in violation of this article; and

(2) the owner fails to correct the violation not later than ten (10) business days after receiving the written notice; the owner is liable for a civil penalty of not more than one hundred dollars (\$100) per day during the period beginning ten (10) business days after the owner receives written notice of the violation from the unit and until the date the violation is corrected. A penalty imposed under this ordinance may not exceed three thousand dollars (\$3,000) per structure per year.

## ARTICLE VII. MONETARY PENALTY

### 150.999 Monetary Penalty.

Any person violating any provision of this Chapter for which no fine is specified is subject to a fine in a sum of \$100 for a first violation, \$500 for a second violation and not to exceed \$2,500 for each successive violation. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this chapter. Each day that a violation is permitted to exist shall be construed a separate offense. Nothing herein shall be construed to limit any other remedies at law or equity.

**ARTICLE VIII. EFFECTIVE DATE**

**150.140 Effective Date.**

This Chapter shall be in full force and effect from and after the date on which both of the following have occurred:

1. The Long Beach Town Council has adopted this Ordinance.
2. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by IC 36-7-8-3 and IC 22-13-2-5.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**LONG BEACH TOWN COUNCIL**

By:

\_\_\_\_\_  
Peter Byvoets, President

\_\_\_\_\_  
Jane Neulieb

\_\_\_\_\_  
Robert LeMay

\_\_\_\_\_  
Joy Schmitt

\_\_\_\_\_  
Nick Meyer

ATTEST: \_\_\_\_\_, Date \_\_\_\_\_

William deFuniak, Clerk-Treas.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Fire  
Prevention and Building Safety Commission of the State of Indiana.

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