

STATE OF INDIANA        )                    BEFORE THE TOWN COUNCIL  
                                  ) SS:  
COUNTY OF FULTON     )                    AKRON, INDIANA

ORDINANCE NO. 2-17-09

**REVISED BUILDING CODE FOR THE TOWN OF AKRON**

AN ORDINANCE regulating the construction, alteration repair, location and use of buildings and structures in the Town of Akron, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-2-9; providing for the issuance of permits; providing penalties for violations; and repealing all ordinances and parts of ordinances in conflict therewith, including § 150.01 and § 150.02 of the Akron Code of Ordinances in their entirety.

BE IT ORDAINED by the Akron Town Council as follows:

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

SECTION 3 AUTHORITY. The town executive is hereby authorized and directed to administer and enforce all of the provisions of this code, which duties the town may, by contract, arrange to be performed by the Fulton County Building Commissioner. All references in this code to "Building Commissioner" shall mean either the town executive, either through its own actions or the actions of those contracted to act on behalf of the executive. 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 county, this shall be construed 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 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 IC 22-15- 4, in the Town of Akron. The authority to administer variances is granted in accordance with IC 22-13-2-11 and any applicable orders issued under IC 22-12-7.

SECTION 4. SCOPE. The provisions of this code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4; in the Town of Akron. Pursuant to IC 22-13-2-9 this ordinance does not apply to regulated amusement devices, regulated pressure vessels and regulated lifting devices.

SECTION 5. 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 Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.
1. Article 13 - Building Codes
    - a. Fire and Building Safety Standards
    - b. Indiana Building Code
  2. Article 14 - Indiana Residential Code
  3. Article 16 - Indiana Plumbing Code
  4. Article 17 - Indiana Electrical Code
  5. Article 18 - Indiana Mechanical Code
  6. Article 19 - Indiana Energy Conservation Code
  7. Article 20 - Indiana Swimming Pool Code
  8. Article 22 - Indiana Fire Code
  9. Article 24 - Supplemental Fire Safety Rules
  10. Article 25 - Indiana Fuel Gas Code
- b. Copies of adopted building rules, codes and standards are on file in the office of the Town of Akron Clerk-Treasurer.

**SECTION 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 IC 22-15-3-1, 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, alteration or repair of any building or structure, the cost of which exceeds five thousand dollars (\$5,000.00), using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the Town of Akron Clerk-Treasurer. In addition a permit shall be required for inspections required by any utility company required as a result of upgrading electrical service. No fee shall be charged under Section 9 of this Ordinance for this inspection.

**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 AND REQUIRED INSPECTIONS.** Permits required by Section 7 shall be issued upon prior payment of inspection fees according to a fee schedule to be determined by a separate ordinance of the Town of Akron.

**SECTION 10. 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 site 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.

**SECTION 11. 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 code and the terms of the permit. Reinspection of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

**SECTION 12. INSPECTION ASSISTANCE.** The Chief of the Fire Department, or his designated representative, shall assist the Building Commissioner in the inspections 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 or his duly authorized representatives may enter at reasonable times any building, structure or premises in the Town of Akron to perform, any duty imposed upon him 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 constructed after the adoption of this code shall be issued unless such building or structure was constructed in compliance with the provisions of this code. 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. 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 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 the Town of Akron or cause or 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 any order of the Building Commissioner first through the Akron Town Council and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-13-2~7 and IC 4-21.5-3-7.

SECTION 19. REMEDIES. The Building Commissioner shall in the name of the Town of Akron bring actions in the Superior or Circuit Courts of Fulton County, Indiana, 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 code.

SECTION 20. PENALTIES. If any person, firm or corporation shall violate any of the provisions of this code, 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 code for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than ONE HUNDRED (\$100. 00) Dollars, nor more than FIVE HUNDRED (\$500.00) Dollars. Each day of such lawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 21. EFFECTIVE DATE. This code shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and ninety (90) days after all publication as required by IC 36-5-2-10(d).

Approved this 17 day of February, 2009, by the Akron Town Council,  
Akron, Indiana.

AKRON TOWN COUNCIL

Gregor E. Leinhardt  
Sue Bussard  
Jim Biehl

ATTEST:

Jill Runkle  
Jill Runkle, Clerk-Treasurer

ENDORSEMENT:

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

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

