

ORDINANCE NO. 2008-5
TOWN OF CLAYTON BUILDING CODE ORDINANCE

WHEREAS, the Town of Clayton, Hendricks County, State of Indiana, having established its department of planning and zoning and upon recommendation from the Clayton Advisory Plan Commission, and for administration of the same, does require a building code and fire safety law ordinance.

NOW THEREFORE, BE IT ORDAINED by the Town of Clayton, as indicated by its undersigned duly elected representatives, that, the Town of Clayton does hereby adopt this ORDINANCE regulating the construction, alteration, equipment, use, occupancy, and location of buildings and structures in the Town of Clayton, Indiana; incorporating by reference building rules, codes, and standards required to be enforced under Ind. Code §36-7-2-9 in accordance with the purposes of zoning and planning and providing for the issuance of permits, inspections, imposition of fees, and penalties for violations thereto, all as set forth herein, as follows:

ARTICLE 1
ENFORCEMENT OF BUILDING STANDARDS

Sec. 1-1 Building Standards - Adoption by Reference

675 Indiana Administrative Code (IAC) 13 is adopted by reference as if fully set out herein. A copy of 675 I.A.C. 13 is on file in the office of the Town Clerk - Treasurer for public inspection.

Sec. 1-2 Purpose

The purpose of 675 I.A.C. 13 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. 1-3 Definition of Substantial Property Interest

The definition of "substantial property interest" used in Indiana Code §36-7-9-2 is applicable to this Ordinance and means any right in real property that may be affected in a substantial way by actions authorized by this Ordinance, including a fee interest, life estate interest, future interest, present possessory interest, mortgage interest, or an equitable interest of a contract purchaser.

Sec. 1-4 Administration - Building Commissioner

The Building Commissioner is authorized and directed to administer and enforce provisions of this Ordinance. Whenever provided in this Ordinance that anything must be done to the approval of or subject to the direction of the Building Commissioner (or any other officer of the Department of Planning and Zoning), such statement shall be construed to give such person or officer only the discretion of determining compliance with this Ordinance. No such provision shall be construed as giving the Commissioner or officer discretionary powers to define, limit, or modify Ordinance provisions; nor power to require conditions not prescribed by this Ordinance; power or authority to enforce this Ordinance in an arbitrary or discriminatory manner. Any variance to the fire safety laws and building laws adopted by this Ordinance is not effective until approved pursuant to Indiana Code §22-13-2-7.

Sec. 1-5 Scope

The provisions of this Ordinance 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 Indiana Code §22-15-4 et seq. within the Town of Clayton.

Sec. 1-6 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 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 Standards
 - (b) Indiana Building Code
 - (c) Indiana Building Code Standards
 - (d) Indiana Handicapped Accessibility Code
- (2) Article 14 - One and Two Family Building Code
- (3) Article 16 - Plumbing Code
- (4) Article 17 - Electrical Code
 - (a) Indiana Electrical Code
 - (b) Safety Code for Health Care Facilities
- (5) Article 18 - 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 Code

b. Copies of adopted building rules, codes, and standards are on file in the office of the Clerk-Treasurer of Clayton.

Sec. 1-7 Permit Required

A permit shall be obtained and permit fee paid before beginning construction, alteration, or repair of any building or structure, using forms furnished by the Town. All fees required by this Ordinance shall be paid to the Town Clerk-Treasurer.

Sec. 1-8 Other Ordinances

Any work done under permit shall be in full compliance with all other Ordinances pertaining thereto. Any additional fees required for permits or other fees prescribed by other Ordinances shall be paid as stated such Ordinance, prior to the issuance of the permit.

Sec. 1-9 Building Permit Fees

Residential Permit Fees

- Single Family Base Fee (\$200.00)
- Duplex (\$300)
- Multifamily (\$310.00)
- Fire Suppression Inspection (\$30.00)

Alarm System Inspection (\$30.00)
 Fire Suppression - Hood System Inspection (\$30.00)
 Temporary Pole (\$30.00)
 Accessory Structures
 Single Car Garage (\$50.00)
 2 Car Garage (\$75.00)
 3 Car Garage (\$100.00)
 2 Story, 2 Car Garage (\$150.00)
 2 Story, 3 Car Garage (\$200.00)
 Mobile Home/Manufactured Home (Type III) (\$150.00)
 Temporary Structure (\$30.00)
 Roofing (\$50.00)
 Remodel/Alterations (\$100.00)
 Swimming Pool (\$50.00)
 Certificate Of Occupancy (\$10.00)

Commercial Permit Fees
 Commercial Construction Base Fee (\$400.00)
 Total Square Feet _____ X \$.05
 Accessory Building/Non-building structure (\$200.00)
 Warehouse, Storage, Industrial (\$300.00)
 Remodel/Alteration (\$200.00)
 Parking Lot (\$5.00 Per Space)
 Temporary Pole (\$30.00)
 Early Electrical Service (\$30.00)
 Swimming Pool (\$200.00)
 Certificate Of Occupancy (\$10.00)

**ARTICLE 2
 INSPECTION, REPAIR OR REMOVAL OF UNSAFE BUILDINGS**

Sec. 2-1 Title

Under the provisions of Indiana Code §36-7-9 et seq., there is established the Town of Clayton Unsafe Building Law.

Sec. 2-2 Unsafe Building Law Incorporated by Reference

Ind. Code §36-7-9-1 through Ind. Code §36-7-9-28, together with all hearing requirements and the definition of "substantial property interest" in Ind. Code §36-7-9-2, are incorporated herein by reference in the Town of Clayton Unsafe Building Law. Said Law and the provisions of this Ordinance shall govern all proceedings within the Town of Clayton for the inspection, repair, and removal of unsafe buildings. In the event provisions of this Ordinance conflict with the provisions of Statute, then the statutory provisions shall control.

Sec. 2.3 Public Nuisances

All buildings or portions thereof within the Town of Clayton which are determined after inspection by the Building Commissioner or designee to be unsafe as defined in this Ordinance are declared to be public nuisances. Said building, or portion thereof, shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure(s) specified in the Town of Clayton Unsafe Building Law.

Sec. 2-4 Establishment of Executive Department / Role of Building Commissioner

The members of the Clayton Advisory Plan Commission together with the Town of Clayton Building Commissioner shall constitute the executive office for administration hereunder. The Building Commission, as chief administrative officer, and after consultation with appropriate Town officials and/or agencies, shall be authorized to administer and proceed hereunder in ordering the repair, remodel, demolition, or removal of any building or portion thereof found to be unsafe.

Sec. 2-5 Guidelines

Wherever provided in the building regulations of the Town of Clayton or the Town of Clayton Unsafe Building Law that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other officer or agency of the Town of Clayton, this provision shall be construed to give such officer only the discretion of determining compliance with the rules and standards established by ordinance. No such provision shall be construed as giving the Commissioner, office, or agency discretionary powers to define, limit, or modify Ordinance provisions; nor power to require conditions not prescribed by this Ordinance; power or authority to enforce this Ordinance in an arbitrary or discriminatory manner.

Sec. 2-6 Unsafe Building Defined

The definition of an unsafe building contained in Ind. Code §36-7-9-4 is supplemented to provide minimum standards for building condition or maintenance in the Town of Clayton, Indiana, by adding the following to said definition

Unsafe Building means any building or structure that has any of the conditions or defects hereinafter described, provided that such condition(s) or defect(s) exist to the extent that life, health, property, or safety of the public or its occupants is 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 walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (c) Whenever the stress in any building materials, member, appurtenance thereto, or portion thereof, due to all dead and live loads, is more than one and one half (1½) times the working stress or stresses allowed for new buildings of similar structure, purpose or location, as established by the applicable Indiana State or Town Building Code then in force.
- (d) Whenever any portion of a building, member, or appurtenance 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, as established by the applicable Indiana State or Town Building Code then in force.
- (e) Whenever any portion of a building, member, or appurtenance thereof is likely to fail, to become detached, dislodged, or collapse and thereby injure persons or damage property.
- (f) 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 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 building.

- (g) Whenever any portion of a building, member, appurtenance thereto, or portion thereof is 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.
- (h) Whenever a building, member, appurtenance thereto, or 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.
- (i) Whenever, for any reason, the building, member, appurtenance thereto, or portion thereof is manifestly unsafe for the purpose for which it is being used.
- (j) 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 (1/3) of the base.
- (k) Whenever the building, member, appurtenance thereto, or portion thereof, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or covering.
- (l) Whenever the building, member, appurtenance thereto, or portion thereof 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 or (2) freely accessible to persons for the purpose of committing unlawful acts.
- (m) Whenever any building, member, appurtenance thereto, or portion thereof 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, County or Town relating to the condition, location, or structure of buildings.
- (n) Whenever any building, member, appurtenance thereto, or portion thereof 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 (50%), or in any supporting part, member, or portion less than sixty-six percent (66%) of the (1) strength, (2) fire-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.
- (o) Whenever a building, member, appurtenance thereto, or portion thereof used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, faulty arrangement, inadequate light, inadequate air, or inadequate sanitation facilities, or otherwise is determined by the Building Commissioner to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- (p) Whenever any building, member, appurtenance thereto, or portion thereof because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of fire-resistive construction, or other condition is determined by the Building Commissioner or dilapidated condition, deterioration, or designee to be a fire hazard.
- (q) Whenever any portion of a building, member, appurtenance thereto, or portion thereof 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. 2-7 Standards and Practices in the Trade

All work for the construction, reconstruction, 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 building laws, as defined by Ind. Code §22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, 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 or designee of the Town of Clayton, Indiana.

Sec. 2-8 Administrator and Hearing Authority

The Building Commissioner of the Town of Clayton is designated the Administrator responsible for the administration of this Ordinance in accordance with the provisions of Ind. Code §36-7-9-3; and the Clayton Advisory Plan Commission is designated the hearing authority for the purpose of conducting hearings in accordance with Indiana Code §36-7-9-7.

Sec. 2-9 Unsafe Building Fund

An Unsafe Building Fund is established in the operating budget of the Town in accordance with the provisions Indiana Code §36-7-9-14.

Sec. 2-10 Penalties

No person, firm, entity, or corporation, whether as owner, lessee, subleasee, 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 Building Commissioner.

Violators of any provision in this Article may be fined in any amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00). Each day such violation continues shall subject the violators to a separate fine. The Clayton Area Plan Commission shall determine the amount of a fine. A fine under this Ordinance is separate from any other fine imposed by any other Statute, regulation, or Ordinance.

Sec. 2-11 Severability

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

ARTICLE 3 BUILDING CODE

Sec. 3-1 Compliance Required

The provisions of this Ordinance apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrial building systems or mobile structures certified under Ind. Code §22-15-4, within the jurisdiction of the Clayton Advisory Plan Commission.

Sec. 3-2 Issuance of Permits

No permit required by this Article shall be issued unless the application for a permit is accompanied by (1) a plat or sketch of the proposed location showing lot boundaries and (2) 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 must also be filed in accordance with State law and regulations. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to Ind. Code §22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release.

Sec. 3-3 Review of Application

Prior to the issuance of any building permit, the Building Commissioner or designee 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 hazard 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.
- (e) Review building permit applications for a permit or letter of authorization, from the Department of Natural Resources, if the project is within the 100-year frequency flood plain.
- (f) Review blue prints for compliance.

Sec. 3-4 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. Re-inspections of work found to be

incomplete or not ready for inspection are subject to assessment of re-inspection fees as prescribed in this Ordinance.

- 1st re-inspection \$25.00.
- 2nd re-inspection \$50.00.
- 3rd re-inspection \$75.00.

Sec. 3-5 Inspection Assistance

The Chief of the Clayton-Liberty Township Fire Department, the State Fire Marshal or their designated representative, successor, or assign, may assist the Building Commissioner or designee in the inspection of fire suppression, detection, and alarm systems and shall provide reports of such inspection to the Building Commissioner.

Sec. 3-6 Inspection Entry

Upon presentation of proper credentials, the Building Commissioner, the Fire Chief, the Fire Marshal, or their duly authorized representative(s) may enter at reasonable times into any building, structure, or onto the premises of any property under the jurisdiction of the Town of Clayton to perform any duty imposed by this Ordinance.

Sec. 3-7 Workmanship

Any work on the construction, alteration, or repair of buildings (or any other structure or appurtenance thereto) shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

Sec. 3-8 Certificate of Occupancy

No certificate of occupancy for any building or structure erected, altered, or repaired after July 30, 2008 shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this Article. The permit holder shall be responsible for requesting a final inspection and receiving a certificate of occupancy from the Building Commissioner or authorized representative prior to allowing a building or structure to be occupied. 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 or authorized representative.

Sec. 3-9 Stop Work Order

Whenever the Building Commissioner or authorized representative discovers the existence of any circumstances listed below, empowerment is granted to issue a "Stop Work Order" requiring the suspension of the pertinent construction activity. The "Stop Work Order" shall be in writing and shall state what construction activity is applicable and the reason for issuance of the Order. The "Stop Work Order" shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The "Stop Work Order" shall state the conditions under which construction may be resumed.

The circumstances under which stop work orders may be issued, include, but are not necessarily limited to, the following:

- (a) Construction activity is proceeding in an unsafe manner, including, by way of example and not of limitation, in violation of any standard set forth in this Ordinance or any State standard pertaining to safety during construction.
- (b) Construction activity occurring in violation of building standards and procedures 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.
- (c) Construction activity has been accomplished in violation of building standards and procedures and a period of time which is one-half (1/2) the time period in which construction would be completed, but no longer than fifteen (15) calendar days have elapsed since written notice of the violation or noncompliance was either posted on the property in a conspicuous place or given to the person doing the construction, without the violation or noncompliance being corrected.
- (d) Construction activity for which a building permit is required is proceeding without a building permit being in force. In such an instance, the Stop Work Order shall indicate that the effect of this Stop Work Order terminates if the required building permit is obtained.
- (e) Construction activity for which a building permit is issued more than thirty (30) days earlier is proceeding without there being in force applicable permits and approvals required by governmental units (including, but not limited to the State Board of Health, State Department of Environmental Management, State Department of Natural Resources and State Department of Transportation) for compliance with standards for air quality, drainage, flood control, fire safety, vehicular access, waste treatment, and disposal on the real estate on which the structure is located. In such an instance, the Stop Work Order shall indicate that the Stop Work Order is applicable to all construction activity allowed by the building permit and that the effect of the Stop Work Order terminates if the required permits and approvals are obtained.
- (f) Construction activity is occurring for which a certificate of appropriateness from the State Historical Preservation Commission pursuant to Ind. Code §36-7-11.1-1 et seq. without a certificate of appropriateness being in force. In such an instance, the Stop Work Order shall indicate that the effect of the Stop Work Order terminates if the required certificate of appropriateness is obtained.

Sec. 3-10 Appeals

All persons shall have the right to appeal the Building Commissioner's decision first through the Board of Zoning Appeals, then to the Clayton Town Council, and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of Ind. Code §22-13-2-7 and Ind. Code §4-21.5-5-3-7.

Sec. 3-11 Violations and Penalties

A violation of this Article 1 or Article 3 of this Ordinance constitutes an offense punishable by a fine of not more than Five Hundred (\$500.00) per day. Each day of violation shall constitute a separate offense.

Sec. 3-12 Violations - Injunctions

Action on the violation of any provision of this Ordinance and the right of injunction against such violation shall be as provided by Indiana Law. The Town of Clayton shall recover all its litigation costs, fees, expenses, and attorney fees against the person or entity found to be in violation of this Ordinance or that causes an injunction to be filed in Court.

**ARTICLE 4
WRECKING AND DEMOLITION OF BUILDINGS
DUST REDUCTION AND PREVENTION**

Sec. 4.1 Permit Required

It shall be unlawful to wreck or demolish any building or structure (larger than 144 square feet) in the Town of Clayton without first securing a permit for such purpose.

Sec. 4.2 Permit Application

An application for a permit to wreck or demolish any building or structure in the Town of Clayton shall be made in writing to the Building Commissioner, the Fire Marshall, or to any utility company serving the premises. Additionally, written notice of application for the permit shall be provided to the owners or agents of adjoining premises. Such application shall give the location of the building or structure, the specific location of all utility connections, the date when wrecking or demolition is to occur, and specifically identify the permit applicant.

Sec. 4.3 Performance Bond - Deposits

Before a permit is issued, the applicant shall submit a performance bond, certified check, cashier's check, or money order to be held in escrow by the Building Commissioner to insure that the property is in a proper and safe condition after such wrecking or demolition. The performance bond or deposit amount so required shall be in the following sum:

- a. For buildings not exceeding a total of 3,000 square feet, \$1,000.
- b. For buildings not exceeding a total of 10,000 square feet, \$1,500.
- c. For buildings not exceeding a total of 20,000 square feet, \$2,000.
- d. For buildings not exceeding a total of 50,000 square feet, \$3,000.
- e. For buildings not exceeding a total of 100,000 square feet, \$4,000.
- f. For buildings exceeding a total of 100,000 square feet, \$4,000 plus an additional One Thousand Dollars (\$1,000) for each additional 10,000 square feet.

Safe and proper conditions means that all debris is cleared away and that any excavation remaining is either filled in and tamped down or surrounded by a fence at least six (6) feet in height, if such property is not to be put to immediate use.

If the Building Commissioner finds that such property has been put into the proper condition as provided for in this Section, release shall be made of such performance bond, certified check, cashier's check, or money order. If the site is not cleared or put into a safe condition or work commenced to do so, within ten (10) days of the conclusion of the wrecking or demolition, the Town of Clayton shall then proceed with the work and a claim made against such bond.

Sec. 4-4 Liability Insurance

A certificate of insurance showing that public liability and general liability insurance in the amount of One Million Dollars (\$1,000,000.00) has been obtained by the applicant shall accompany any such application. Also the applicant shall include certificates of insurance for workman's compensation and auto/truck insurance.

Sec. 4-5 Inspections

Before any such permit shall be approved, the Building Commissioner shall inspect the premises to be wrecked or demolished and ascertain that provision for proper care has been made so as not to endanger any sewer or water connections with the Town of Clayton sewer and water systems, any electrical wires or installations, or other public utilities.

Sec. 4-6 Issuance Procedure

If the Building Commissioner finds compliance with the terms of this Ordinance by the applicant and received written confirmation from the affected utility that service is disconnected, approval of the application and issuance of a permit for such wrecking or demolition shall be made.

Sec. 4-7 Application Permit Fees

The following fees shall be collected for a permit for such wrecking or demolition:

- a. Frame or masonry buildings not exceeding a total of 3,000 square feet: \$50.00
- b. Frame or masonry buildings not exceeding a total of 10,000 square feet: \$60.00
- c. Frame or masonry buildings not exceeding a total of 20,000 square feet: \$70.00
- d. Frame or masonry buildings not exceeding a total of 50,000 square feet: \$80.00
- e. Frame or masonry buildings not exceeding a total of 100,000 square feet: \$90.00
- f. Frame or masonry buildings in excess of 100,000 square feet: \$100.00

Sec. 4-8 Duties Required

All work of wrecking or demolition shall be performed in a good and workmanlike manner and with the least amount of noise possible. Care shall be taken to protect adjoining or neighboring structures with adequate shoring and whatever other measures are required to protect such structures.

Signs stating "Wrecking and Demolition Work in Progress ~ No Trespassing" shall be erected on each side of a building or structure that faces a public street or alley. Adequate protection shall be provided to prevent injury to any Town or public utility appurtenances. It shall be the duty of all persons working on or responsible for such wrecking or demolition to assure that children are warned away from such premises and are not permitted to play in, on, or allowed access to such structure(s) or premises.

During the demolition of any structure, all reasonable dust control efforts will be undertaken. Such dust control efforts will include without limitation the use of sufficient water to wet the building or portion of the building being demolished to keep dust from the demolition to a minimum. Dust control provisions for any demolition will be presented with the original application for a demolition permit and be subject to the approval of the Building Commissioner.

Sec. 4-9 Daily Inspections

The Building Commissioner shall supervise such wrecking or demolition and shall inspect such premises at least once daily during such wrecking or demolition operations.

Sec. 4-10 Violations

Any person, firm, or corporation violating any provision of this Article may be fined in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00); and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**ARTICLE 5
EFFECTIVE DATE**

Sec. 5-1 Effective Date

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

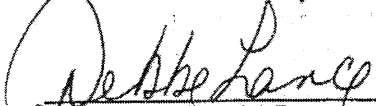
1. The Town Council has adopted this Ordinance.
2. The Fire Prevention and Building Safety Commission of Indiana has approved of this Ordinance as required by Ind. Code §22-13-2-5.

Sec. 5-2 Publication

Notice of this Ordinance being adopted shall be published as a codified ordinance or as by law required.

APPROVED AND ADOPTED ON THIS 9th DAY OF October 2008.

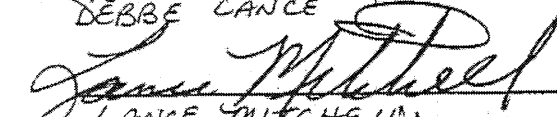
Town Council of Clayton, Indiana



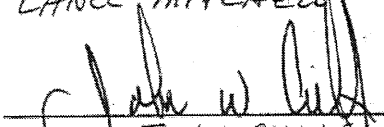
DEBBIE LANCE



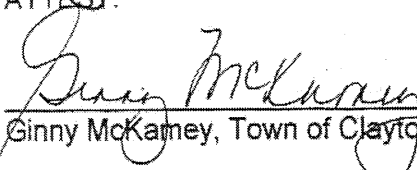
BRAD BUTLER



LANCE MITCHELL



JOHN CULLER

ATTEST:


Ginny McKamey, Town of Clayton Clerk-Treasurer

APPROVED THIS _____ DAY OF _____ 2008, BY THE FIRE PREVENTION AND BUILDING SAFETY COMMISSION OF THE STATE OF INDIANA.

Chair of Commission