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ORDINANCE NO. 2013-02

AN ORDINANCE regulating the construction, demolition, alteration, repair, location and use of buildings and structures in the Town of Fulton, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-8-2-9; providing for the issuance of permits; providing penalties for violations; and repealing all ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Town Council of the Town of Fulton, Indiana 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 Fulton, 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 Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. 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 Town, 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 22-13-2-7(b) in the Town of Fulton.

SECTION 4: SCOPE. The provisions of this code apply to the construction, demolition, 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 Fulton.

SECTION 5: 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 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
  - (b) Indiana Building Code
  - (c) Indiana Building Code Standards
  - (d) Indiana Handicapped Accessibility Code
- (2) Article 14 - One and Two Family Dwelling Code  
Indiana One and Two Family Dwelling Code
- (3) Article 16 – Plumbing Code  
Indiana Plumbing Code
- (4) Article 17 – Electrical Codes
  - (a) Indiana Electrical Code
  - (b) Safety code for Health care Facilities
- (5) Article 18 – Mechanical Code  
Indiana 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  
Indiana Swimming Pool Code

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

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 shoeing 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 Three Thousand Dollars (\$ 3,000), using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the Office of the Building Commissioner. In addition, a permit shall be required for inspections required by any utility company required as a result of upgrading electrical service. The following fee shall be charged under Section 9 of this Ordinance for this inspection: \$30.00.

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 the following schedule:

<u>Type of Construction</u>	<u>Required Inspections</u>	<u>Single Inspection</u>	<u>Fee Permit Fee</u>
1 or 2 Family Dwelling, detached	4	\$25.00	\$100.00
Apartments, Hotels, Motels, ea. Unit	4	\$25.00	\$100.00
Business, Commercial, Public	3	\$25.00	\$75.00
Educational, Institutional, Church	6	\$25.00	\$150.00
Industrial, Warehouse, Bulk Storage	4	\$25.00	\$100.00

Mobile Homes, Temporary Structures	1	\$25.00	\$25.00
Accessory Buildings (residential use)	1	\$25.00	\$25.00
Additions/alterations (all occupancies)	2	\$25.00	\$50.00

The minimum permit fee for any permit shall be \$25.00. For unusually large or complex building or structures, the Building Commissioner shall have the power to increase the number of required inspection by fifty percent (50%). The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundation without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspections are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall submit an annual report to the Fulton Town Council of permits collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

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. Re-inspection of work found to be incomplete or not ready for inspection are subject to assessment of re-inspection 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 Fulton 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, demolition, alteration and repair of buildings and other structures shall be performed in a good and workman like manner according to accepted standards and practices in the trade.

SECTION 17: SITE STANDARDS. All demolition debris/rubbish shall be completely removed and disposed of in a legal and proper manner within 14 days of the start of the demolition process. All demolition sites will be completely enclosed with construction barricades as defined by the Indiana Department of Homeland Security and not to be less than 6' in height. The demolition site will be completely back-filled with suitable material, graded, and seeded with a vegetative cover within 30 days of the start of demolition. Any building demolished along the State Road 25 corridor, will be completed by a contractor that is legally bonded and insured.

SECTION 18: 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 Fulton or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 19: RIGHT OF APPEAL. All persons shall have the right to appeal any order of the Building Commissioner first through the Fulton 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


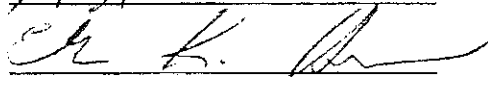
SECTION 20: REMEDIES. The Building Commissioner shall in the name of the Town of Fulton bring actions in the Superior or Circuit Court of Fulton County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, 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 21: 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 three (3) times the permit fee.

SECTION 22: 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 publication as required by law.

MAY 28, 2013

  
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Attest: Fulton Town Clerk



ADDENDUM TO ORDINANCE 2013-02

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*GENERAL PROVISIONS*

§23 SPITTING

It shall be unlawful for any person to spit or expectorate upon any of the sidewalks, public ways, public buildings or other places intended for the general use of the public.

§23a DEPOSITING MATTER ON PUBLIC WAYS

It shall be unlawful for any person to scatter, throw or deposit any matter upon any sidewalk, street or other public place; or to permit water to run from a downspout directly onto a sidewalk.

§23b SIDEWALK CLEANING

The owner or occupant of any property shall keep the sidewalks swept and free from trash, debris or obstructions in all seasons of the year.

*EXCAVATIONS AND CONSTRUCTION*

§24 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**EXCAVATION.** Any hole, hollow, or opening in, on or under any street.

**PERSON.** Any natural person, firm, copartnership, association, or corporation.

**PREVIOUS MATERIAL.** Any gravel or crushed stone and shall not include any soil, subsoil, or nonporous matter.

**STREET.** The entire width between the boundary lines of any public street, avenue, highway, or road located in this city and established for the use of vehicles.

§24a FULTON COUNTY ZONING TO ADMINISTER.

It shall be the duty of the Board of Public Works and Safety to administer the provision of this subchapter. But the Board shall have the power to delegate any of its duties created by this subchapter to its clerk or other officers, employees and agents of this town. In administering the provisions of this subchapter, the Board:

(A) Shall collect all sums of money required to be paid by this subchapter or by the Board. The Board may delegate the collection of such sums of money to the Building Commissioner.

(B) Shall conduct inspections of all excavations.

(C) Shall determine from time to time the unit prices to be used as a basis for any established expense and shall determine all cost required to be paid by this subchapter or by the Board.

(D) Shall issue an excavation permit to any person desiring to make an excavation if such person has complied with the provisions of this subchapter relative to the procurement of such permit.

(E) Shall keep a record of all violations of this subchapter and of all violations of the laws of the state applicable to excavations, together with the final disposition.

(F) Shall prescribe the form or forms to be utilized in administering the provisions of this subchapter.

(G) May correct any work performed by any person in violation of any of the provisions of this subchapter, determine the cost thereof, and require payment of such cost of such person.

(H) May fill or compact the subsoil in, an excavation made by person who has failed or is failing to do so as prescribed in this subchapter, determine the cost thereof, and require such person to pay such cost.

(I) may provide barriers, lights, signs or otherwise warning of an excavation made or being made by any person who has failed or is failing to give warning, determine the cost thereof and require of such person the payment of such cost.

(J) May issue orders concerning excavations and supervise any work performed at any excavation made or being made for the purpose of connecting with or tapping a sewer of this city.

(K) May restore to its condition prior to an excavation, the surface of the street in, on or under which such excavation was made, determine the cost thereof and require the person who made such excavation the payment of such cost.

(L) May revoke any or all of the excavation permits of any person who has failed or is failing to comply with any order of the Board concerning and excavation made or being made by such person.

(M) May perform any other act necessary for the due administration of this subchapter.

#### §24b PERMIT

(A) *Permit required.* It shall be unlawful and a violation of this subchapter for any person except an agent or employee of this city acting within the scope of his employment to excavate without a permit first obtained therefore from Building Commissioner.

(B) *Application; information required.* Any person desiring to make an excavation may obtain an excavation permit therefore by filing with the Fulton Building Commissioner a written and sworn application on a form or forms prescribed by the Board, therein setting out the location, purpose, and size of the proposed excavation, together with any other matter deemed by the Board to be essential for the administration of its office. The number assigned by "Holey Maley" will be required on each application.

(C) *Fee.* The permit fee is \$25 to cover the cost of issuing such permit and the inspection.

§24c RESTORATION COSTS

The applicant shall pay the estimated cost of restoring to its condition, prior to such proposed excavation, the surface of the street in, on or under which such proposed excavation will be made. Such estimated costs shall be based upon the unit price determined by the Board from time to time in accordance with estimated cost of labor and materials necessary to restore any such surface.

§24d VIOLATIONS.

The following acts shall constitute violations of this subchapter of the code:

(A) Falsifying statements on an application for an excavation permit or to otherwise fraudulently induce the Town.

(B) Utilizing an excavation permit for making an excavation not authorized by such permit.

(C) Failure to allow the Board to supervise any work performed at any excavation made or being made for the purpose of connecting with or tapping a sewer of this Town or failure to perform any such work as directed by the County.

(D) Failure to allow the County to supervise any work performed at any excavation made or being made for the purpose of connecting with or tapping a sewer of this Town or failure to perform any such work as directed by the Board.

(E) Failure to comply with any order of the Board relative to any excavation made or being made by such person.

(F) Failure to erect or place barriers, lights, signs or other warnings of any excavation made or being made by such person, or fail in the event the Board shall give such warning, to pay the cost thereof required by the County.

(G) Failure after such person has made an excavation and after the purpose thereof has been accomplished:

(1) To fill such excavation promptly.

(2) To fill with subsoil that portion of such excavation which is more than 18 inches beneath the surface of the street where such excavation is located.

(3) To compact any subsoil used for filling such excavation.

(4) To fill with pervious material that portion of such excavation which is located 18 inches beneath the surface of street where such excavation is located to such surface.

(H) Failure, in the event that Board shall correct any work performed by any person in violation of any provision of this subchapter, to pay the cost thereof required by the Board.

(I) Failure to pay the cost required by the Board to be paid to cover the actual cost incurred by this city by restoring to its condition, prior to an excavation made by such person, the surface of the streets in, on or under which such excavation was made.

§24e CONFORMITY REQUIRED

All sidewalks that are new, replaced, or repaired shall be made in conformity with the provisions of this subchapter and the grades, plans, profiles and specifications furnished by the Fulton County Building Commissioner on file in their office, as adopted and approved by the Council.

§24f PERMIT TO BUILD, REPLACE, OR REPAIR SIDEWALK.

It shall be unlawful for any person to build, replace or repair any sidewalk without a permit; provided, however, that no such permit shall be required when such work is being done pursuant to a special improvement resolution.

§24g PERMIT APPLICATION.

Any person desiring the sidewalk permit required by this subchapter shall file an application for it with the Fulton County Building Commissioner; the application shall be signed by the owner (or the owner's agent) of the property abutting the location where the sidewalk is to be built, replaced or repaired.

§24h PLACEMENT OF SIDEWALK

All sidewalks shall be placed with their inner edges on the abutting property line, unless the Fulton County Plan Commission grants special permission for some other location.

§24i CONSTRUCTION OF SUBGRADE

The subgrade of a sidewalk shall be construed to a depth below the finished surface in accordance with the plans and specifications provided by the Fulton County Plan Commission and shall be thoroughly compacted to a firm, smooth surface; all soft or spongy places not affording a suitable subgrade, must be removed and replaced with a suitable material and compacted according to the above specifications.

§24j FORMS USED IN CONNECTION WITH SIDEWALKS

The forms used in connection with sidewalks shall be of a material commonly

used and accepted in the concrete industry, straight and free from warp and of sufficient strength to resist springing during the process of depositing concrete against them. The forms shall be of the full depth of the walk and shall be securely staked, braced and held firmly to required line and grade. All forms shall be thoroughly cleaned and oiled before concrete is placed against them.

#### §24k COMPOSITION OF CONCRETE

All concrete placed in connection with a sidewalk shall consist of the industry standard of six bags of concrete per cubic yard of mix, with the consistency and slump as would be mixed by a professional concrete supplier for a typical job of this nature; any material and or color other than natural concrete to be used for the construction of a sidewalk will be subject to the approval of the Fulton County Plan Commission.

#### §24l DEPOSITING OF CONCRETE; EDGERS; JOINTS

The subgrade of a sidewalk shall be compacted and then wet down with water, and, or lined with construction grade plastic, before the concrete is placed therein. The concrete shall be placed within the forms upon the wet, and, or lined subgrade to such a depth that after being compacted it shall be to the full thickness required to fill the form. It shall be leveled off and tamped sufficiently. It shall then be finished by means of a wood or metal float. The finished surface may be of a smooth, or light broom finish. The edges shall be rounded with an edger having a minimum radius of one quarter of an inch. Traverse joints shall be cut with a saw, or with a jointer having a minimum radius of one quarter of an inch. Traverse joints must have a minimum depth of one half inch at intervals not greater than the width of the sidewalk being constructed. Each concreted area between traverse joints will be considered a "section" of sidewalk. No pouring or finishing of concrete shall be done during freezing weather. Whenever there is danger that the temperature will reach the freezing point a covering material must be used to prevent freezing of the concrete before it is thoroughly cured.

#### §24m DRIVEWAYS ACROSS SIDEWALKS.

Where driveways are to be built across the sidewalk space they shall conform to the sidewalk grade and shall be six inches minimum in depth of the same quality and material as specified for walks, and must be re-enforced with wire and/or steel re-rod of the type normally and typically used and accepted in the concrete construction industry.

§24n ALLEY CROSSINGS ACROSS SIDEWALKS.

The grade and slope, thickness and type of material used, finish, and all other decisions concerning these areas will be the responsibility of the Street Department Superintendent.

§24o INSPECTION OF MATERIALS AND SUPERVISION OF WORK.

All sidewalks made new or repaired shall be done under the supervision of the Fulton County Building Commissioner who shall inspect and report on the same before the approval and acceptance by the Board of Public Works.

§24p CUTTING OF SIDEWALK SECTION.

No sidewalk section made at the time of the original construction shall be cut in order to save a part of the original section at the tune of repair, but rather the entire section shall be replaced.

§24q ALLOCATION OF DIRT AND OLD MATERIAL; DUTY OF CONTRACTOR WITH REFERENCE TO GRADE STAKES

Whenever any sidewalk shall have been ordered built, repaired or replaced, the dirt removed may be used by the city in the improvement of the street on which building or repairs are being made, or on streets, alleys, or public places where the grading of such is of the same general plan. In case the city does not desire to use the dirt, the property owner may remove it together with all old material within five days from the completion of the work. In case the property owner fails to do so, the contractor shall proceed to remove the material and the cost thereof shall be collected as part of the cost of the improvement. It shall be the duty of the contractor, at all times while building, repairing, relaying or replacing any sidewalk to see to it that the stakes indicating the grade of the sidewalk have not been tampered with.

§24r TAMPERING WITH GRADE STAKES.

It shall be unlawful for any unauthorized person to tamper with or in any way interfere with any grade stake for any sidewalk or to deface or disturb any such walk while in process of construction.

§24s PRELIMINARY RESOLUTION OF IMPROVEMENT REQUIRED.

Whenever the Town desires to construct or improve a sidewalk, it shall adopt a preliminary resolution of improvement, and such other plans and information as



may be required by law.

§24t SERVICE OF NOTICE OF PRELIMINARY RESOLUTION.

A notice of the preliminary resolution shall be served upon the property owners affected in the manner provided by law.

§24u ORDER TO REPAIR OR REPLACE SIDEWALK.

The Town may, by final resolution order any property owner to repair or replace any sidewalk by serving upon him a copy of such resolution in the manner provided by law.

*VISUAL OBSTRUCTIONS*

§25 VISUAL OBSTRUCTIONS PROHIBITED; EXCEPTIONS.

(A) On property owned by the City, at any corner formed by intersecting streets, it shall be unlawful to install, set out or maintain or to allow the installation, setting out or maintenance of any sign, hedge, shrubbery, natural growth or other obstruction to the view, higher than three and one-half feet above the level of the center of the adjacent intersection, within that triangular area between the property line and a diagonal line joining points on the property lines 25 feet from the point of their intersection, or in the case of rounded. Corners, the triangular area between the tangents to the curve and a diagonal line joining points on the tangent 25 feet from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the corner.

(B) The provisions of division (A) shall not apply to permanent buildings, public utility poles, trees trimmed to the trunk to a line at least eight feet above the level of the intersection, saplings, or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view, supporting members of appurtenances to permanent buildings existing on the date this chapter becomes effective, official warning signs or signals, places where the contour of the ground is such that there can be no cross-visibility at the intersection; or to signs mounted ten feet or more above the ground and whose supports do not constitute an obstruction.

§25a ENFORCEMENT

The enforcement of this chapter shall be under the direction of the Building Commissioner, who shall investigate violations, give such notices as may be required to enforce it, and perform such other duties in connection with the enforcement of this chapter as may be required.

§25b ABATEMENT.

Any obstruction maintained in violation of this chapter shall be deemed a nuisance, and upon failure to abate within 20 days after the posting upon the premises of notice to abate the nuisance signed by the Chief of Police, the Chief may enter upon the premises and remove or eliminate the obstruction, require its abatement, authorize its removal by the proper officers, provide for the punishment of the person causing or suffering the obstruction, assess the expenses of its removal against such person, and provide for collecting such expenses either by causing them to be placed on the tax duplicate or by suit.

§25c PREEXISTING OBSTRUCTION.

No obstruction to cross-visibility shall be 'deemed to be excepted from the application of this chapter because of its being in existence at the time of the adoption thereof, unless expressly exempted by the terms thereof.

*SIDEWALKS, REQUIRED*

§26 NEW BUILDINGS.

No person shall construct upon any lot or tract within the city limits any new dwelling house or building without providing for and constructing for the use of pedestrians a concrete sidewalk that meets ADA requirements.

§26a WAIVER - NEW BUILDING.

In the event such dwelling house or building is to be constructed upon a lot or tract upon which such a sidewalk presently exists, the requirement for new construction shall be waived.

§26b BUILDING PERMITS.

No building permit shall be issued for the construction of any dwelling house or building within the city limits unless such building permit application provides for

the construction of new sidewalks or shows adequate existing sidewalks upon the lot or tract which such new building is to be erected.

§26c APPEAL.

Any person who considers himself aggrieved may apply to the Board of Zoning Appeals of the city and after notice and hearing as provided by those sections and by the rules and regulations of the Board of Zoning Appeals, the Board may waive the provisions of those sections upon the showing of the following.

§26d DETERMINATE VARIANCE - SIDEWALK CONSTRUCTION DEFERRED.

(A) Any person subject to the requirements or any person living outside of the city limits but within the zoning boundaries who believes it impractical to construct a sidewalk on the lot or tract at present may apply to the Board of Zoning Appeals for a variance that is determinate with respect to the criteria for variance and the time period during which such criteria are in effect, and with respect to the time period during which the variance is effective. The Board, after notice and hearing may grant a variance if construction of sidewalks appears impractical based upon, but not limited to, the following considerations:

(1) The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; or

(2) The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; or

(3) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

(B) In the event that the Board authorizes a determinate variance, such variance shall continue in effect until the date at which the Board shall set to reconsider variances granted under the authority of this section. All such variances which were granted by the Board shall expire at that time unless an extension is granted. Should no extension be applied for, or the Board denies such application for extension, the owner of the lot or tract shall be required to construct a sidewalk on the lot or tract at that time.

(C) Any person who has been granted a determinate variance by the Board and subsequently transfers to another party any recordable interest in the lot or

tract shall cause such conveyance to be made subject to the variance and cause the variance to be noted on the instrument of conveyance to be recorded.

(D) In the event a variance is granted a five foot easement for future construction of a five foot sidewalk shall be provided.

§26e ADA REQUIREMENTS.

All sidewalks installed at intersections after the passage of this chapter are to be handicap accessible based on ADA requirements.

*SNOW REMOVAL CONDITIONS*

§27a GENERAL PROVISIONS

(A) When, in the opinion of the City Street Department Superintendent and the Town Council President, the actual or expected precipitation of snow will create hazardous or dangerous roadway conditions for vehicular or pedestrian traffic, the Mayor shall have the authority to declare a snow removal condition.

(B) A snow removal condition shall be declared by the Town Council President by issuing a media release to the local radio station and news media.

(C) The snow removal condition shall continue in full force and effect until the Town Council President declares it to be over by issuing a media release to the local radio station and news media.

§27b PARKING RESTRICTIONS DURING SNOW REMOVAL PERIODS

When a snow removal condition has been declared, the following traffic regulations will be in effect for all city streets:

(A) All regular parking restrictions will remain in full force and effect on streets where parking is only permitted on one side and areas of no parking.

(B) On even-numbered days parking will only be permitted on the side of the street with even-numbered street addresses.

(C) On odd-numbered days parking will be permitted only on the side of the street with odd-numbered street addresses.

(D) These restrictions will remain in force until the snow removal condition has been declared over or the snow has been removed from curb to curb for the entire length of the street.

§27c REMOVAL AND IMPOUNDMENT OF VEHICLES

The Police Department is authorized to remove, or have removed, vehicles from a city street to the nearest garage or place of safety, including another place on the street under the following circumstances or conditions:

(A) If a person attempts to or does congest, obstruct or unduly restrict a free, clear and unimpeded movement of traffic by parking, unparking, stopping, standing or driving his registered vehicle.

(B) If a person should fail to remove his registered vehicle from any street or alley within the city after a 12-hour period after the declaration of a snow removal emergency.

§27d CLEARING SNOW AND ICE FROM SIDEWALKS.

(A) The occupant and/or owner of any premises, and the owner of any unoccupied premises, are required to keep the sidewalks in front of or adjacent to such premises cleared, so far as is practicable and reasonable, from snow and ice in order to facilitate pedestrian use of such sidewalks. The word "occupant," as used in this section, shall be deemed to mean the person occupying for business, residence or other purposes the first floor of any building situated on the premises so occupied; and if the first floor of any building is not occupied, then such premises shall be deemed and held to be unoccupied and the owner or lessee of the entire premises shall be required to keep the sidewalks in front of or adjacent to the premises reasonably cleared from snow and ice.

(B) In case snow or ice has accumulated or fallen on any sidewalk or is continuing to fall after 7:00 p.m., it shall be removed, if practical to do so, or a sufficient path be cleared by the occupant or owner within 24 hours. If any snow or ice has fallen or accumulated on any sidewalk after 7:00 a.m., it shall be removed or a path cleared by the occupant or owner within 24 hours, if the snow has ceased to fall by that time. In either of the foregoing events, the occupant and/or owner shall be deemed and held to have complied with the provisions of this section.

(C) The city may remove any accumulate snow or ice from any property at the expense of the owner thereof if the owner has failed to do so within five days after service of the required notice to do so.

(D) Whenever there exists any accumulate snow or ice on any property, the city may order the owner to remove them by sending him a notice to do so, or if the owner cannot be found, by posting the notice on the property.

(E) A fine of \$50 shall be imposed for violation of this chapter.

(F) If the city shall be required to remove any accumulated snow or ice pursuant to this section a \$100 per hour charge shall be imposed.

(G) If any property owner fails to pay the expenses incurred in removing any accumulate snow or ice from his property pursuant to this chapter for a period of 30 days, the Clerk-Treasurer shall certify the amount due from such person to the County Auditor and the amount of such charges shall be placed upon the tax duplicate by the County Auditor and collected as taxes are collected.

This ordinance adopted by the Town Council of the Town of Fulton, Indiana, this 24<sup>th</sup> day of September, 2013 by a vote of 2 aye \_\_\_\_\_ nay.

Members voting aye

*Tom Stinson*  
*Earl K. Hens*  
\_\_\_\_\_

Members voting nay

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

*Connie L. Hartman*  
Connie Hartman, Clerk-Treasurer

