

ORDINANCE NO. 2016-xx

**AN ORDINANCE OF THE LONG BEACH TOWN COUNCIL
AMENDING CHAPTER 150 OF THE LONG BEACH TOWN CODE**

WHEREAS, Section 150.06 (Ord. 75, passed 3-9-70) of the Long Beach Town Code has been followed as the Town Council has received a favorable recommendation by a majority of its Advisory Plan Commission and public notice has been given at least ten (10) days prior to the meeting of the Long Beach Advisory Plan Commission in a newspaper of general circulation in LaPorte County, Indiana of this ordinance; and

WHEREAS, the Long Beach Town Council concurs in the recommendation made by its Advisory Plan Commission;

NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

That Chapter 150 of the Long Beach Town Code shall be amended and hereafter read as follows:

CHAPTER 150. BUILDING CODE OF LONG BEACH, INDIANA.

AN ORDINANCE regulating the construction, alteration, equipment, use, occupancy, and location of buildings and structures in Long Beach, Indiana ("Municipality"); incorporating by reference building rules, codes and standards required to be enforced IC 36-7-2-9; providing for the issuance of permits, inspections, and penalties for violations.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

CHAPTER 150. BUILDING CODE OF LONG BEACH, INDIANA.

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CHAPTER 150. BUILDING CODE OF LONG BEACH, INDIANA

150.01 TITLE. This ordinance and all material included herein by reference shall be known as the "Building Code of Long Beach, Indiana."

150.02. PURPOSE. The purpose of this ordinance is to protect the life, public safety, health and general welfare of the citizens of Long Beach, Indiana and shall be construed in such a manner as to effectuate this purpose.

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

1. "Building Official", as used in this chapter, is the Town of Long Beach Building Commission (Building Commission) appointed by the Long Beach Town Council and 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 to enforce the provisions of Title XV of the Long Beach Code.

2. "Class 1 structure" has the meaning ascribed thereto in IC 22-12-1-4.

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

4. "Construction" has the meaning ascribed thereto in IC 22-12-1-7.

5. "Industrialized building system" has the meaning ascribed thereto in IC 22-12-1-14.

6. "Manufactured home" has the meaning ascribed thereto in IC 22-12-1-16.

7. "Mobile structure" has the meaning ascribed thereto in IC 22-12-1-17.

8. "Person" has the meaning ascribed thereto in IC 22-12-1-18.

9. "Structure" means both Class 1 and Class 2 structures, unless specifically stated otherwise.

10. "Vehicular bridge" has the meaning ascribed thereto in IC 22-12-1-26.

150.04. SCOPE.

1. All Construction shall be accomplished in compliance with the provisions of this Building Ordinance.

2. Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4;

however, the provisions of this Building Ordinance 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 structure not certified under IC 22-15-4.

3. Pursuant to IC 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

150.05. AUTHORITY. The Building Commission or its designee is hereby authorized and directed to administer and enforce the following:

1. All of the provisions of this Building Ordinance.
2. Variances granted in accordance with IC 22-13-2-11.
3. Orders issued under IC 22-12-7.
4. Whenever in this Code it is provided that anything must be done to the approval of or subject to the direction of the Building Commission or its designee, this shall be construed to give such only the discretion of determining whether this Code has been complied with and no such provision shall be construed as giving any Official 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 variations from adopted building rules are subject to approval.

150.06. SEVERABILITY. Should any provision (section, clause, phrase, word, or any other portion) of this ordinance 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 ordinance. To this end, the provisions of this ordinance are severable.

150.07. EFFECT OF ADOPTION ON PRIOR ORDINANCE. The expressed or implied repeal of amendment by this ordinance 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.

150.08 OFFICES CREATED, APPOINTMENT, TERM

There is hereby re-established and continued in the Town of Long Beach, a committee of the Town Council known as the "Building Commission" and the positions of Building Commissioner, Building Inspector(s) and Town Engineer. It shall be the duty of the Long Beach Town Council to appoint the Building Commission, which shall consist of not less than 3 members, at least 2 of whom shall be members of the Town Council, each of whom shall serve at the pleasure of the Town Council. The Town Council shall likewise appoint/hire the Building Commissioner, Building Inspector and Town Engineer each of whom shall serve at the pleasure of the Town Council. The Town Council at its discretion may appoint additional Inspectors for any and all trades such as Plumbing, HVAC and others and they shall serve at the pleasure of the Town Council. The Town Council shall determine all fees, remunerations and work-rules for all positions and any Consultancy.

Under the direction and supervision of the Building Commission, the Building Commissioner, Building Inspectors and Town Engineer shall:

- A. Enforce the ordinances of Title XV of the Long Beach Town Code
- B. Ensure the efficient execution of Title XV of the Long Beach Town Code
- C. Keep all records of the Building Commission
- D. Maintain the ethical standards of the Indiana Residential Code.
- E. Perform other duties as the Building Commission may direct.

150.09 ENGINEER

The Town Engineer shall be an Indiana state licensed engineer appointed by and serving at the pleasure of the Long Beach Town Council. When designated by the Building Commission and prior to the issuance of any building or improvement location permit (the terms "building permit" and "improvement location permit" shall be interchangeable), the Town Engineer shall review same and make recommendations to the Building Commission. The Town Engineer shall be utilized at the discretion of the Building Commission for projects because of their size or complexity, including but

not limited to excavation, seawalls, structures and buildings or any other construction or demolition. The Town Engineer has the authority to inspect proposed building sites and the erection, construction, alteration, repair or removal of buildings and other structures in the town as do the members of the Building Commission, the Building Commissioner and Inspectors.

150.091 FEES FOR SERVICES

Fees for all permits, the services of the Town Engineer and all Inspectors billed to the Town of Long Beach for each building permit as well as Town Attorney fees shall be paid for by the permit applicant of the building permit and must be paid in full prior to issuance of any certificate of occupancy.

150.10 ANNUAL REVIEW OF BUILDING CODES

The Building Commission shall review this chapter on an annual basis and provide a report to the Long Beach Town Council by March 1 of amendments necessary to ensure that this ordinance remains current and accurate.

ARTICLE II.

BUILDING PERMITS.

150.11. BUILDING PERMIT REQUIRED.

A permit shall be obtained before beginning excavation, construction, alteration, or repair of any building or structure, the cost of which exceeds - Five Hundred Dollars (\$500.00) whether or not it involves any change of use or additional lot coverage. A permit is required:

- For all plumbing, electrical, HVAC and structural alterations or repairs, the cost of which exceeds Five Hundred Dollars (\$500.00).
- Before work begins on the installation or construction of a driveway or parking area.
- Before all construction that increases lot coverage or structure volume
- Before any earth changes to alter topography.
- Before all other construction or demolition activity specified in Title XV

The Building Commission using forms furnished by the Building Commission shall issue all permits and all fees for application provided for herein shall be paid to the Clerk-Treasurer. 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.

In the event of a necessary emergency repair to an existing structure in order to prevent further damage or to ensure public health or safety, the emergency repair may be made without applying for a permit. A permit application and permit fee must be submitted on the next business day following commencement of said emergency repair.

Permit Application Fees are non-refundable.

150.12. APPLICATION FOR BUILDING PERMIT.

1. Any person required to have a building permit shall submit a complete application to the Building Commission.
2. This application shall be submitted on a form prepared by the Building Commission, and shall contain the following:
 - (a) Information that the Building Commission determines to be necessary to locate and contact the applicant.
 - (b) 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.
 - (c) A plot plan drawn to scale; provided, however, such plot plan shall not be required in the instance where all such Construction is to occur entirely within an existing Structure. This plot plan shall reflect the location of the Structure in relation to existing property lines and shall show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.
 - (d) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Construction Design Release for the Construction to be done that has been issued by the Building Law Compliance Official pursuant to IC 22-15-3.
 - (e) Any additional information that the Building Commission finds to be necessary to determine that the construction/demolition will conform to all applicable building and fire safety laws and will not violate any other applicable ordinances or laws.
 - (f) The fee established by the Long Beach town council.
3. Application for a building permit shall be made by the person entitled to obtain the permit 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 a permit.

150.13. ISSUANCE OF BUILDING PERMIT.

The Building Commission shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed Construction will conform to all applicable building and fire safety

laws and will not violate any other applicable ordinances or laws.

150.14. CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any Structure shall be issued unless such Structure was constructed in compliance with the provisions of this Building Ordinance. It shall be unlawful to occupy any Structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commission or its designee. Prior to an Occupancy Permit being issued, an as-built site plan drawing, as required by the Building Commission or its designee, must be submitted, meeting all of the requirements of this ordinance and 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. In the case of new construction involving a principal structure or as otherwise requested by the Building Commission or its designee, the as-built site plan drawing must be signed and sealed by a registered Indiana Land Surveyor and Builder.

150.15. PERMIT APPLICATION INFORMATION

Applications for building permits and improvement location permits and all other permits specified in this section shall be filed with the Building Commission of the town.

The applicant shall provide the following information:

1. Legal description of property included in the application.
2. The land on which the house, building or other structure(s) are to be located shall be clearly identified and 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.
3. Site plans showing the structure, or improvement, and meeting with the requirements listed herein.

4. The plans and specifications for any new building or structure shall be prepared and certified to by an architect or professional engineer, licensed in the State of Indiana. The Building Commission may waive this requirement.
5. Well, septic or sanitary sewer permits, whichever is applicable, as required.
6. Dedication of right-of-way, to the Town of Long Beach, when and where required. Such dedications shall be acceptable to the Town Council.
7. Certification of the below AFFIDAVIT OF PLAN AUTHENTICATION.
8. A copy of construction plans showing elevations, floor plans, and all plumbing and electrical with dimensions - as required.
9. All required street name and regulatory signs must be installed per Town Standards prior to any building permits being issued for development.
10. Any additional information requested by the Building Commission or its designee.

[BEGIN FORM]

AFFIDAVIT OF PLAN AUTHENTICATION

_____, being first duly sworn upon his/her oath says:

As the person eligible and responsible for obtaining a permit or permits as required in Section 150.12 of the Long Beach Town Code, and based upon the information contained within these plans, I do hereby certify that these plans are identical to those released for construction by the Indiana Department of Fire and Building Services. I also understand that if it is determined that these plans are not identical, all permits obtained as a result of their submittal may be revoked as stated in Section 150.26 of the Long Beach Town Code, and that I will be subject to the penalties for perjury.

Affiant's Signature/Date

Affiant's Printed Name

STATE OF INDIANA, COUNTY OF LAPORTE

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 20 ____.

My Commission Expires: _____

Notary's Signature _____

Notary's Printed Name _____

My County/State of Residence: _____ County, IN

{END FORM}

B. The site plans submitted as part of the application for review shall include and conform to the following:

1. Be submitted in triplicate for all uses.
2. Be drawn in scale sufficient to show the required details with clarity. The preferred scale shall be one (1) inch equals twenty (20) feet.
3. Show all property lines and right-of-way dimensions.
4. 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.
5. Show existing and proposed easements, their purposes, and their widths as required
6. Show what provisions will be made to handle storm water runoff and show existing and proposed surface elevations, finished floor elevations, and the engineering calculations for surface water runoff as required.
7. 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.
8. Commercial sites shall designate all uses to be conducted within said sites and the items to be stored within the boundaries of it.
9. Show means and access to and from town right-of-ways.
10. For commercial sites, the number and location of parking spaces shall be shown, including all disability parking spaces.
11. Site plans adjacent to or located in a flood plain area shall be prepared by a professional engineer, licensed in the

State of Indiana. Forms are available from the Town Engineer for this.

12. Commercial site plans shall show the proposed landscaping, fencing and/or walls, and location of all utilities.
13. Show the name, address and telephone number of the person responsible for the preparation of the site plan.
14. A non-refundable site plan review fee for any new building or structure of \$ 340.00 shall be paid at time of submission. Said fee will be credited to total Permit Application Fee upon submission.
15. All measurements and calculations are to be supplied by the permit applicant who is solely responsible for their calculation and accuracy.
- 16 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.

150.16. REVIEW OF APPLICATION

Prior to the issuance of any building permit, the Building Commission or its designee shall:

- A. Review all building permit applications to determine full compliance with the provisions of this Code and all floodplain management regulations as specified in Chapter 155 of the Long Beach Town Code
- B. Flood Plain plan shall be submitted by an Indiana licensed Engineer. Flood Plain permit shall be submitted before a building permit will be issued.
- C. The Town Engineer, if requested by the Building Commission or its designee, shall review and make recommendations to the Building Commission regarding the following Major Improvements and any other improvements:

1. Construction value in excess of \$10,000
 2. New homes
 3. Siting of accessory structures
 4. Increased structure footprint
 5. Increased volume of structure
 6. Changes to topography as in 150.081 (Permit required for earth changes and to alter topography)
 7. Steep Slope Construction
 8. Installation or modification of seawalls or sheet pilings and retaining walls
- D. A minimum review period for all Major Improvements of 30 days after the date of the next regularly scheduled Building Commission meeting received is required. An open list of pending applications shall be maintained for public inspection and review. All documents submitted to the Building Commission are Public Records and are available for public inspection.
- E. No building permit shall be issued that would cause a violation of I.C. 22-15-3-7.

150.17 PERMIT - NO DEFENSE

In any appeal to any board in the Town of Long Beach or any litigation or prosecution brought in any court to enforce any of the provisions of this chapter, the fact that a permit may have been issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Commission, Building Commissioner, Town Engineer, Building Inspector or any other employee or agent of the Town of Long Beach constitute a defense. Each and all of the terms and provisions of this chapter shall at all times be strictly complied with.

150.18 RESERVED

150.19 PERMIT EXPIRY

Every permit issued by the Town pursuant to this chapter shall expire and become null and void if the work authorized by such permit is not commenced within one hundred and twenty days from the date of such permit or if permitted work is abandoned for one hundred and twenty (120) days. Each permit for any residential, and commercial structure shall have twelve (12) months to be completed from the issuance date of such permit before the permit expires. A permit may be extended for an additional four (4) months at no fee if applied for at least 10 days prior to original permit expiration. 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. 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.

150.20 RESERVED

150.21 PERMIT FOR LAND DISTURBING ACTIVITIES

- A. This chapter is enacted to preserve the natural terrain and contours, to regulate and control drainage and the blowing of sand, to prevent erosion and to protect adjacent property and Town property from damage resulting from land disturbing activities such as, but not limited to the excavation of sand, installation of seawalls and construction of retaining walls.
- B. Prior to issuance of a building permit and in addition to all other building permit requirements a plan for managing a land disturbing activity shall be submitted to the Building Commission. Applications for any such permit shall include the following:
 - 1. A general description of streets, highways or other landmarks in the immediate area surrounding the proposed land disturbing activity.

2. A description of what shall be done to the zoning lot property and all Town right-of-way to adjacent to or abutting the zoning lot.
 3. An accurate estimate of the amount of sand or other natural or man-made material in cubic yards expected to be excavated, graded, filled or transported during the life of the permit.
 4. A statement explaining in detail the protection and precautionary methods to be employed by the applicant to prevent the natural or man-made material from blowing over or spilling upon other private or public property in the immediate area of the project.
 5. The manner in which a retaining wall or seawall is to be installed and the method for monitoring the installation. The Building Commission and the Town Engineer shall specify shore protection requirements based on site location and potential impact to natural land forms and man made structures and reserves the right to specify the materials and construction methods.
- C. Permit conditions: The Building Commission may impose any specifications or special conditions in the granting of a land disturbing activity permit, that in his or her opinion may be required for the protection of public health, safety and welfare. Any specifications or special conditions shall be in writing and shall be attached to the permit itself and shall be a part of the permit granted.
1. The applicant shall be required to post a liability bond, Performance or surety bond payable to, and satisfactory to, the town, recorded with the Laporte County Recorder's office prior to the issuance of any permit. A cash escrow or other such legal arrangement, as approved by the Town of Long Beach, may be used. The amount of the bond for each applicant shall be \$5,000. Any excess amount deemed necessary based on the project will

shall be recommended by the Building Commission and approved by the Long Beach Town Council.

2. In the event of damage to Town property in the immediate area of excavation or fill site, and upon the recommendation of the Long Beach Building Commission, the Town Council is authorized to declare a forfeiture of the bond or other financial arrangement posted by the applicant and collect the amount of damages for payment to the damaged party.

ARTICLE III.

INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

150.22 GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.

A. All Construction shall be subject to periodic inspections by the Building Commission, Commissioners, Inspectors, Town Engineer or other designee irrespective of whether a building permit has been or is required to be obtained.

B. The Building Commission, Commissioners, Inspectors, Town Engineer or other 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 Building Ordinance or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of such structure. Such 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 Building Ordinance and the rules of the Fire Prevention and Building Safety Commission.

150.23. INSPECTIONS BY FIRE DEPARTMENT.

The Building Commission or its designee 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).

150.24 INSPECTIONS BY THE BUILDING COMMISSION, BUILDING COMMISSION MEMBERS OR ITS DESIGNEE(S),

After the issuance of any building permit, the Building Commission, its members or its designee(s) may make inspections of the work being done as are necessary to ensure full compliance with the provisions of this Code 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 (of \$100) or as prescribed in this Code. Prior to the Pre-pour Foundation Walls inspection, a written document signed and sealed by a registered Indiana Land Surveyor must be submitted certifying the top of the footing.

1. The Electrical Inspector shall be qualified and responsible to conduct electrical inspections of building projects. The Electrical Inspector shall make inspections periodically as it shall deem appropriate (including a final inspection upon completion of all work) to ensure compliance with the building permit issued, the various provisions of the code, as well as any other applicable local, state or federal statutes, codes, rules, regulations or laws. Notwithstanding the foregoing, the Electrical Inspector shall conduct not less than one final inspection for any and all construction projects.
2. The Building Commission or its designee shall keep all necessary records of inspections and in the event an Inspector believes there to be non-compliance with the permit, the codes or any other applicable rules, regulations or laws, it shall report the same immediately to the Building Commission.
3. There shall be a minimum of three inspections of all new construction in which the following shall be specifically covered:
 - (a) Footing locations;
 - (b) Framing, plumbing and electric; and,
 - (c) Final inspection.
4. The number of required inspections may be increased or decreased at the discretion of the Building Commission or its designee based on the complexity of the project.
5. It is the responsibility of the permit holder to provide the Building Commission or its designee with at least 24 hours notice of the request for an inspection.

6. Final inspection and/or close out of non-occupancy type permits are the responsibility of the permit holder.

**ARTICLE IV.
ENFORCEMENT AND PENALTIES**

150.25. WITHHOLD ISSUANCE OF PERMITS.

1. Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to 151.20, or inspection fees owed pursuant to 151.20 to the Town of Long Beach, the Building Commission may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.

2. Whenever a person applies for a building permit for a Structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commission is authorized to withhold the issuance of requested permit(s) until such time that the property is brought into conformance with applicable ordinances.

150.26. PERMIT REVOCATION.

The Building Commission or its designee may revoke a building permit when any of the following are applicable:

1. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.
2. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.
3. There is failure to comply with the Building Ordinance.
4. The Structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

150.27. STOP-WORK ORDER.

1. The Building Commission or its designee may issue an order requiring suspension of the pertinent Construction (stop-work order) in accordance with this section.
2. The stop work order shall:
 - (a) Be in writing.
 - (b) State with specificity the Construction to which it is applicable and the reason

for its issuance.

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

(d) If practicable, be given to:

(1) The person doing the Construction; and

(2) To the owner of the property or the owner's agent.

(e) The stop-work order shall state the conditions under which Construction may be resumed.

3. The Building Commission or its designee may issue a stop-work order if:

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

(b) Construction is occurring in violation of this Building Ordinance 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 for which a building permit is required is proceeding without a building permit being in force.

4. The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this Building Ordinance.

150.28. CIVIL ACTION.

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

150.29. MONETARY PENALTY.

Any person violating any provision of this Building Ordinance may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500). The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this Building Ordinance.

150.30. RIGHT OF APPEAL.

Any person aggrieved by an order issued under this Building Ordinance 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:

1. Appeals to the Fire Prevention and Building Safety Commission.

(a) A person aggrieved by an order issued under this Building Ordinance may appeal to the Fire Prevention and Building Safety Commission, in accordance with

IC 22-13-2-7.

(b) The Fire Prevention and Building Safety Commission may modify or reverse any order issued by the Municipality that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety or a building rule.

(c) 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 thirty (30) days after the issuance of the order.

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

(e) 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.

2. Appeals to an Established Local Administrative Body or Court.

Pursuant to IC 36-7-8-9, a person aggrieved by a decision of the Long Beach 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 V
MINIMUM CONSTRUCTION STANDARDS

150.31 ADOPTION OF RULES BY REFERENCE

The following building rules, codes and standards are hereby adopted by reference.

1. 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 12 - - General Administrative Rules*

2. *Article 13 -- Building Codes*

- a. Fire and Building Safety Standards (675 IAC 13-1)
- b. Indiana Building Code, 2014 Edition (IBC, 2012 Edition, 1st Printing) ANSI A117.1-2009 (675 IAC 13-2.6)

3. *Article 14 -- Indiana Residential Code*

- a. Indiana Residential Code 2001 Edition (675 IAC 14-4.2) (IRC 2000 Edition)
- b. Indiana Residential Code 2005 Edition (International Residential Code 2003 Edition) (675 IAC 14-4.3)

4. *Article 15 -- Industrialized Building Systems*

- a. Special Administrative Rules for Industrialized Building Systems and Mobile Structure Systems (675 IAC 15-1.1 through 1.7)
- b. Indiana Mobile Structures Code (675 IAC 15-2)

5. *Article 16 -- Plumbing Code*

- a. Indiana Plumbing Code, 2012 Edition (675 IAC 16-1.4)

6. *Article 17 --- Electrical Code*

- a. Indiana Electrical Code 2009 Edition (NFPA 70-2008) (675 IAC 17-1.8)

7. *Article 18 -- Mechanical Code*

- a. Indiana Mechanical Code 2014 Edition (IMC, 2012 Edition, 1st Printing) (675 IAC 18-1.6)

8. *Article 19 -- Energy Conservation Code*

- a. Indiana Energy Conservation Code 2010 (ASHRAE 90.1, 2007 edition, as amended) (675 IAC 19-4)

9. *Article 20-- Swimming Pool Code*

- a. General Provisions and Definitions (675 IAC 20-1.1)
- b. Public Swimming Pools (675 IAC 20-2)
- c. Public Spas (675 IAC 20-3)
- d. Residential Swimming Pools (675 IAC 20-4)

e. Water Attractions (675 IAC 20-5)

10. *Article 21- Safety Code for Elevators, Escalators, Man lifts and Hoists*

- a. Administration (675 IAC 21-1)
- b. Elevator Safety Code ANSI/ASME A17.1, 2007, as amended (675 IAC 21-3)
- c. Personnel Hoists, ANSI A10.4, 2004, as amended (675 IAC 21-4)
- d. Man lifts ANSI ASME A90.1, 2003, as amended (675 IAC 21-5)
- e. Platform and Stairway Chair Lifts ASME A18.1-2005, as amended (675 IAC 21-8)
- f. Safety Code for Existing Elevators ASME A17.3-2005, as amended (675 IAC 21-9)
- g. Qualification of Elevator Inspectors ASME QEI-1-2007, as amended (675 IAC 21-10)
- h. Automated People Mover- Part 1 ANSI/ASCE/T&DI 21-05, as amended (675 IAC 21-11-1)
- i. Automated People Mover- Part 1, Part 2 and Part 3 ANSI/ASCE/T&DI 21-08, as amended (675 IAC 21-11-2)

11. *Article 22 -- Fire Code*

- a. Indiana Fire Code 2014 Edition (675 IAC 22-2.5) (IFC 2012 Edition, 1st printing)

12. *Article 23- Recreational Facilities*

- a. Fee Schedule, Part III; Scope (675 IAC 23-62)

- b. Regulated Amusement Device Training and Certification Rule (675 IAC 23-2)

13. *Article 24- Supplementary Fire Safety Rules*

- a. Indiana Migrant Day Care/Nursery Fire Safety Code (675 IAC 24-1)

14. *Article 25 Fuel Gas Code*

- a. Indiana Fuel Gas Code, 2014 Edition (IFGC, 2012 Edition, 1st printing (675 IAC 25-3)

15. *Article 28 NFPA Standards (675 IAC 28 et. seq.)*

2. Two (2) copies of the above rules 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.

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

150.32 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.

ARTICLE VI.

USE OF ENGINEERED ROOF TRUSSES AND FLOOR JOISTS

150.33 USE OF ENGINEERED ROOF TRUSSES AND FLOOR JOISTS

1. This article applies only to new construction of a Class 1 structure (as defined in IC 22-12-1-4) and a Class 2 structure (as defined in IC 22-12-1-5).
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.
2. (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.
2. (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.
3. (b) the placard shall use red] 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 structureincluding floor joists or truss roof systems.
3. (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. (d) 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.
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
5. (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 or its designee.
6. (b) A fee, not to exceed five dollars (\$5.00), shall be charged for each placard issued.
7. The Building Commission or its designee shall not
 - (1) approve a structure on final inspection; or
 - (2) 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 or its designee 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.
8. (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 Cor 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. If:

(1) the Building Commission or its designee 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 then the owner is liable for a civil penalty as specified in 150.29 (Monetary Penalty).

ARTICLE VII.
EFFECTIVE DATE

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

1. The [legislative body] 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: _____,

William deFuniak, Clerk-Treas.

APPROVED this _____ day of _____, 201__, by the Fire Prevention and Building Safety Commission of the State of Indiana.
