Friday, May 22, 2020
By Electronic Mail and U.S. Certified Mail

Scott Lehman, President
Town Council of the Town of Ogden Dunes, Indiana
115 Hillcrest Road
Ogden Dunes, IN 46368
town.council@ogdendunes.in.gov

Charles F.G. Parkinson
Town Attorney for the Town of Ogden Dunes, Indiana
Harris Welsh & Lukmann
107 Broadway
Chesterton, IN 46304
cparkinson@hwllaw.com

Re: Order of Approval – Building Code of the Town of Ogden Dunes, Indiana

Dear President Lehman and Mr. Parkinson:

Pursuant to Indiana Code § 22-13-2-5.5, the Fire Prevention and Building Safety Commission (Commission), at its regularly scheduled meeting on Tuesday, May 6, 2020, approved the following ordinance:

- Ordinance No. 855 – Building Code of the Town of Ogden Dunes, Indiana

Pursuant to subsection (5) of Indiana Code § 22-13-2-5.5, enclosed with this letter is the Commission's Order of Approval, and a copy of the ordinance, endorsed by Robin E. Nicoson, Chairman of the Fire Prevention and Building Safety Commission. The Commission and its staff did not identify any conflicts between the provisions of the ordinance and the State of Indiana's building and fire safety laws (the Commission's rules). If you have any additional questions or concerns, please feel free to contact me.

Sincerely,

Douglas J. Boyle, Director
Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208

Indianapolis, IN 46204
doboyle@dhs.in.gov
(317) 650-7720

Enclosure
Cc (by electronic mail):
Robin E. Nicoson, Chairman of the Fire Prevention and Building Safety Commission
Philip A. Gordon, Legal Counsel to the Fire Prevention and Building Safety Commission
Justin K. Guedel, Indiana Department of Homeland Security Deputy General Counsel
Julie A. Paulson, Partner, Harris Welsh & Lukmann
Connor H. Nolan, Partner, Harris Welsh & Lukmann

STATE OF INDIANA
BEFORE THE
FIRE PREVENTION AND BUILDING SAFETY COMMISSION

ORDER OF APPROVAL

TO: Scott Lehman, President
Town Council of the Town of Ogden Dunes, Indiana
115 Hillcrest Road
Ogden Dunes, IN 46368
town.council@ogdendunes.in.gov

Charles F.G. Parkinson
Town Attorney for the Town of Ogden Dunes, Indiana
Harris Welsh & Lukmann
107 Broadway
Chesterton, IN 46304
cparkinson@hwllaw.com

FROM: Douglas J. Boyle, Director of the Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E208
Indianapolis, IN 46204
doboyle@dhs.in.gov

DATE: Friday, May 22, 2020

RE: Order Approving Ordinance No. 855 (Building Code of the Town of Ogden Dunes, Indiana)

Pursuant to Indiana Code § 22-13-2-5.5, the Fire Prevention and Building Safety Commission, at its Wednesday, May 6, 2020 meeting, **APPROVED** the above listed ordinance. Enclosed is the original copy of the ordinance, endorsed by the Chairman of the Fire Prevention and Building Safety Commission.

EFFECTIVE DATE

Pursuant to Indiana Code § 4-21.5-3-5, this order is effective fifteen (15) days after it is served, unless a petition for review and a petition for stay of effectiveness of this order has been filed.

APPEAL RIGHTS

This order may be appealed in accordance with Indiana Code § 4-21.5-3-7. To qualify for administrative review of this order, you must submit, by U.S. Mail or personal service, a Petition for Review in writing that complies with all of the following requirements:

1. The Petition for Review must state facts demonstrating that you are:
    a. a person to whom the order is specifically directed;
    b. aggrieved or adversely affected by the order; or
    c. entitled to review under any law.

2. The Petition for Review must be filed with the chairperson or secretary of the ultimate authority for the agency issuing the order. If filed by U.S. mail, as opposed to personal service, please address the mailing as follows:

    Indiana Department of Homeland Security
    Fire Prevention and Building Safety Commission
    c/o Secretary
    302 W. Washington Street, Rm. E-208
    Indianapolis, IN 46204

3. The Petition for Review must be filed within fifteen (15) days after you are given notice of this order. Timeliness is computed by the methods described in Indiana Code § 4-21.5-3-2. Generally, the following rules apply, but review I.C. § 4-21.5-3-2 to ensure timeliness for your specific situation.
    a. If you are served by United States mail, you will have three (3) additional days to petition for review – extending the period to eighteen (18) days – this time period will be calculated from the date the order was deposited in the United States mail.
    b. In calculating timeliness, the first day is **not** included, but the last day is.
    c. If the deadline falls on a: (1) Saturday; (2) Sunday; (3) legal holiday under a state statute; or (4) other day that our office is closed, the deadline will be extended until the first day that does not fall on a: (1) Saturday; (2) Sunday; (3) legal holiday under a state statute; or (4) other day that our office is closed.
    d. The Petition for Review is deemed filed on the date of the postmark on the envelope containing the Petition for Review or the date the Petition for Review is personally delivered to the above address, whichever occurs first.

Please be advised, if a petition for review is granted any person may obtain notices of prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by sending a request to receive such notices to the address listed in 2, above.

If you comply with these three requirements, your Petition for Review will be granted and will be assigned to an administrative law judge for review. If a Petition for Review is not timely filed, then this order will become final and you must comply with its requirements.

You may also request an opportunity to informally discuss this matter. However, a request to informally discuss, or actual informal discussion, does not extend the deadline for filing your Petition for Review and, consequently, any request should be made promptly, preferably by telephone, upon receipt of the Order. If you have any questions regarding this order, please contact our Legal Department by phone at (317) 234-9515 or by email at jguedel@dhs.in.gov.

Enclosure
Cc (by electronic mail):
Robin E. Nicoson, Chairman of the Fire Prevention and Building Safety Commission
Philip A. Gordon, Legal Counsel to the Fire Prevention and Building Safety Commission
Justin K. Guedel, Indiana Department of Homeland Security Deputy General Counsel
Julie A. Paulson, Partner, Harris Welsh & Lukmann
Connor H. Nolan, Partner, Harris Welsh & Lukmann

RECEIVED
IDHS
JAN 24 2020
COMMISSION
STAFF

ORDINANCE NO. 855

**AN ORDINANCE OF THE OGDEN DUNES TOWN COUNCIL
AMENDING CHAPTER 151 OF THE OGDEN DUNES TOWN CODE**

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

SECTION ONE: That Ordinance 812 shall be repealed.

SECTION TWO: That Chapter151, Building Code and Unsafe Buildings of the Ogden Dunes Town Code shall be amended re-codified into Chapter 156 and hereafter read as follows:

CHAPTER 156: BUILDING CODE

ARTICLE I. GENERAL PROVISIONS
156.001 Title
156.002 Purpose
156.003 Definitions
156.004 Scope
156.005 Authority
156.006 Severability
156.007 Effect of Adoption on Prior Ordinance

ARTICLE II. BUILDING PERMITS
156.008 Building Permit Required
156.009 Application for Building Permit
156.010 Issuance of Building Permit
156.011 Certificate of Occupancy

ARTICLE III. INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES
156.012 General Authority to Make Inspections and Investigations
156.013 Inspections by Fire Department

ARTICLE IV. ENFORCEMENT AND PENALTIES
156.014 Withhold Issuance of Permits
156.015 Permit Revocation
156.016 Stop Work Order
156.017 Offenses; Remedies

156.017 Violations/Penalty

ARTICLE V. MINIMUM CONSTRUCTION STANDARDS

156.019 Adoption of Rules by Reference
156.020 Work Standards

ARTICLE I. GENERAL PROVISIONS

156.001 TITLE.

This ordinance and all material included herein by reference shall be known as the "Building Code of Ogden Dunes, Indiana."

156.002 PURPOSE.

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

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

1. "Building Commissioner", as used in this ordinance, includes the Town of Ogden Dunes Building Commissioner and any individuals employed by the Building Department that are authorized to represent the Building Commissioner.

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. "Commission" has the meaning ascribed thereto in IC 22-12-1-6.

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

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

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

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

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

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

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

156.004 SCOPE.

1. All construction within the Town of Ogden Dunes shall be accomplished in compliance with the provisions of this Building Ordinance.

2. Pursuant to IC 22-13-2-6, this Building Code shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Building Code 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 Code is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

156.005 AUTHORITY.

The Plan Commission 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 Plan Commission, 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. The Plan Commission may also, and shall in accordance with state statutes, delegate to the Building Commissioner such duties as issuing permits, conducting field inspections and reporting violations.

The Plan Commission is further authorized and directed to administer and enforce variances granted in accordance with IC 22-13-2-11 and Orders issued under IC 22-12-7.

156.006 SEVERABILITY/SUPREMACY.

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.

If any provision of this Ordinance conflicts with any building or fire safety law adopted or administered by the Commission, the Commission’s laws govern.

156.007 EFFECT OF ADOPTION ON PRIOR ORDINANCE.

The expressed or implied repeal or 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.

ARTICLE II. BUILDING PERMITS

156.008 BUILDING PERMIT REQUIRED.

(1) A building permit is required before:

(a) Beginning excavation, construction, alteration, remodeling or repair of any building, appurtenance or structure;

(b) Beginning construction of any freestanding structure, fences or retaining walls;

(c) When the dollar value of division (a) and (b) above exceeds $2,500. (Exception: all electrical and plumbing work needs a permit, subject to divisions (B) and (C) below)

(2) No building permit is required for work such as redecorating, which merely maintains the current status of the property. (`99 Code, 10-149)

(3) Construction is prohibited unless in conformity with a valid building permit obtained prior to the commencement of Construction.

156.009 APPLICATION FOR BUILDING PERMIT.

(A) *Filing.* Applications for all permits (except as noted herein) shall be addressed to and filed with the Building Commissioner on forms provided by that office. (`99 Code, 10-155)

(B) *Permit application requirements.*

(1) The application for a permit shall include the following:

(a) Three copies of the complete plan specifications of the proposed activities in hard copy and an electronic copy in a PDF format.

(b) Three copies of a current plat of survey of the lot on which the building, structure or appurtenance will be constructed. Plat of survey must show location of stakes at each corner of the lot and include elevations at each stake as related to the surveyor's identifiable bench mark. In addition, surveyor shall record the elevations on the lot lines extended 15 feet beyond the stakes. Also, include the elevation at grade of the closest portion of any existing adjacent structure.

(c) Information that the Building Commissioner determines to be necessary to locate and contact the applicant.

(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 proposed Construction issued pursuant to IC 22-15-3-1.

(e) All information required pursuant to IC 22-11-21-9 for qualifying properties containing advanced structural components.

(f) Any additional information that the Building Commissioner finds to be necessary to determine that the Construction will conform to all applicable building and fire safety laws and will not violate any other applicable ordinances or laws.

(2) The plans and specifications shall be complete only when all of the following are included:

(a) A plot plan showing the exact dimensioned location of the building, structure or appurtenance in all its parts, including eaves, porches, chimneys and any other overhangs or protuberances, to all property lines, to all setback lines, and to all existing buildings and the like on the property, as well as any streets or easements bordering the property accurately drawn to scale, any proposed changes in contours, roadways, fences, retaining walls, walls, wells, surface drains, septic tanks or other installations which may affect the appearance or the use of easements, roadways or adjacent property;

(b) Foundation and basement plans and details;

(c) A floor plan for each level, accurately drawn to scale and with all important dimensions clearly given;

(d) Elevations of all exterior walls;

(e) Sections and details of walls, floors, and roof, showing dimensions, materials and "R values" of insulation;

(f) Electrical plans, diagrams, details of service entrance and power and lighting information;

(g) Plumbing plans showing location of fixtures, risers, drains and piping isometrics; and

(h) Construction specifications (may be on plans).

(3) The specifications shall clearly describe the materials intended to be used and the nature and character of the proposed construction.

(4) Specifications which use general expressions such as in accordance with the Building Code or to the satisfaction of the Building Commissioner do not meet the requirements of this chapter. (`99 Code, 10-156).

(C) *Signature.* The application for a permit shall be signed by the owner of the proposed construction.
(`99 Code, 10-157)

(D) *Application review period.*

(1) A review period of 30 days from the date received by the Building Commissioner is required for each application prior to approval.

(2) During review by the Plan Commission and in each case, an open list of pending applications shall be maintained for public inspection and review.
(`99 Code, § 10-158) (Ord. 643, passed 3-2-98

(3) The Plan Commission and or the Building Commissioner as part of the review process may seek professional help if they deem it necessary.

(E) *Plans and Specifications.*

(1) *Filing requirements.* Three copies of a site plan shall be submitted to the Building Commissioner, along with an application for building permit, all applicable building permit fees and an application for a certificate of occupancy. The site plan and all drawings required hereunder shall be in a scale not less than one-fourth inch equaling one foot. Site plans shall include and be accompanied by, at a minimum, site grading, slope destabilization, erosion control with all appropriate details for the preceding, elevations, a typical wall section, and floor plans with building specifications. It is to be noted that any slope stabilization system shall have a minimum design life of 40 years.

(2) *Design and structural approval.* The Building Commissioner shall submit documents that meet the requirements of this chapter to the Plan Commission for approval before a building permit may be granted.

(3) *Examination*. Within 30 calendar days, or as soon thereafter as is practical, following the filing of required plans, specifications, applications and fees with the Building Commissioner. The Building Commissioner or the Plan Commission shall examine the plans and specifications and determine their eligibility for permit.
(`99 Code, 10-140 - 10-143) (Ord. 643, passed 3-2-98; Am. Ord. 707, passed 9-11-06)

156.010 ISSUANCE OF BUILDING PERMIT.

The Plan 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 law. No building permit will be issued to a personal that would cause of violation of IC 22-15-3-7.

For all building permits issued covering the Construction of qualifying properties containing advanced structural components, the Building Commissioner shall send notice as required pursuant to IC 22-11-21-10.

156.011 CERTIFICATE OF OCCUPANCY

A) No part of a building or structure may be occupied until a Certificate of Occupancy has been issued by the Building Commissioner or the Plan Commission.

(B) No certificate of occupancy shall be issued until compliance has been made with all the provisions of applicable building codes and all ordinances of the Town of Ogden Dunes.

(1) A Certificate of Occupancy will only be issued upon the completion of all work required to be completed pursuant to the building permit and permit process. The work required to

be completed shall include, but not be limited to, all driveways, sidewalks, siding, painting, landscaping, decks, patios, etc. that are indicated on the drawings submitted and that the permit is based upon. No exceptions will be granted to the requirements set forth herein. Any work that is incomplete at the expiration of the time limitations contained in the building permit and in the Town of Ogden Dunes ordinances shall require a new application, permit and payment of applicable building permit fees.

(2) Evidence of final approval of the septic system by the Porter County Health Department is required for a certificate of occupancy and shall be supplied by the permit holder to the Ogden Dunes Building Commissioner prior to the issuance of a certificate of occupancy.

(C) Interim occupancy during construction is prohibited. Garages, basements or other parts of a partially completed building or structure shall not be occupied while waiting for completion of the building structure. (`99 Code, § 10-161) (Ord. 643, passed 3-2-98; Am. Ord. 697, passed 3-6-06)

ARTICLE III. INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

156.012 GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS

(A) To assure compliance with this Building Code, inspections shall be conducted by the Building Commissioner on behalf of the Plan Commission (see 156.002).

(B) All Construction is subject to periodic inspections by the Building Commissioner, or his designee irrespective of whether a building permits has been, or is required to be obtained.

(C) The Building Commissioner may inspect any occupied property at any reasonable hour of the day and may enter the premises with the consent of the owner or an authorized representative.

(D) The Building Commissioner shall include three inspections of all new construction in which the following shall be specifically covered:

(1) Footing locations;
(2) Framing, plumbing and electric; and
(3) Final inspection.

(E) The number of inspections may be increased or decreased at the discretion of the Building Commissioner based upon the complexity of the project.

(F) It is the responsibility of the building contractor or owner to notify the Building Commissioner in ample time to make the inspection prior to the next additional construction.

(G) The Building Inspector, Electrical Inspector and all other inspectors 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 Commissioner.

(F) The Building Commissioner shall inform the Plan Commission of all violations of this Building Code . (`99 Code, 10-136) (Ord. 643, passed 3-2-98)

156.013 INSPECTIONS BY FIRE DEPARTMENT

The Chief of the Fire Department, or his designated representative, shall assist the Building Commissioner and/or Building Inspector in the inspection of fire suppression, detection and alarm systems and shall provide reports of such inspection to the Building Commission.

ARTICLE IV. ENFORCEMENT AND PENALTIES

156.014 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 Ogden Dunes Town Code, or inspection fees owed pursuant to Ogden Dunes Town Code) to the Building Commissioner, the Building Commissioner 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 the Town of Ogden Dunes Zoning Ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permit(s) until such time that the property is brought into conformance with applicable ordinances.

156.015 PERMIT REVOCATION.

The Building Commissioner 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 Code.

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.

156.016 STOP WORK ORDER.

1. The Building Commissioner 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:
(A) The person doing the Construction; and
(B) To the owner of the property or the owner's agent.
(e) Identify the specific law, order, or interpretation upon which the finding of noncompliance is based, specifying the edition, chapter, and section of any applicable building or fire code.
(f) The stop-work order shall state the conditions under which Construction may be resumed.

3. The Building Commissioner 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 Code or any state law pertaining to safety during Construction.
(b) Construction is occurring in violation of this Building Code or in such a manner that if Construction is allowed to proceed, there is a reasonable probability that it will 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.

156.017 OFFENSES; REMEDIES

(A) *Offenses*.

(1) It is unlawful for any person, firm, individual, partnership or corporation to violate or fail to comply with this chapter.

(2) It shall be unlawful for any person, firm, individual, partnership or corporation to erect, construct, enlarge, alter, repair, move, improve, install, remove, convert or demolish, equip,

use, occupy or maintain any building(s) or structure(s), building lot, or land in the town, or cause the same to be done, contrary to or in violation of this chapter.

(B) *Investigation and enforcement by citation.*

(1) Whenever any official of the town has probable cause to believe that any person, firm, individual, partnership or corporation has violated any term or provision of this chapter or code or any town ordinance or code, said official shall notify the Building Commissioner immediately in order to verify that such violation exists and shall document the existence of the alleged violation and inform the Plan Commission, the Town Marshal and the Town Attorney of his findings.

(2) In all cases, where the Building Commissioner in his or her judgment finds a violation does exist, he or she shall notify in writing the Plan Commission, the Town Marshal, and the Town Attorney. The Town Marshal shall, in the appropriate circumstance, issue a citation to the violator.

(C) *Appeals*. Any person aggrieved by an order issued under this Ordinance shall have the right to petition for review of any order of the Building Commissioner or Plan Commission. Such a person may file a petition using either or both of the following procedures:

(1) Any administrative or enforcement decision of the Plan Commission, or the Building Commissioner may be appealed within 30 days to the Board of Zoning Appeals, upon filing of the specified form and payment of the filing fee.
(`99 Code, 10-29) (Ord. 643, passed 3-2-98)

(2) Appeal to the Commission
   a. A person aggrieved by an order issued under this Ordinance may appeal to the Commission, in accordance with IC 22-13-2-7.
   b. The Commission may modify or reverse any order issued by the Town of Ogden Dunes that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety or building rule.
   c. The review of any order by the 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.

(D) *Declaration of a common nuisance and offense of nuisance.*

(1) Any structure erected, raised, or converted, or land or premises used, in violation of this chapter or code or regulation contained within this chapter, is declared to be a common

nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining a common nuisance.

(2) Any person, firm, individual, partnership or corporation violating any of the provisions of this chapter or code or any town ordinance or code enforced hereby may be deemed guilty of an ordinance violation and each such person may be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter and code is committed, continued or permitted, and upon such finding of any such violation, such person shall be subject to a fine as set forth in 156.399.

(3) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

(E) *Notification and violation.*

(1) Written notice may be served by the Building Commissioner, the Town Marshal, the Town Attorney, or the designee of those officials.

(2) Personal service of any written notice is not required. Service may be completed by posting notice in a conspicuous place on the premises and by mailing a copy by certified mail to the last known address of the party or person being served notice.

(F) *Origin of notice.* Written notice may be the result of an order issued by the Board of Zoning Appeals, a determination of noncompliance issued by the Plan Commission, or a notification, stop work order or other notice or order issued by the Building Commissioner, the Town Marshal or the Town Attorney.

(G) *Enforcement of actions through court.*

(1) The Town Attorney, on receipt of information of the violation of any ordinance, may make an investigation of the alleged violation or order the Building Commissioner or Town Marshal to conduct an investigation. If facts elicited by the investigation are sufficient to establish a reasonable belief that a violation has occurred, the Town Attorney may file a complaint against that person and prosecute the alleged violation.

(2) The Plan Commission or the Building Commissioner may bring an action in a court of competent jurisdiction to invoke any legal, equitable, or special remedy for the

enforcement of this chapter and code and to enforce the conditions imposed under this chapter or as otherwise allowed or as otherwise provided for by law; covenants made in connection with a subdivision plat, a development plan, or any commitments made in accordance with law.

(3) The Board of Zoning Appeals may bring an action for injunction in a court of competent jurisdiction to restrain a person from violating this chapter or code and/or for a mandatory injunction, directing a person to remove a structure erected in violation of any town code or ordinance. (`99 Code, 10-30) (Ord. 643, passed 3-2-9).

156.018 VIOLATIONS/PENALTY

All violations of Chapter 156 shall be subject to a fine not to exceed $2,500 for the first violation and not to exceed $7,500 for the second and subsequent violations. Each day that the violation shall continue to exist, or each distinct repetition of any violation shall constitute a separate offense.

ARTICILE V. MINIMUM CONSTRUCTION STANDARDS

156.019 ADOPTION OF RULES BY REFERENCE

Pursuant to IC 22-13-2-3(b), the rules of the Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this Ordinance.

A. Building and fire safety 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*

2. *Article 14 -- Indiana Residential Code*

3. *Article 16 -- Plumbing Code*

4. *Article 17 --- Electrical Code*

5. *Article 18 -- Mechanical Code*

6. *Article 19 -- Energy Conservation Code*

7. *Article 20-- Swimming Pool Code*

8. *Article 22 -- Fire Code*

9. *Article 25 Fuel Gas Code*

10. *Article 28- NFPA Standards*

B. Two (2) copies of the above rules incorporated by reference are on file in the office of the Clerk-Treasurer for public inspection as required by I.C. 36-1-5-4.

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

156.020 WORK STANDARDS

All work on the construction, alteration, repair and/or removal of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

SECTION THREE: This Ordinance shall be in full force and effect from and after its adoption, approval by the State Fire Prevention and Building Safety Commission, and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Ogden Dunes, Porter County, Indiana, this 4th day of NOVEMBER, 2019.

OGDEN DUNES TOWN COUNCIL

Scott Lehman, President

ABSEN

Michael Webber

Doug Cannon

Carolyn Saxton

Nate Ball

ATTEST:

Jean Manna, Clerk Treasurer

APPROVED this 6th day of May, ~~201~~ 2020, by the Fire Prevention and Building Safety Commission of the State of Indiana.

Chairman
Fire Prevention and Building Safety Commission