ERIC J. HOLCOMB, Governor
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY
302 West Washington Street
Indianapolis, IN 46204

ORDER OF APPROVAL

TO: Jim Kirby, President of the Town Council of Mount Etna, Indiana
c/o: Erica Dorsett, Clerk Treasurer
Town of Mount Etna
6165 S 600 W
Warren, IN 46792

Mandy Woods, Executive Director
Huntington Countywide Department of Community Development
201 N. Jefferson Street, Room 204
Huntington, IN 46750

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

DATE: Thursday, August 9, 2018

RE: Order Approving Ordinance No. 2018-3 (Building Code of the Town of Mount Etna, Indiana)

Pursuant to Indiana Code § 22-13-2-5.5, the Fire Prevention and Building Safety Commission, at its Tuesday, August 7, 2018 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.

DJB
encl.
cc: File

RECEIVED
IDHS
JUL 17 2018
LEGAL AND CODE
SERVICES

ORDINANCE NO. 2018-3

AN ORDINANCE REGULATING THE CONSTRUCTION, RECONSTRUCTION, ERECTION, USE, MOVING, OCCUPANCY AND ADDITION TO ALL BUILDINGS AND STRUCTURES IN THE TOWN OF MOUNT ETNA, INDIANA; INCORPORATING BY REFERENCE BUILDING RULES, CODES AND STANDARDS REQUIRED TO BE ENFORCED UNDER IC 36-7-2-9; PROVIDING FOR THE ISSUANCE OF PERMITS; PROVIDING FOR THE COMPLETION OF INSPECTIONS; PROVIDING FOR PENALTIES FOR VIOLATIONS; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Town Council of Mount Etna, Indiana recognize the need for an ordinance regulating the construction, reconstruction, erection, use, moving, occupancy and addition to all buildings and structures within the Town of Mount Etna; and

WHEREAS, the Mount Etna Plan Commission considered Docket MTPC-17-001, a request to repeal and replace the Mount Etna Building Code, at a public hearing on May 10, 2017 and during the regular meeting on July 12, 2017. By a vote of 7 to 0, the Plan Commission passed down a favorable recommendation to the Town Council of Mount Etna. Official certification of the Plan Commission proceedings is attached and is incorporated hereto as Exhibit A;

WHEREAS, it is in the best interest of the citizens of Mount Etna to establish construction regulations which will protect the public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Mount Etna, Indiana that the Mount Etna Building Code be amended to read 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 Mount Etna, 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: DEFINITIONS

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

1. "Agricultural building" means a structure principally utilized for the storage of machinery used for purposes of crop production or for the shelter and feeding of livestock.
2. "Building Commissioner," as used in this ordinance, includes individuals employed by the Huntington Countywide Department of Community Development that are authorized to represent the Building Commissioner.
3. "Class 1 structure" has the meaning ascribed thereto in IC 22-12-1-4.
4. "Class 2 structure" has the meaning ascribed thereto in IC 22-12-1-5.

5. "Construction" has the meaning ascribed thereto in IC 22-12-1-7.
6. "Decorative fence" means any fence constructed of boards or similar material no greater than three inches in width, with the spacing between those boards or pieces of material being no less than three inches. This term shall also include wire and chain-link fencing which do not contain privacy slats.
7. "Fence" means any above grade enclosure, barrier, or boundary wall made of posts, boards, wire, concrete, stakes, or rails, including but not limited to, entrance and exit gates designed and constructed for the purpose of enclosure, screening, marking a boundary or ingress and egress.
8. "Industrialized building system" has the meaning ascribed thereto in IC 22-12-1-14.
9. "Manufactured home" has the meaning ascribed thereto in IC 22-12-1-16.
10. "Mobile structure" has the meaning ascribed thereto in IC 22-12-1-17.
11. "Person" has the meaning ascribed thereto in IC 22-12-1-18.
12. "Privacy fence" means any opaque enclosure, barrier, or boundary wall designed and constructed for the purpose of enclosure or screening. If constructed of boards or similar material, the spacing between those boards or pieces of material is less than three inches.
13. "Structure" means both Class 1 and Class 2 structures, unless specifically stated otherwise.
14. "Swimming pool" has the meaning ascribed thereto in the Indiana Swimming Pool Code.

SECTION 4: AUTHORITY

A. The Huntington Countywide Department of Community Development (hereinafter referred to as Department) is hereby authorized and directed to administer and enforce all of the provisions of this Ordinance and the Building Commissioner, (as Building Commissioner, Electrical Inspector, and Plumbing Inspector) shall act on behalf of the Department for these purposes on a non-exclusive basis.

B. The Building Commissioner, after having been designated as the officer of the Department to administer and enforce building regulations by mutual agreement by and between the Town of Mount Etna and Huntington County, shall be authorized to issue building permits, collect permit fees, perform inspections, order correction of violations, and authorize occupancy of buildings and structures situated within the corporate limits of the Town of Mount Etna.

C. The Building Commissioner shall not engage in, or have a pecuniary interest in, any business of building construction, either directly or indirectly, which operates in the jurisdiction of the Building Commissioner.

D. The Building Commissioner is hereby authorized and directed to administer and enforce the following:
   1. All of the provisions of this Ordinance.
   2. Variances granted in accordance with IC 22-13-2-11.
   3. Orders issued under IC 22-12-7.

SECTION 5: SCOPE

A. All construction shall be accomplished in compliance with the provisions of this ordinance.

B. Pursuant to IC 22-13-2-6, this ordinance 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.

C. 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.

SECTION 6: ADOPTION OF RULES BY REFERENCE

A. Pursuant to IC 22-13-2-3(b), the following rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules:
   1. Article 13—Building Codes
   2. Article 14—Indiana Residential Code
   3. Article 16—Indiana Plumbing Code
   4. Article 17—Indiana Electrical Code
   5. Article 18—Indiana Mechanical Code
   6. Article 19—Indiana Energy Conservation Code
   7. Article 20—Indiana Swimming Pool Code
   8. Article 22—Indiana Fire Code
   9. Article 25—Indiana Fuel Gas Code
   10. Article 28—NFPA Standards

B. Copies of adopted building rules, codes, and standards shall be on file with the Department.

ARTICLE I: BUILDING CODE

SECTION 7: APPLICATION FOR PERMITS; RECORD

A. A building permit shall be obtained for:
   1. construction or location of new Class 1 and Class 2 structures;
   2. construction of additions to Class 1 and Class 2 structures including, but not limited to, rooms, porches, decks, or enclosure of existing structures;
   3. construction or location of accessory structures and additions to accessory structures including, but not limited to, garages, carports, sheds, storage buildings, pergolas, or gazebos;
   4. replacement of any existing structure which, if new, would require a building permit under this section;
   5. construction of new roof projections or structural changes to a roof;
   6. location of a manufactured home;
   7. interior commercial renovation and any work which requires state design release.

   Any proposed structure utilizing an existing foundation shall be permitted as new construction and not as an addition or renovation project.

B. A building permit is not required for:
   1. construction or location of an agricultural building on a tract of land greater than or equal to ten acres in size;
   2. construction or location of a livestock building if the livestock operation is registered with the Department;
   3. construction or location of a grain bin;
   4. construction or location of an accessory structure under 200 square feet in size.

   In the absence of a building permit, an improvement location permit is still required in accordance with the Town of Mount Etna Zoning Ordinance.

C. All applications for building permits shall be filed with the Department on forms provided by the Department, with one (1) set of plans and specifications showing and describing the work to be done.

The plans and specifications shall include all items necessary for the Department to determine the compliance of the proposed work with applicable land use and building regulations, including:

1. a site plan of the property upon which, or to which, the building or structure shall be constructed or placed, showing all property line dimensions; streets, alleys, and other rights-of-way; recorded easements; utility and telephone lines (both overhead or underground); legal drains or open ditches; existing and proposed buildings and structures; all setback lines; height, width, and depth of the proposed building or structure; parking areas; and landscaping when required by Town Ordinances.
2. building floor plans, showing the location of all walls, electrical outlets, plumbing fixtures, doors and windows.
3. any additional information requested by the Department which relates to compliance review, which may include engineered plans.

D. No building permit shall be issued for any building or structure which requires plan review by the office of the Indiana Department of Homeland Security (IDHS) Fire and Building Safety Division until a copy of the design release, along with an electronic and/or hard copy of the full set of building plans, are submitted to the Department.

E. The Department shall endeavor to review, and make a determination on all applications within seventy-two (72) hours of filing. The review period may extend beyond seventy-two (72) hours where circumstances require additional review.

F. Upon receipt of the completed permit application with required state releases, payment of permit fees as required by this Code, and if the proposed project otherwise conforms to applicable law, a building permit shall be issued in the name of the applicant. The applicant shall then be provided a building permit card authorizing the work to commence, and to be utilized by the Building Commissioner to record completed inspections. The building permit card shall be prominently posted on the property at all times, protected from the elements, and no inspection shall be completed in the absence of such posting.

G. A permit, when issued, shall be for such installation or construction as is described in the application and no deviation shall be made from the installation so described.

H. The Department shall keep a record of all permits issued within the Town.

I. If the work described in the building permit has not been fully completed within two (2) years from the date of issuance, the permit shall expire. Further work shall not proceed unless a new permit is obtained.

SECTION 8: BUILDING PERMIT FEE SCHEDULE

A. All applicants for building permits shall, prior to the issuance of such permit, pay fees as outlined in the Building Permit Fee Schedule, as adopted and amended by the Town Council of Mount Etna.

B. Should any work which requires a permit commence prior to said permit being issued, the regular permit fee shall be doubled. Violations of this Section are in addition to other remedies and penalties herein provided.

SECTION 9: BUILDING INSPECTIONS

A. The Building Commissioner shall be responsible for the completion of all required inspections which shall be indicated on the building permit card.

B. The permittee shall contact the Department and schedule an inspection when work, for which an inspection is required or requested by the Building Commissioner, is complete, and such notice shall be given as follows:
   1. Four (4) hours prior to the earliest time an inspection is requested for footers, foundations, or concrete slabs.
   2. For all other inspections, notice must be provided no less than twenty-four (24) hours before an inspection is requested.
   3. Inspections of all framing, fire blocking, bracing, all pipes, chimneys, rough electric, rough plumbing, and all heating wires, pipes, and venting shall be performed during one (1) inspection. The Department shall not schedule inspections for any of the above mentioned components separately.

C. The Department shall endeavor to schedule all inspections as requested; however, priority is given to inspections which involve an immediate life safety issue and on a first call-in basis.

D. If a footer, foundation, or slab inspection has not been completed within one (1) hour of the time set by the Department, the permittee may pour concrete and continue work on the footer, foundation, or slab provided the work has been completed in compliance with applicable law.

E. The Department may assess a re-inspection fee for:
   1. Requested footer, foundation, or slab inspections not cancelled at least one (1) hour prior to the earliest scheduled time requested for an inspection,
   2. Other requested inspections not canceled at least three (3) hours prior to the earliest scheduled time requested for an inspection,
   3. Work not completed by the time requested for inspection,
   4. Work not in compliance with applicable codes.

   The re-inspection fee shall be paid prior to a re-inspection being scheduled.

F. The Building Commissioner shall note the passing of each inspection, or the deficiencies and/or corrective work required, on the permit card at the time of inspection. A re-inspection shall be requested by the permittee once corrective work is completed and must pass inspection prior to any additional work being completed which would affect the completion of the required inspection. The Building Commissioner may require engineering analysis at the expense of the permittee to certify that the work has been completed in compliance with applicable law.

SECTION 10: CERTIFICATE OF OCCUPANCY

A. No change or expansion of use, or of occupancy, of any existing or newly constructed building or structure shall take place without a certificate of occupancy issued by the Department. This provision shall not apply to changes in occupancy that relate only to ownership or possession rights and do not otherwise affect usage.
   1. All new businesses occupying tenant space shall contact the Department to schedule an inspection for a certificate of occupancy for the new business/commercial use.

B. A temporary certificate of occupancy may be issued for a period not exceeding six (6) months upon a determination by the Building Commissioner that a need exists and there is no immediate danger to the public health, safety, and welfare. The Building Commissioner may impose reasonable conditions as a part of the temporary approval. Reasonable conditions shall include only those requirements of applicable law, which have not been completed by the permittee and/or property owner when a certificate of occupancy is requested.

C. If a building permit has been issued in connection with a change covered by this Section, no additional fee shall be assessed for the certificate of occupancy. If no permit is required for the change, no fee shall be assessed for the certificate of occupancy. Should a change which requires a certificate of occupancy occur without a certificate of occupancy being issued, the Department may assess a penalty of $15.00.

D. No certificate of occupancy shall be issued except after compliance with all applicable state and local law as determined by the Building Commissioner after required inspections.

ARTICLE II: ELECTRICAL CODE

SECTION 11: ELECTRICAL INSPECTOR; POWERS AND DUTIES

A. The Building Commissioner shall serve as Electrical Inspector for the Town to enforce and administer state and local law relating to electrical work.

B. The Electrical Inspector shall not engage in, or have a pecuniary interest in, any business of electrical contracting, either directly or indirectly, which operates in the jurisdiction of the Electrical Inspector.

SECTION 12: ELECTRICAL CONTRACTORS LICENSE REQUIRED; EXEMPTION

A. No person, firm, or corporation shall engage in the business of installing, or altering within the Town any electrical wiring, devices, or equipment when such installation, or alteration work requires a permit, unless such person, or a person employed within the firm or corporation, shall have received an electrical contractor's license and certificate thereof.

B. Nothing in these rules and regulations shall be construed to prevent a person who owns and occupies a single or two-family residence from securing an electrical permit, when required by Section 18, for work in the residence or in other buildings on the property where the residence is located.

SECTION 13: LICENSE CLASSIFICATIONS

Two classes of license shall be issued by the Board of Electrical Examiners: Class I – Master Electrician and Class II– Journeyman Electrician.

A. A Class I Master Electrician License shall entitle the license holder to install, repair, alter, add to or change any electrical wires, fixtures, appliances, apparatus, raceways, conduit, or any part thereof which generates, transmits, transforms, or utilizes electrical energy in any form for light, heat, power, or communications. A Master Electrician may secure permits for the installation or alteration of any electrical wiring, devices or equipment. The holder of such a license may either do the work or employ a Class II Journeyman. If a Class I Master employs a non-license holder for the purpose of installing or altering electrical devices or equipment, the non-license holder shall require the direct on-the-job supervision of a Class I Master or a Class II Journeyman at all times when the non-

licensed holder is at work. Any individual who makes application for a Class I license must have worked for a period of at least two years as a licensed Class II Journeyman and have worked a minimum of 4000 hours.

B. A Class II Journeyman Electrician shall entitle the license holder to undertake the work of installing, or altering electrical wiring, devices, and equipment in the employ of a Class I Master Electrician. Any individual who makes application for a Journeyman's license must show written proof of having worked full-time as an apprentice electrician or in an equivalent position, for a period of two years or 4000 hours.

SECTION 14: APPLICATION FOR ELECTRICAL LICENSE; RECIPROCITY; EXAMINATION OF APPLICANTS

A. Application.
Application for an electrical license shall be made to the Board of Electrical Examiners on a form provided by the Department. The application shall be accompanied by written proof of required experience acceptable to the Board of Electrical Examiners. Paycheck stubs, payroll records, and/or other electrical licenses held by the applicant shall be acceptable written proof of experience.

B. Reciprocity.
1. Any applicant who holds a current electrical license from a jurisdiction other than Huntington County (out of area license) wherein the International Code Council or Prometric Electrical Exam was taken to obtain the license, or wherein a comparable exam was taken to obtain the license, may be exempt from the requirement of taking the license examination as required in Section 14 (C). Any interpretation of whether an out of area license examination qualifies for reciprocity shall be made by the Board of Electrical Examiners. A record of those out of area licenses or examinations which are accepted for reciprocity shall be maintained by the Department.
2. Any applicant who holds an out of area license which is accepted for reciprocity shall submit the required proof of experience to the Board of Electrical Examiners as required in Section 14 (A).
3. If an out of area license qualifies for reciprocity, all license fees for the issuance of a comparable license under this section shall be due and payable in the same manner as all other such licenses.

C. Examination.
1. Application for a license shall include a $50.00 fee paid to the Department. Once the fee is paid, the application will be reviewed by the Board of Electrical Examiners to determine if the qualifications required to obtain the license requested have been met. If met, the Department will certify the applicant as eligible to take the applicable International Code Council or Prometric Electrical Exam.
2. License Examination shall be administered by and all applicable examination fees shall be paid to the applicable testing agency.

SECTION 15: BOARD OF ELECTRICAL EXAMINERS ESTABLISHED; MEETINGS

A. Establishment.
1. There is hereby established a Board of Electrical Examiners which shall consist of the following members:
   a. Electrical Inspector
   b. two (2) Class I or Class II contractors, one (1) appointed by the Mayor and one (1) appointed by the Huntington County Board of Commissioners.
   c. two (2) citizen members, one (1) appointed by the Mayor and one (1) appointed by the Huntington County Board of Commissioners.

2. Appointments shall serve at the pleasure of the Mayor and the Board of County Commissioners, as the case may be, and shall be for a term of one (1) year. Appointed Board members may be removed by the appointing authority with or without cause.

B. Meetings.
1. For the purpose of reviewing applications, grading examinations, and conducting general business, the Board will meet on an as-needed basis in the Department Office.
2. The Electrical Inspector may call special meetings of the Board for the purpose of examining applicants for licenses or transacting other business.
3. Three (3) members of the Board of Electrical Examiners present at any meeting shall constitute a quorum and a majority vote of members present shall be required for official action.

SECTION 16: ISSUANCE OF LICENSE; FEES; RENEWAL

A. Upon proper application and successful completion of the examination, an appropriate certificate of license shall be issued to the applicant by the Board of Electrical Examiners. The certificate shall be valid until January 1 of the following year. The examination fee includes the cost of the license for the year in which the first certificate of license was issued. If the license was issued due to reciprocity, the license fee for the year of issuance shall be $20.00.

B. License expiration and renewal.
1. Each certificate of license, and any renewal, shall be valid for a period of one (1) year and shall expire on the first day of January each year. Any license may be renewed by written request to the Department by the licensee at any time within 30 days from the date of expiration. No electrical permits will be issued to, or on account of, any electrical contractor with an expired license.
2. The annual renewal fee for any license issued shall be $20.00.
3. A penalty of $20.00 may be assessed for any renewal requested and issued after expiration. No license shall be renewed without re-examination if the license has been expired for more than two (2) years.

C. All Class I contractors shall provide a certificate of liability insurance for a minimum of $1,000,000.00. No permit will be issued without a certificate of insurance on file with the Department which states a policy term that includes the expected work period for the permit.

D. No license or certificate issued in accordance with the provisions of this Section shall be assignable or transferable.

SECTION 17: LICENSE TO BE AVAILABLE AT JOB SITE

An appropriate Certificate of License shall be available for inspection on each job site by the Electrical Inspector. The Electrical Inspector may issue a STOP WORK ORDER on a job site until the certificate is made available to the Electrical Inspector for inspection.

SECTION 18: ELECTRICAL PERMIT REQUIRED

An electrical permit shall be obtained for:
1. construction of new Class 1 structures, Class 2 structures, and agricultural buildings;
2. construction of additions to Class 1 and Class 2 structures;
3. construction of accessory structures and additions to accessory structures, when electrical wiring, devices or equipment are installed;

4. Class 1 structure interior renovations;
5. upgrade of service, installation of new service entrance conductor, or relocation of service entrance conductor;
6. temporary service connection;
7. connection of service to a manufactured or mobile home;
8. replacement of service panel;
9. installation of a generator which connects directly to the electrical utility.

Any proposed structure utilizing an existing foundation shall be permitted as new construction and not as an addition or renovation project.

SECTION 19: PERMIT APPLICATION; ISSUANCE

A. All applications for electrical permits shall be filed with the Department on forms provided by the Department. The application shall be accompanied by such plans, specifications, and schedules as may be necessary to determine compliance with applicable law.

B. No permit for the installation or alteration of any electric wiring, devices, or equipment shall be issued to any person, firm, or corporation unless such person, or a person employed within the firm or corporation, is the holder of a license entitled to secure permits for and to execute the work described in the application for the permit. Application for Electrical Permits shall be signed by the individual who holds the license. The license holder may submit to the Department a signed affidavit listing those individuals authorized to sign an application on their behalf.
   1. A person who owns and occupies a single or two-family residence may secure an electrical permit, when required by Section 18, for work in the residence, or in other buildings located on the property where the residence is located.

C. Upon receipt of the completed application, and payment of permit fees as required, and if the proposed project otherwise conforms to applicable law, an electrical permit shall be issued in the name of the applicant.

D. A permit, when issued, shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the approval of the Electrical Inspector.

E. If the work described in the electrical permit has not been fully completed within two (2) years of the date of issuance, the permit shall expire. Further work shall not proceed unless a new permit is obtained.

SECTION 20: ELECTRICAL PERMIT FEE SCHEDULE

A. All applicants for electrical permits shall, prior to the issuance of such permit, pay fees as outlined in the Electrical Permit Fee Schedule, as adopted and amended by the Town Council of Mount Etna.

B. Should any work which requires a permit commence prior to said permit being issued, the regular permit fee shall be doubled. Violations of this Section are in addition to other remedies and penalties herein provided.

SECTION 21: ELECTRICAL INSPECTIONS

A. The Electrical Inspector shall be responsible for the completion of all required inspections which shall be indicated on the permit card.

B. The permittee shall contact the Department and schedule an inspection when work, for which an inspection is required or requested by the Electrical Inspector, is complete, and such notice shall be given twenty-four (24) hours before an inspection is requested.

C. The Department shall endeavor to schedule all inspections as requested; however, priority is given to inspections which involve an immediate life safety issue and on a first call-in basis.

D. When any part of a wiring installation is to be hidden from view by permanent placement of parts of the building, no parts of the wiring installation shall be concealed until they have been inspected and approved by the Electrical Inspector. On large installations, the person, firm or corporation installing the wiring may request the Electrical Inspector to complete periodic inspections of the work to allow the concealment of electrical work which has passed inspection.

E. The Department may assess a re-inspection fee for requested inspections, not cancelled at least three (3) hours prior to the earliest scheduled time requested for an inspection, where work is not completed by the time requested for inspection, or for work not in compliance with applicable law.

F. The Electrical Inspector shall note the passing of each inspection, or the deficiencies and/or corrective work required, on the building permit card at the time of inspection. A re-inspection shall be requested by the permittee once corrective work is completed and must pass inspection prior to any additional work being completed which would require a separate inspection. An approval sticker will be placed on all electrical equipment needing electrical power hook-up which has passed inspection. No service connection is permitted without an inspection sticker or approval from the electrical Inspector.

SECTION 22: RECONNECTION OF POWER; CONDEMNATION OF ELECTRICAL INSTALLATION

A. It shall be unlawful for any person, firm, or corporation to make service connection from a source of supply of electrical energy to any electrical wiring, devices or equipment which has been disconnected or ordered disconnected by the Electrical Inspector. The Electrical Inspector, in cases of emergency, shall be the only individual authorized to order a reconnection of power. If an emergency connection is made on a Saturday, Sunday, legal holiday, or as a result of severe storm damage, such connection shall be reported to the Electrical Inspector for inspection within five (5) business days after the connection. If such notification is not reported to the Electrical Inspector within five (5) business days after connection, the permit fee shall be doubled.

B. When the Electrical Inspector condemns all or part of any electrical installation the owner may, within five days after receiving written notice from the Electrical Inspector, file a petition in writing for review of the action of the Electrical Inspector with the Board of Electrical Examiners, upon receipt of which the Board shall at once proceed to determine whether the electrical installation complies with this Article and within five days make a decision in accordance with its findings.

SECTION 23: LIABILITY

This section shall not be construed to relieve from or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, or installing any electric wiring, devices, or equipment for damages to person or property caused by a defect therein, nor shall the County or Town

assume any such liability by reason of the inspection authorized herein, or certificate of approval issued as herein provided or the license and certificate issued as herein provided.

SECTION 24: ENFORCEMENT; REVOCATION OF LICENSE

The Electrical Inspector may issue an order requiring action relative to any electrical work, and may revoke an electrical license upon a determination that the license holder willfully or repeatedly violated any applicable state or local law relating to electrical work.

ARTICLE III: PLUMBING CODE

SECTION 25: PLUMBING INSPECTOR

A. The Building Commissioner shall serve as Plumbing Inspector for the Town to enforce and administer state and local law relating to plumbing work.

B. The Plumbing Inspector shall not engage in, or have a pecuniary interest in, any business of plumbing contracting, either directly or indirectly, which operates in the jurisdiction of the Plumbing Inspector.

SECTION 26: LICENSE REQUIRED; EXEMPTION

A. It shall be unlawful for any person, firm, or corporation to operate as a plumbing contractor in the Town without having first obtained an Indiana State Plumbing Contractor License.

B. No permit for plumbing work shall be issued to any person, firm, or corporation unless such person, or a person employed within the firm or corporation, holds an Indiana State Plumbing Contractor License and provides proof of same to the Department.

C. Nothing in these rules and regulations shall be construed to prevent a person who owns and occupies a single or two-family residence from securing a plumbing permit, when required by Section 27, for work in the residence, or in other buildings located on the property where the residence is located.

SECTION 27: PERMIT FOR PLUMBING WORK REQUIRED

A plumbing permit shall be obtained for:
1. construction of new Class 1 structures, Class 2 structures, and agricultural buildings, when plumbing lines or fixtures are installed;
2. construction of additions to Class 1 and Class 2 structures;
3. construction of accessory structures and additions to accessory structures, when plumbing lines or fixtures are installed;
4. Class 1 structure interior renovations.

Any proposed structure utilizing an existing foundation shall be permitted as new construction and not as an addition or renovation project.

SECTION 28: APPLICATION FOR PERMITS

A. All applications for plumbing permits shall be filed with the Department on forms provided by the Department. The application shall be accompanied by such plans, specifications, and information as

may be necessary to determine whether the installation as described will be in conformity with applicable law.

B. Applications for plumbing permits shall be signed by the individual who holds the Plumbing Contractor License. The license holder may submit to the Department a signed affidavit listing those individuals authorized to sign an application on their behalf.

C. Upon receipt of the completed application, and payment of permit fees as required, and if the proposed project otherwise conforms to applicable law, a plumbing permit shall be issued in the name of the applicant.

D. A permit, when issued, shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the approval of the Plumbing Inspector.

E. If the work described in the plumbing permit has not been fully completed within two (2) years of the date of issuance, the permit shall expire. Further work shall not proceed unless a new permit is obtained.

SECTION 29: PLUMBING PERMIT FEE SCHEDULE

A. All applicants for plumbing permits shall, prior to the issuance of such permit, pay fees as outlined in the Plumbing Permit Fee Schedule, as adopted and amended by the Town Council of Mount Etna.

B. Should any work which requires a permit commence prior to said permit being issued, the regular permit fee shall be doubled. Violations of this Section are in addition to other remedies and penalties herein provided.

SECTION 30: PLUMBING INSPECTIONS

A. The Plumbing Inspector shall be responsible for the completion of all required inspections which shall be indicated on the permit card.

B. The permittee shall contact the Department and schedule an inspection when work, for which an inspection is required or requested by the Plumbing Inspector, is complete, and such notice shall be given twenty-four (24) hours before an inspection is requested.

C. The Department shall endeavor to schedule all inspections as requested; however, priority is given to inspections which involve an immediate life safety issue and on a first call-in basis.

D. When any part of a plumbing installation is to be hidden from view by permanent placement of parts of the building, no parts of the plumbing installation shall be concealed until they have been inspected and approved by the Plumbing Inspector. On large installations the firm or corporation installing the plumbing may request the Plumbing Inspector to complete periodic inspections of the work to allow the concealment of plumbing work which has passed inspection.

E. The Department may assess a re-inspection fee for requested inspections, not cancelled at least three (3) hours prior to the earliest scheduled time requested for an inspection, where work is not completed by the time requested for inspection, or for work not in compliance with applicable law.

F. The Plumbing Inspector shall note the passing of each inspection, or the deficiencies and/or corrective work required, on the building permit card at the time of inspection. A re-inspection shall be requested by the permittee once corrective work is completed and must pass inspection prior to any additional work being completed which would require a separate inspection.

ARTICLE IV: FENCE CODE

SECTION 31: APPLICATION FOR FENCE PERMITS

A. No fence shall be constructed, erected, or moved without a permit issued by the Department. Application for a permit shall be filed with the Department on forms provided by the Department and shall include a site plan of the property showing all property lines; location of buildings; right-of-ways including streets and alleys; location and size of the proposed fence; and any additional information deemed necessary to review the application.

B. A fence permit shall not be required for decorative or non-privacy fencing on agriculturally zoned parcels provided that the proposed fence meets all other applicable provisions of this Code and applicable provisions of the Town of Mount Etna Zoning Ordinance. Privacy fencing on agriculturally zoned parcels shall require a fence permit.

C. No fee shall be assessed for a fence permit.

D. Should any work which requires a permit commence prior to said permit being issued, a penalty of $20.00 shall be assessed. Violations of this Section are in addition to other remedies and penalties herein provided.

SECTION 32: OBSTRUCTION OF VISIBILITY AT INTERSECTION PROHIBITED

On a corner lot no fence, plant, tree or shrubbery shall be erected, placed or planted or allowed to grow in such a manner as to impede vision. Privacy fences shall be prohibited within a radius of seven feet from the intersection of any rights-of-way, including but not limited to streets, alleys and thoroughfares.

SECTION 33: ENCROACHMENT OF FENCE

It shall be unlawful for any privacy fence taller than three feet to encroach into any front yard setback. Fences placed on any side or rear property line shall be kept two feet from any alley to allow ample space for snow plows, garbage trucks, and service trucks.

SECTION 34: CERTAIN FENCES UNLAWFUL

Except in agricultural, and suburban residential, open space, and manufacturing zoned areas, it shall be unlawful to construct or erect in the Town, a fence equipped with or having an electrical charge, spikes, barbed wire, or any similar device.

SECTION 35: DISPUTES CONCERNING BOUNDARIES

Any civil dispute concerning legal property boundaries shall be resolved at the expense of the property owners. The County or Town shall not be responsible for determining or establishing legal lot lines.

ARTICLE V: SWIMMING POOL CODE

SECTION 36: POOL PERMIT REQUIRED; PERMIT FEE

A. No person shall construct, erect, or alter any swimming pool until a permit to do so is obtained from the Department. All applications for a permit shall be filed with the Department on forms provided by the Department, together with the plans and specifications for the pool. The Department shall examine the plans and specifications to determine whether or not the pool conforms with applicable law. A fee as outlined in the Building Permit Fee Schedule, as adopted and amended by the Town Council of Mount Etna, shall be paid prior to the issuance of the permit.

B. No permit is required for an on-ground pool which is less than forty-two (42) inches in water depth. A permit is required for all in-ground pools, regardless of water depth or size.

C. Should any work which requires a permit commence prior to said permit being issued, the regular permit fee shall be doubled. Violations of this Section are in addition to other remedies and penalties herein provided.

SECTION 37: POOL SAFETY FEATURES

A residential pool shall provide safety features in accordance with 675 IAC 20-4-27.

SECTION 38: LIGHTS

Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and public streets.

ARTICLE VI: GENERAL REGULATIONS

SECTION 39: AVAILABILITY OF STATE LAW

The Department shall maintain a current copy of 675 IAC on file in the Department office.

SECTION 40: ACCESS TO PROPERTY/INSPECTIONS

A. The Building Commissioner, Electrical Inspector, and Plumbing Inspector, and designated persons acting on their behalf, may inspect any building, structure, or lot in the Town at any reasonable time for the purpose of inspection, or for administering and enforcing applicable law, relating to the subject matter of this Ordinance.

B. By making applications for permits as provided in this Ordinance, the applicants certify that the applicant is acting for her/him/itself and as agent for the property owner(s) to receive notice as to matters relating to the project, and relating to access to the project site for the purposes referred to herein. Any permit issued by the Department also grants full access rights to Department representatives to any portion of the project for purposes relating to inspection, administration, and enforcement and requires the permittee and property owner to cooperate and do all things necessary to allow access as requested by the Department.

SECTION 41: DISCRETIONARY AUTHORITY

A. Whenever, in this Building Code, it is provided that an activity must be accomplished subject to the approval of, or at the direction of the Department or the Building Commissioner, the Building Code shall be construed to grant only that discretion which is necessary to determine whether provisions of this chapter have been fulfilled.

B. The discretionary authority provided in this Building Code shall be used as follows:
   1. The discretionary authority shall be utilized to determine compliance with this Building Code.
   2. The discretionary authority shall not be utilized in an arbitrary, capricious or discriminatory manner.
   3. The discretionary authority shall not be utilized to impose greater restrictions than are required by this Building Code.

SECTION 42: INSPECTIONS BY FIRE DEPARTMENT

The Building Commissioner and the Fire Department having jurisdiction 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.

SECTION 43: EMERGENCY MEASURES

The Building Commissioner, Electrical Inspector, and Plumbing Inspector, and designated persons acting on their behalf, shall have the authority to order and implement the following emergency measures necessary for safety to persons or property:

A. Disconnection of electrical service, water service, gas service, and other utility services.

B. Evacuation of a building or premises due to an unsafe condition(s) relative to the building(s) or premises.

C. The securing of an unsafe building or unsafe premises.

SECTION 44: VIOLATIONS

A. No person, firm, or corporation, whether as owner, lessee, sub-lessee, occupant, contractor, subcontractor, or licensee shall erect, construct, reconstruct, enlarge, expand, alter, move, convert, use, occupy, or maintain any building or structure in the Town, or cause or permit the same to exist or to be done contrary to or in violation of any condition imposed by the Department, and provision of this Code, or any other applicable law.

B. Upon a violation set forth Section 44 (A), the Department may impose any one or all of the following remedies:
   1. A STOP WORK ORDER whereby all work on the building or structure shall cease at the time of posting. A written STOP WORK ORDER shall be posted prominently on the building, structure, or otherwise at the project site, and state thereon the reasons for the STOP WORK ORDER. The Department shall attempt to notify the permittee, property owner, contractor, and other appropriate individuals as to what action is necessary to release the STOP WORK ORDER. A time limitation, not to exceed ninety (90) days shall be indicated on the STOP WORK ORDER when posted and shall be included on the notice sent to the appropriate individual. All corrective work or action necessary to release the STOP WORK ORDER shall be completed within the stated time limitation. Failure to adhere to this time limitation is a violation of this Code and is subject to the fines and penalties as outlined in Section 47.

2. A revocation of a certificate of occupancy or any permit issued under this Code after giving notice in the manner described in Section 45 and upon a determination by the Department that a permit or certificate of occupancy has been issued upon false, incorrect, or misleading information, or upon a material or repeated violation of applicable law, or, as to temporary permits and certificates of occupancy, a failure to strictly adhere to any condition of the temporary permit or certificate imposed by the Department.
3. Impose fines and penalties as provided in Section 47.
4. Any other remedy or penalty provided for herein, or by other applicable law.

SECTION 45: NOTICE

A. Whenever the Building Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this Code, the Building Commissioner shall give notice of such alleged violation to the person responsible therefore. The notice shall:
   1. be in writing;
   2. include a statement which indicates the precise reason for the issuance of notice;
   3. indicate a reasonable time for the performance of any act required to bring the situation into compliance;
   4. be served upon the person responsible, or the occupant, or the landowner, as the case may be; provided that such notice shall be deemed to be properly served upon such person, occupant, or landowner, if a copy thereof is posted in a conspicuous place in or about the area affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state;
   5. such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Code;
   6. such notice shall also contain the procedures to appeal the notice of violation.

SECTION 46: APPEALS OF ADMINISTRATIVE DECISIONS

A. Any determination or decision made by the Department, Board of Electrical Examiners, Building Commissioner, Plumbing Inspector, and/or Electrical Inspector, or their respective designee, is subject to review as provided for in this section and applicable state law.

B. Except as required by State Law, no person, firm, or corporation shall be entitled to review of an administrative decision under this Code unless a written request for review is received by the Department within ten (10) days following the date of the decision, or posting or notice thereof if posting or notice is required by this Code. The request must describe the decision to be reviewed and the relief requested.

C. Upon receipt of any request for review, the Department shall issue a notice of review to all interested parties containing the name(s) of the person(s) aggrieved by the administrative decision; a description of the decision to be reviewed; and a statement of the time and place of a hearing before the Town Council of Mount Etna, not earlier than five (5) days from the issuance of the notice, wherein aggrieved persons are entitled to appear with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments in opposition to the administrative decision.

D. At any hearing before the Town Council of Mount Etna to review any administrative decision, the hearing authority shall make Findings of Fact and affirm, rescind, or modify the administrative decision. If, at a hearing to review an administrative decision, a person, firm, or corporation aggrieved by the decision requests an additional period of time to accomplish any action required by the

decision, and shows good cause for the request to be granted, the hearing authority may grant the request.

E. Any final action taken by the Town Council of Mount Etna, except as provided in Section 46 (F), is subject to review by the Huntington Circuit or Superior Court on request of any person who has a substantial property interest relating to the property affected by the administrative decision, or any person otherwise directly affected by the decision. A person requesting judicial review must file a verified complaint with the appropriate court within ten (10) days after the date final action was taken by the hearing authority. A judicial review is an action de novo and the Court may affirm, modify, or reverse the action taken by the hearing authority.

F. Review of an order of the Building Commissioner pursuant to IC 36-7-9 shall be made first to the Town Council of Mount Etna and then to the State Fire Prevention and Building Safety Commission in accordance with IC 22-13-2-7 and IC 4-21.5-3-7.

SECTION 47: PENALTIES

A. Any person who violates any provision of this Code shall be deemed to have committed a Code violation and, upon conviction, shall be fined not more than one-hundred dollars ($100.00) for the first violation, and not more than two-hundred dollars ($200.00) for the second and each subsequent violation. Each day a violation continues after the expiration of the time set forth by legal notice specified in Section 45, constitutes a separate violation.

B. Any person in violation of this Code shall be liable to the Town of Mt. Etna for any expenses and costs.

SECTION 48: WITHHOLD ISSUANCE OF PERMITS

A. Whenever an applicant for a permit owes fees (including checks returned for insufficient funds) to the Department, the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.

B. Whenever a person applies for a permit for a structure that is not being used or constructed in conformance with applicable provisions of the Town of Mount Etna Zoning Ordinance, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

C. Whenever an applicant for a permit or a specific property is in violation of this Code, the Building Commissioner may withhold the issuance of subsequently requested permits for the applicant or property until such time that all outstanding violations are corrected. This does not apply to situations wherein a permit is required to correct violations of this Code.

SECTION 49: 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.

SECTION 50: 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.

SECTION 51: EFFECT OF PARTIAL INVALIDITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Code should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall remain in full force and effect; and to this end, the provisions of this Code are hereby declared to be severable.

Adopted this 5 day of July, 2018.

TOWN COUNCIL OF MOUNT ETNA, INDIANA

_____ as
(Jim Kirby) President

Randy Brightmire as
(Randy Brightmire) Member

_____ as
(Todd Johnson) Member

ATTEST:

_____
(Erica Dorsett) Clerk-Treasurer

Exhibit "A"

Plan Commission Certification

On July 12, 2017 the Mount Etna Plan Commission, by a 7-0 vote, certified a favorable recommendation on application MTPC-17-001.

Marla Stambazze

Marla Stambazze, Secretary
Mount Etna Plan Commission

Approved this day, the 7th of August, 2018, by the Fire Prevention and Building Safety Commission of the State of Indiana.

Robin E. Nicoson, Chairman of the Fire Prevention and Building Safety Commission