

TITLE XV: LAND USAGE

Chapter

150. GENERAL REGULATIONS

151. BUILDING CODE

CHAPTER 150: GENERAL REGULATIONS

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Zoning Code

- 150.01 Zoning Code; adoption by reference
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- 150.03 Effective date

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ZONING CODE

150.01 ZONING CODE; ADOPTION BY REFERENCE.

(A) (1) Any and all existing and prior zoning ordinances, including amendments, and zone maps for the designated geographic area over which the Plan Commission exercises jurisdiction are hereby repealed.

(2) The proposal favorably recommended and certified to the Town Council by the Plan Commission, consisting of the Zoning Ordinance and zone maps, which are hereby incorporated by reference in the Zoning Ordinance, for the designated area over which the Plan Commission exercises jurisdiction, is hereby adopted by reference as if set out in full.

(B) Two copies of the Zoning Ordinance and zone map shall be filed with and made available to the public at the office of the Clerk-Treasurer in the town, and 1 copy of each shall be maintained in the office of the Huntington Countywide Department of Community Development, Room 208, Court House, Huntington, Indiana.

(Ord. 2001-6, passed 4-18-2001; Am. Ord. 2002-8, passed 11-20-2002; Am. Ord. 2002-9, passed 11-20-2002; Am. Ord. 2002-10, passed 11-20-2002; Am. Ord. 2002-12, passed 11-20-2002; Am. Ord. 2005-2, passed 5-18-2005; Am. Ord. 2005-3, passed 5-18-2005; Am. Ord. 2005-7, passed 5-18-2005; Am. Ord. 2005-8, passed 5-18-2005; Am. Ord. 2005-9, passed 5-18-2005; Am. Ord. 2006-2, passed 2-15-2006; Am. Ord. 2006-3, passed 2-15-2006; Am. Ord. 2006-4, passed 2-15-2006; Am. Ord. 2006-6, passed 2-15-2006; Am. Ord. 2009-9, passed 12-16-2009; Am. Ord. 2012-8, passed 11-15-2012; Am. Ord. 2013-1, passed 1-16-2013; Am. Ord. 2013-2, passed 8-21-2013)

▸ **150.02 BOARD OF ZONING APPEALS.**

Pursuant to I.C. 36-7-4-901 and 36-7-4-902, the Town Council hereby establishes the appointment procedures for the Board of Zoning Appeals for the town:

(A) Two citizen members appointed by Town Council, who are not members of the Plan Commission;

(B) One citizen member appointed by Town Council who is a member of the Plan Commission;

(C) One citizen member appointed by the fiscal body of the municipality who is not a member of the Plan Commission; and

(D) One citizen member appointed by the Plan Commission who is a member of the Plan Commission.

(Ord. 2001-6, passed 4-18-2001)

▸ **150.03 EFFECTIVE DATE.**

The Zoning Ordinance and incorporated zone map shall take effect upon the adoption of this section, except that special penalty provisions shall take effect after the publication and filing requirements of I.C. 36-7-4-610(e).

(Ord. 2001-6, passed 4-18-2001)

SUBDIVISION CODE

▸ **150.15 SUBDIVISION CODE; ADOPTION BY REFERENCE.**

The Subdivision Code of the town, which shall be known and may be cited as the Subdivision Code, is hereby adopted by reference as if set out in full herein.

(Ord. 2000-1, passed 2-21-2001; Am. Ord. 2002-7, passed 11-20-2002; Am. Ord. 2002-11, passed 11-20-2002; Am. Ord. 2005-5, passed 5-18-2005; Am. Ord. 2005-10, passed 5-18-2005; Am. Ord. 2006-5, passed 2-15-2006; Am. Ord. 2012-7, passed 11-15-2012; Am. Ord. 2014-2, passed 3-19-2014)

Editor=s Note:

Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.

CHAPTER 151: BUILDING CODE

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GENERAL PROVISIONS**151.01 TITLE.**

This chapter, and all ordinances supplemental or amendatory hereto, shall be known as the Building Code of the Town of Markle, Indiana, may be cited as such, and will be referred to herein as this code. (Ord. 2001-2 ' 1, passed 5-15-2002)

151.02 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. (Ord. 2001-2 ' 2, passed 5-15-2002)

151.03 AUTHORITY.

The Building Commissioner of Huntington County, hereinafter referred to as the Building Commissioner, after having been designated as the officer of a single agency to administer and enforce this code, is hereby authorized in the name of the town to issue building permits, collect permit fees, perform inspections, order correction of violations of this code, and authorize occupancy of buildings and structures within the corporate limits of the town. (Ord. 2001-2 ' 3, passed 5-15-2002)

151.04 SCOPE.

The provisions of this code apply to the construction, reconstruction, alteration, erection, use, moving, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under I.C. 22-15-4, in the town. (Ord. 2001-2 ' 4, passed 5-15-2002)

' 151.05 ADOPTION OF RULES BY REFERENCE.

(A) Building rules of the Indiana Fire Prevention and Building Safety Commission, as set out in the following articles of Title 675 of the Indiana Administrative Code, are hereby incorporated by reference in this code and shall include later amendments to those articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

- (1) Article 13 Indiana Building Codes:
 - (a) Fire and Building Safety Standards;
 - (b) Indiana Building Code; and
 - (c) Indiana Building Code Standards.
- (2) Article 14 Indiana One- and Two-Family Dwelling 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; and
- (8) Article 22 Indiana Fire Prevention Code:
 - (a) Indiana Fire Code; and
 - (b) Fire and Building Safety Standards.
- (9) Article 24 Supplementary Fire Safety Rules: Migrant Day Care Nursery Fire Safety Code;
- (10) Article 25 Fuel Gas Code: Indiana Fuel Gas Code.

(B) Copies of the adopted building rules, codes, and standards are on file in the office of the Huntington County Department of Community Development.
(Ord. 2001-2 ' 5, passed 5-15-2002; Am. Ord. 2004-4, passed 9-15-2004)

' 151.06 ADMINISTRATION AND ENFORCEMENT.

It is hereby agreed by and between the County of Huntington and the Town of Markle, whose agents are signatures hereto, that:

(A) The Huntington Countywide Department of Community Development is the single agency designated to administer building rules and complete inspections within the boundaries of the units of government, which are parties hereto;

(B) The Building Commissioner of Huntington County is authorized and empowered to issue building permits, make inspections, order corrections of violations, issue certificates of occupancy, and to perform such other ministerial duties as are commonly performed in the execution of his or her office, on behalf of the parties hereto;

(C) Any appeal to a decision by the Building Commissioner of Huntington County shall lie first with the county executive pursuant to I.C. 36-7-8-9, and to the Fire Prevention and Building Safety Commission as provided for in I.C. 22-12-2;

(D) Any judicial remedy sought by the Building Commissioner of Huntington County shall lie first with the county to enforce his or her lawful orders to obtain compliance with the building rules of the parties hereto, and shall be brought to the County or Town Attorney of the unit of government within which boundaries a violation occurs, for disposition; and

(E) The permit fees that are collected by the Building Commissioner of Huntington County shall be accounted for and deposited in the General Fund of Huntington County and shall be considered full payment for any inspection services provided by his or her office on behalf of the parties hereto.
(Ord. 2001-3, passed 2-21-2001)

PERMITS**' 151.15 APPLICATION FOR PERMITS.**

No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. In addition, a copy of a design release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by the design release.
(Ord. 2001-2 ' 6, passed 5-15-2002)

151.16 PERMITS REQUIRED.

(A) A permit shall be obtained for the following:

(1) A building permit shall be obtained for:

(a) Construction of new residential dwelling units and nonresidential buildings;

(b) Construction of additions to new residential dwelling units and nonresidential buildings, including but not limited to rooms, porches, or decks;

(c) Location or construction of accessory structures to residential dwelling units or nonresidential buildings, including but not limited to garages, carports, sheds, storage buildings, or satellite dishes;

(d) Replacement of any existing structure which, if new, would require a building permit under this section;

(e) Construction of new roof projections or structural changes to a roof;

(f) Location of a manufactured home outside of a licensed mobile home park; and

(g) Work which requires state design release, including but not limited to interior commercial renovation.

(2) An electrical permit shall be obtained for:

(a) Construction of new residential dwelling units;

(b) Construction of new nonresidential buildings, including additions or accessory structures;

(c) Upgrade of power, installation of new service entrance conductor, or relocation of service entrance conductor; and

(d) Temporary power hook-up.

(3) A plumbing permit shall be obtained for:

(a) Construction of new residential dwelling units; and

(b) Construction of new nonresidential buildings, including additions or accessory structures.

(4) A fence permit shall be obtained for all fences.

(5) A swimming pool permit shall be obtained for:

(a) In-ground swimming pool; and

(b) On-ground swimming pool 13 feet, or over, in diameter for a round pool, or 8 feet by 16 feet, or over, for an oval pool, and 24 inches or more in depth.

(B) All permits shall be issued by the Building Commissioner, and all fees required therefor shall be paid to the Huntington County Department of Community Development.
(Ord. 2001-2 ' 7, passed 5-15-2002)

' 151.17 OTHER ORDINANCES.

All work done under any permit issued by the Building Commissioner shall be in full compliance with all other town and Huntington County ordinances pertaining thereto.
(Ord. 2001-2 ' 8, passed 5-15-2002)

' 151.18 FEES.

(A) All applicants for building permits shall, prior to the issuance of such permit, pay fees in such amounts as are specified below:

<i>Classification</i>	<i>Fee/Rate</i>
(1) Residential:	
(a) New 1-family dwelling	\$0.04 per square foot of gross floor area, or \$80, whichever is greater
(b) New 2-family dwelling	Per unit = \$0.04 per square foot of gross floor area, or \$80, whichever is greater
(c) New multi-family dwelling	Per unit = \$0.04 per square foot of gross floor area, or \$80, whichever is greater
(d) Residential additions	\$0.03 per square foot of gross floor area, or \$60, whichever is greater
(e) Location of a manufactured home	\$60

<i>Classification</i>	<i>Fee/Rate</i>
(1) Residential (Cont=d)	
(f) Structural change to roof	\$25
(g) Deck, carport, open porch, enclose existing structure	\$30
(h) Re-inspection fee	\$20
<hr/>	
(2) Commercial, industrial, or institutional:	
(a) New commercial, industrial or institutional	0 - 1,000 square feet of gross floor area: \$100 1,001 - 5,000 square feet of gross floor area: \$150 5,001 - 10,000 square feet of gross floor area: \$200 Over 10,000 square feet of gross floor area: \$200, plus \$0.02 per square foot of gross floor area and over 10,000
(b) Commercial, industrial or institutional additions, renovations or alteration	0 - 1,000 square feet of gross floor area: \$100 1,001 - 5,000 square feet of gross floor area: \$150 5,001 - 10,000 square feet of gross floor area: \$120 Over 10,000 square feet of gross floor area: \$200, plus \$0.02 per square foot of gross floor area over 10,000
(c) Structural change to roof	\$30
(d) Deck, carport, open porch, enclosed existing structure	\$30
(e) Re-inspection fee	\$20

Markle - Land Usage

<i>Classification</i>	<i>Fee/Rate</i>
(3) Accessory buildings:	
(a) Accessory structures on permanent foundation	\$30
(b) Structural change to roof	\$30
(c) Re-inspection fee	\$20
(d) In-ground swimming pool	\$50
(e) On-ground swimming pool	\$30

(B) Electrical permit fees: All applicants for electrical permits shall, upon the issuance of such permit, pay fees in such amounts as are specified below:

<i>Classification</i>	<i>Fee/Rate</i>
(1) Residential:	
(a) New 1-family dwelling	\$50
(b) New 2-family dwelling	\$50 per unit
(c) New multi-family dwelling	\$50 per unit
(d) Connection of service to a manufactured or mobile home	\$20
(e) Additions or accessory structure	\$20
(f) Upgrade, new service, relocation of service, alteration to service	\$20
(g) Re-inspection fee	\$20

<i>Classification</i>	<i>Fee/Rate</i>
(2) Commercial, industrial, or institutional:	
(a) New commercial, industrial or institutional	0 - 1,000 square foot of gross floor area: \$100 1,001 - 5,000 square feet of gross floor area: \$150 5,001 - 10,000 square feet of gross floor area: \$200 Over 10,000 square feet of gross floor area: \$200, plus \$0.02 per square foot of gross floor area over 10,000
(b) Additions or accessory structures	0 - 1,000 square feet of gross floor area: \$100 1,001 - 5,000 square feet of gross floor area: \$150 5,001 - 10,000 square feet of gross area: \$200 Over 10,000 square feet of gross floor area: \$200, plus \$0.02 per square foot of gross floor area over 10,000
(c) Upgrade, new service, relocation of service	\$35
(d) Re-inspection fee	\$20

(C) Plumbing permit fees: All applicants for plumbing permits shall, upon the issuance of such permits, pay fees in such amounts as are specified below:

<i>Classification</i>	<i>Fee/Rate</i>
(1) Residential:	
(a) New 1-family dwelling	\$35
(b) New 2-family dwelling	\$35 per unit
(c) New multi-family dwelling	\$35 per unit
(d) Addition or accessory structure	\$20
(e) Re-inspection fee	\$20

Markle - Land Usage

<i>Classification</i>	<i>Fee/Rate</i>
(2) Commercial, industrial or institutional	
(a) New commercial, industrial or institutional; additions or accessory structures	0 - 1,000 square feet of gross floor area: \$30
	1,000 - 5,000 square feet of gross floor area: \$40
	5,001 - 10,000 square feet of gross floor area: \$50
	Over 10,000 square feet of gross floor area: \$50, plus \$0.01 per square foot of gross floor area over 10,000
(b) Re-inspections fee	\$20

(Ord. 2005-04, passed 5-18-2005)

▮ **151.19 REVIEW OF APPLICATION.**

Prior to the issuance of any building permit, the Building Commissioner shall review all building permit applications to determine full compliance with the provisions of this code.

(Ord. 2001-2 ' 10, passed 5-15-2002)

▮ **151.20 INSPECTIONS.**

After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done under the permits as are necessary to ensure full compliance with the provisions of this code and the terms of the permit.

(Ord. 2001-2 ' 11, passed 5-15-2002)

▮ **151.21 ENTRY.**

Upon presentation of proper credentials, the Building Commissioner or his or her duly authorized representatives may enter at reasonable times any building, structure, or premises in the town to perform any duty imposed upon him or her by this code.

(Ord. 2001-2 ' 12, passed 5-15-2002)

' 151.22 STOP ORDER.

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing, served on any persons engaged in the doing or causing the work to be done, or upon the property where work is being done; and those persons shall forthwith stop the work until authorized by the Building Commissioner to proceed with the work.
(Ord. 2001-2 ' 13, passed 5-15-2002)

' 151.23 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure constructed after the adoption of this code shall be issued unless the building or structure was constructed in compliance with the provisions of this code. It shall be unlawful to occupy any building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.
(Ord. 2001-2 ' 14, passed 5-15-2002) Penalty, see ' 151.99

' 151.24 WORKMANSHIP.

All work on the construction or alteration of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.
(Ord. 2001-2 ' 15, passed 5-15-2002)

VIOLATIONS; REMEDIES; APPEAL

' 151.35 VIOLATIONS.

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, alter, convert, use, or occupy any building or structure in the town or cause or permit the same to be done, contrary to or in violation of the provisions of this code.
(Ord. 2001-2 ' 16, passed 5-15-2002) Penalty, see ' 151.99

' 151.36 RIGHT OF APPEAL.

All persons shall have the right to appeal the Building Commissioner=s decision, first to the Board of Commissioners of Huntington County, and then to the Fire Prevention and Building Safety Commission, in accordance with the provisions of I.C. 22-13-2-7.
(Ord. 2001-2 ' 17, passed 5-15-2002)

151.37 REMEDIES.

The Building Commissioner shall in the name of the town bring actions in the Circuit or Superior Courts of Huntington County for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code. (Ord. 2001-2 ' 18, passed 5-15-2002)

UNSAFE BUILDING CODE**151.50 TITLE.**

This subchapter, and all ordinances supplemental or amendatory thereto, shall be known as the Unsafe Building Code of the town, may be cited as such, and will be referred to herein as this code. (Ord. 2001-4, passed 2-21-2001)

151.51 PURPOSE.

The purpose of this code is to establish unsafe building regulations for the protection of the public health, safety, and general welfare. (Ord. 2001-4, passed 2-21-2001)

151.52 AUTHORITY; ADOPTION OF STANDARDS.

Pursuant to I.C. 36-7-9-3, I.C. 36-7-9, is hereby adopted and incorporated by reference in this code as if fully set forth herein verbatim. (Ord. 2001-4, passed 2-21-2001)

Editor=s Note:

Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.

151.53 ADMINISTRATION AND ENFORCEMENT.

The Huntington Countywide Department of Community Development is hereby authorized to administer and enforce this code. The Building Commissioner of Huntington County and other appointed designees are hereby authorized and directed to complete inspections of properties and enforce the provisions of this code and applicable law. The Board of Commissioners of Huntington County is the hearing authority relative to this code. (Ord. 2001-4, passed 2-21-2001)

' 151.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of ' 10.99.

(B) (1) Any person who violates any provision of ' ' 151.01 through 151.05, 151.15 through 151.24, and 151.35 through 151.37 shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined not more than \$100 for the first violation, and not more than \$200 for the second and each subsequent violation.

(2) Each day a violation continues after the expiration of the time set forth by legal notice constitutes a separate violation.

(Ord. 2001-2 ' 19, passed 5-15-2002)

