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***GENERAL PROVISIONS***

**§ 150.01 FEES FOR USE OF PLANNING COMMISSION, BOARD OF ZONING APPEALS AND THE LIKE.**

Effective September 1, 1982, and thereafter until revised, fees to be charged for services of the Planning Commission and Board of Zoning Appeals, the Planning Director and Zoning Administrator shall be as follows:

(A) Late filing charge (application for improvement location permit is not timely made), \$25.

(B) Application for rezoning, application for variance, or application for special exception, \$50.

(C) Improvement location for business and/or industrial permit, \$10.

(D) Calling of a special Planning Commission meeting or any Board of Zoning Appeals meeting, \$25.

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(E) Subdivision plat approval, \$50.

(F) Certification of occupancy, \$10.  
(’79 Code, § 7-2) (Ord. passed 8-3-82)

**§ 150.02 REFLECTIVE SYMBOL ON STRUCTURES USING ENGINEERED LUMBER.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ENGINEERED LUMBER.*** Prefabricated I-joints, truss joints, truss rafters, laminated beams and studs.

***STRUCTURE.*** Primary, secondary and accessory structures as defined in the Garrett Zoning Code that have electrical meters that serve the structure.

(B) *Effective date and symbol.* All structures constructed with engineered lumber after the effective date of this section must have a reflective symbol affixed to each electrical meter serving the structure.

(C) *Reflective symbol.* The reflective symbol shall be in the form of a sticker, issued by the city that states that the structure is constructed with engineered lumber.

(D) *Structures prior to effective date.* The owner of any structure that was constructed with engineered lumber prior to the effective date of this section is requested to place the reflective symbol on the electrical meter serving the structure on a voluntary basis.  
(Ord. 2010-07, passed 4-6-10)

***BUILDING CODE***

**§ 150.10 TITLE OF SUBCHAPTER.**

This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the ABuilding Code of the City of Garrett, Indiana@, may be cited as such, and will be referred to herein as Athis code@.  
(Ord. 62188-2, passed 6-21-88)

**§ 150.11 PURPOSE.**

The purpose of this subchapter is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the

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conservation of energy in the design and construction of buildings and structures. (Ord. 62188-2, passed 6-21-88)

### § 150.12 AUTHORITY.

The Building Inspector or Zoning Administrator is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Inspector or Zoning Administrator, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner. Any variances from adopted building rules are subject to approval under IC 22-13-2-7 (b). (Ord. 62188-2, passed 6-21-88)

### § 150.13 SCOPE.

The provisions of this code apply to the construction, alterations, use, occupancy, maintenance and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4, in the City of Garrett. (Ord. 62188-2, passed 6-21-88)

### § 150.14 ADOPTION OF REGULATIONS 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 chapter and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

- (1) Article 13 – Building Codes
  - (a) Fire and Building Safety Standards (675 IAC 13-1)
  - (b) Indiana Building Code (675 IAC 13-2)
  - (c) Indiana Building Code Standards (675 13-3)

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(d) Indiana Handicapped Accessibility Code (675 IAC 13-4)

(2) Article 14 – One and Two Family Dwelling Codes

(a) Council of American Building Officials One and Two Family Dwelling Code (675 IAC 14-1)

(b) CABO One and Two Family Dwelling Code; Amendments (675 IAC 14-2.1)

(c) Standard for Permanent Installation of Manufactured Homes (675 IAC 14-3)

(3) Article 16 – Plumbing Codes

(a) Indiana Plumbing Code (675 IAC 16-1)

4) Article 17 – Electrical Codes

(a) Indiana Electrical Code (675 IAC 17-1.1)

(b) Safety Code for Health Care Facilities (675 IAC 17-2)

(5) Article 18 – Mechanical Codes

(a) Indiana Mechanical Code (675 IAC 18-1)

(6) Article 19 – Energy Conservation Codes

(a) Indiana Energy Conservation Code (675 IAC 19-1)

(b) Modifications to the Model Energy Code (675 IAC 19-2)

(7) Article 20 – Swimming Pool Codes

(a) Indiana Swimming Pool Code (675 IAC 20-1)

(B) Copies of adopted building rules, codes and standards are on file in the office of the Building Inspector or Zoning Administrator.  
(Ord. 62188-2, passed 6-21-88)

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**§ 150.15 APPLICATIONS FOR PERMITS.**

No permits shall be issued for the foregoing purposes, unless the application for such 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. All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the State of Indiana must also be filed with the State Building Commissioner. No local permit shall be issued hereunder until a copy of a Design Release from the State Building Commissioner is received by the Building Inspector or Zoning Administrator. (Ord. 62188-2, passed 6-21-88)

**§ 150.16 PERMIT REQUIRED.**

A permit shall be obtained before beginning construction or alteration of any building or structure, the cost of such construction or alteration of which exceeds \$100 using forms furnished by the Building Inspector or Zoning Administrator. All permits shall be issued by the Building Inspector or Zoning Administrator, and all fees provided for herein shall be paid to the City Clerk-Treasurer. (Ord. 62188-2, passed 6-21-88)

**§ 150.17 OTHER ORDINANCES.**

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances. (Ord. 62188-2, passed 6-21-88)

**§ 150.18 FEES AND REQUIRED INSPECTIONS.**

Permits required by § 150.06 shall be issued upon prior payment of inspection fees according to the following schedule:

**(EDITOR'S NOTE: See fee schedule at Table 23, Chapter 153 for current permit fees).**

***One, Two, and Multiple Family Dwellings:***

New Construction	<del>_____</del>	<del>.05 per square foot of floor space and finished basement and attached garage</del>
		<del>Minimum \$15.00 — Maximum \$500.00</del>

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~~Commercial~~

~~New Construction ————— .05 per square foot of gross space  
Minimum \$15.00 ————— Maximum \$1000.00~~

~~Industrial~~

~~New Construction ————— .04 per square foot of  
gross space  
Minimum \$15.00 ————— Minimum \$1500.00~~

~~Foundation Only Permits ————— 15.00 Residential  
25.00 Commercial and Industrial~~

~~Carport/Garage ————— 15.00 Carport  
25.00 One car garage  
30.00 Two car garage  
35.00 Three car garage~~

~~Residential Swimming Pool ————— 20.00~~

~~Plumbing System ————— 10.00 partial replacement and/or update  
20.00 complete replacement and/or update~~

~~Excavation Permit: ————— 25.00 plus \$1000.00 bond~~

~~Application to Excavate in Public Street, Application to Cut Curb:~~

~~Contractors or homeowners must provide a \$1,000.00 corporate surety bond in favor of the city with all applications to cut curb.~~

~~\$25.00 Administrative and Inspection Fee.~~

~~Application to Move or Raze Buildings:~~

~~Contractors or homeowners must provide a \$1,000 corporate surety bond in favor of the city with all applications to move buildings. In addition, they shall show proof of insurance in the minimum amount of \$100,000 property damage and \$50,000 for individual personal injury.~~

~~\$15.00 Garages or Accessory Building~~

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~~\$25.00 Residential Structure~~

~~\$50.00 Commercial or Industrial Structure~~

For unusually large or complex buildings or structures, the Building Inspector or Zoning Administrator shall have the power to increase the number of required inspections by 50%. The Building Inspector or Zoning Administrator shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundation without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspections are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Inspector or Zoning Administrator shall have the power to assess a reinspection fee of \$20 for each such additional inspection. Reinspection fees shall be paid to the Clerk/Treasurer prior to the issuance of a certificate of occupancy. The Building Inspector or Zoning Administrator shall submit an annual report to the Board of Public Works and Safety which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

(Ord. 62188-2, passed 6-21-88)

### **§ 150.19 REVIEW OF APPLICATION.**

Prior to the issuance of any building permit hereunder, the Building Inspector or Zoning Administrator shall review all building permit applications to determine full compliance with the provisions of this subchapter.

(Ord. 62188-2, passed 6-21-88)

### **§ 150.20 INSPECTIONS.**

After the issuance of any building permit hereunder, the Building Inspector or Zoning Administrator shall make or shall cause to be made, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this chapter and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this Code.

(Ord. 62188-2, passed 6-21-88)

### **§ 150.21 INSPECTION ASSISTANCE.**

The Chief of the City of Garrett Fire Department, the Chiefs of any volunteer fire departments or the Chiefs of any fire district fire departments or their designated representatives, may, upon request of the Building Inspector or

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Zoning Administrator, assist the Building Inspector or Zoning Administrator in the inspection of fire suppression detection and alarm systems, and shall provide reports of such inspection or inspections to the Building Inspector or Zoning Administrator.

(Ord. 62188-2, passed 6-21-88)

### **§ 150.22 ENTRY.**

Upon presentation of proper credentials, the Building Inspector or Zoning Administrator or his duly authorized representatives may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him by this Code.

(Ord. 62188-2, passed 6-21-88)

### **§ 150.23 STOP ORDER.**

Whenever any work is being done contrary to the provisions of this Code, the Building Inspector or Zoning Administrator may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Inspector or Zoning Administrator to proceed with the work.

(Ord. 62188-2, passed 6-21-88)

### **§ 150.24 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy for any building or structure erected or altered after the adoption of this chapter shall be issued unless such building or structure was erected or altered in compliance with the provisions of this chapter. Refer to Section 7.2 of the Zoning Code for the procedure in obtaining a certificate of occupancy permit.

(Ord. 62188-2, passed 6-21-88)

### **§ 150.25 WORKMANSHIP.**

All work on the construction and 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. 62188-2, passed 6-21-88)

### **§ 150.26 VIOLATIONS.**

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, improve,

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convert, equip, use or occupy any building or structure, other than fences, in the city or cause or permit the same to be done, contrary to or in violation of the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.

(Ord. 62188-2, passed 6-21-88)

### § 150.27 RIGHT TO APPEAL.

All persons shall have the right to appeal the Building Inspector or Zoning Administrator's decision first through the City of Garrett and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-12-7.

(Ord. 62188-2, passed 6-21-88)

### § 150.28 REMEDIES.

The Building Inspector or Zoning Administrator shall in the name of the City of Garrett bring actions in the Circuit Court of DeKalb County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Building Inspector or Zoning Administrator, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter.

(Ord. 62188-2, passed 6-21-88)

## *FIRE PREVENTION CODE*

### § 150.50 ADOPTION OF AND CONFORMITY WITH NATIONAL FIRE CODE.

(A) The city does hereby adopt, as may be from time to time amended, the 1977 National Fire Codes (hereafter *Athe fire code@*), published annually by the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, as from time to time amended, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. ('79 Code, § 7-76)

(B) *Definition.* Whenever the word **MUNICIPALITY** appears or is used in the fire code hereby adopted, it shall mean and be defined as the City of Garrett. ('79 Code, § 7-79)

(Ord. passed 4-4-78)

### § 150.51 ENFORCEMENT.

This fire code shall be enforced by the Chief of the Fire Department of the city. ('79 Code, § 7-77) (Ord. passed 4-4-78)

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### § 150.52 APPEAL.

The Fire Chief shall have power to modify any of the provisions of the fire code upon application in writing by the owner, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the fire code, provided that the spirit of the fire code shall be observed, public safety secured, and substantial justice done. The particulars of each modification requested, whether or not granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the Department and signed copies shall be furnished the applicant. Whenever the Fire Chief shall disapprove an application or refuse to grant the modification or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code shall be misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Public Works and Safety to the city within 30 days from the date of the decision. ('79 Code, § 7-80) (Ord. passed 4-4-78)

### § 150.53 VIOLATIONS.

Any person who shall violate any provision § 150.50 or fail, neglect or refuse to comply with any order or request of the Fire Chief or Zoning Administrator in pursuance of and by authority of any of the provisions of said section shall be guilty of a misdemeanor. ('79 Code, § 7-78) (Ord. passed 4-4-78)

### ***CONTRACTOR LICENSING AND REGISTRATION***

***Editor's note: § 52.70 through 52.77 contain registration procedures for Sewer-Excavator Contractors.***

### § 150.65 PLUMBER'S REGISTRATION.

(A) *Required.* It shall be unlawful for any plumbing contractor as that term is defined in IC 25-28.5-1-2(2) to conduct the practice of plumbing as that is defined by IC 25-28.5-1-2(1) within the city without first having registered with the Clerk-Treasurer. ('79 Code, § 7-36)

(B) *Form.* In order to register, each plumbing contractor shall complete in full the registration form provided by the Clerk-Treasurer. ('79 Code, § 7-37)

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(C) *Approval; issuance; fee.* The registration form as completed should then be submitted to the Common Council for review and official action. If the Common Council determines the registration form to be in order and approves the registration, the Clerk-Treasurer shall be directed to issue to the registrant a registration certificate upon the payment by the registrant of the sum of \$15 as a registration fee. ('79 Code, § 7-38)

(D) *Transfer.* No registration under this section shall be transferable. ('79 Code, § 7-39)

(E) *Expiration.* The registration under this section shall expire December 31 following. ('79 Code, § 7-40)

(F) *Failure to register.* Failure to register as required by this section shall be certified to the Indiana Plumbing Commission. ('79 Code, § 7-41)  
(Ord. passed 2-17-76)

**§ 150.66 ELECTRICIAN'S LICENSE.**

(A) *Required.* It shall be unlawful for any person not having received from the Clerk-Treasurer a license as electrician so to do, to wire any public or private building for lighting or heating by electricity or for use of electrical power or for repairing or changing any electrical wire in any public or private building in the city. ('79 Code, § 7-48) (Ord. passed 2-3-76)

**§ 150.67 PROCEDURE FOR ISSUANCE OF ELECTRICIAN'S LICENSE; DENIAL, RECORDS AND THE LIKE.**

(A) *Petition for license.* In order to obtain a license to perform electrical work, as described in § 150.66, the applicant shall submit a petition to the Common Council as provided in § 150.68 as provided hereafter on the application form prescribed by the Superintendent of the Electrical Department of the County or the county equivalent of this office (hereafter ASuperintendent@).

(B) *Review of application and general investigation.* The Common Council shall review the application in open meeting and refer it to the Superintendent who shall commence a general investigation of the training and experience of the applicant. Such application shall be received only from individuals in their own name, and shall not be accepted in the name of any firm, corporation, partnership or other business entity.

(C) *Probationary permit; inspection for workmanship.* Applicants possessing a college degree in electrical engineering or possessing a license previously issued

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by the city shall be granted a license immediately and all others on first application shall be granted a probationary permit by the Superintendent for six months during which time all work performed by the applicant within the confines of the city shall be subject to careful inspection for workmanship in the electrical field of endeavor. If no work is performed by the applicant within said probationary period the application shall be resubmitted and a second probationary permit shall be issued and such shall be the rule for each six-month period thereafter until workmanship can be properly inspected.

(D) *Report to Council.* At the conclusion of the probationary period wherein the Superintendent has had an opportunity to inspect the work of the applicant, the Superintendent shall make a full report in writing to the Common Council recommending the approval or disapproval of a permanent license. The Common Council shall then in open meeting review the recommendation, and hear such evidence as the applicant may desire to present and then by proper action elect to grant or deny the license for good cause shown

(E) *Denial of license.* In the event that the license is denied, the applicant shall be notified in writing by the Superintendent of the reason for denial and the applicant shall have 30 days to request in writing that the matter be reviewed by the Common Council in open hearing at which time the Council may affirm its previous denial of the license or upon good cause shown renew the probationary permit.

(F) *Records.* In all cases where a probationary permit or permanent license is issued, the Superintendent shall keep accurate records of the name and address and type of permit or license issued and the date thereof.

(G) *Expiration of license.* All permanent licenses shall expire on the December 31 each year unless renewed as per the provision of § 150.32. All such licenses renewed shall be reported by the city Clerk-Treasurer to the Superintendent who shall update his records.

(H) *Performing work without permit or license.* Any person found by the Superintendent to be performing electrical work without a permit or license shall be ordered to cease and desist from the performance of such electrical work until a permit or license is issued; and in the event that such person refuses to cease and desist as ordered, the Superintendent shall, in the name of the city, apply immediately to a proper court of law for legal process in the form of an injunction and should it be found by such court that the person in violation did so knowingly and willfully after being notified to cease and desist from the performance of electrical work without a lawful permit or license, the court may fine the violator in a sum not to exceed \$500 and all of the court costs for the action taken.

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(l) *Revocation.* Any license or permit issued pursuant to the provision of this section may be revoked by the Common Council for good cause shown. ('79 Code, § 7-49) (Ord. passed 2-8-76; Am. Ord. passed 2-19-80)

**§ 150.68 PETITION FOR ELECTRICIAN=S LICENSE.**

The person applying for an electrician=s license shall present to the Common Council his written petition for the license which must contain his name, the name of the firm if any, to which he belongs or by which he is employed, and a request to be permitted to do electrical work of the kind mentioned, which shall contain a statement that he will comply with all of the bylaws enacted or which may be enacted by the Common Council or any rule adopted by it which may describe a course of conduct for the performance of electrical work at the time of making such application and accompany the same. ('79 Code, § 7-50) (Ord. passed 2-3-76)

**§ 150.69 INSURANCE REQUIREMENTS FOR ELECTRICIAN=S LICENSE.**

Before any electrician=s license is granted, the applicant shall provide to the Clerk-Treasurer of the city proof of general liability insurance coverage in an amount not less than \$100,000 property damage and \$50,000 personal injury. This insurance coverage shall be for the benefit of any person for whom the licensee is doing wiring and for the city and all city departments. ('79 Code, § 7-51) (Ord. passed 2-3-76; Am. Ord. passed 10-18-88)

**§ 150.70 ISSUANCE OF ELECTRICIAN=S LICENSE; FEE.**

If the Common Council grants an applicant=s request for an electrician's license and approves his bond the Clerk-Treasurer shall upon payment by the licensee of the sum of \$15 issue to him a license to do electrical work in the city. ('79 Code, § 7-52) (Ord. passed 2-3-76)

**§ 150.71 TRANSFER OF ELECTRICIAN'S LICENSE.**

No electrician=s license granted by the Common Council shall be transferable. ('79 Code, § 7-53) (Ord. passed 2-3-76)

**§ 150.72 RENEWAL OF ELECTRICIAN=S LICENSE.**

Each electrician=s license granted by the Common Council may be renewed by the licensee from year to year thereafter upon the payment to the Clerk-Treasurer of the sum of \$15 and reapproval of the standing bond.

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('79 Code, § 7-55) (Ord. passed 2-3-76)

**§ 150.73 MISUSE OF ELECTRICIAN'S LICENSE.**

No electrician shall allow his name to be used by any person or party either for the purpose of obtaining permits or doing any work under his license.

('79 Code, § 7-56) (Ord. passed 2-3-76)

**§ 150.99 PENALTY.**

(A) *General.* If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Inspector or Zoning Administrator, or shall fail, neglect or refuse to obey any lawful order given by the Building Inspector or Zoning Administrator in connection with the provisions of this chapter for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than \$10, nor more than \$500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(Ord. 62188-2, passed 6-21-88)

(B) *Reflective symbol on structures using engineered lumber.* Any person violating § 150.02 by refusing to use the reflective symbol or by removing the reflective symbol shall be subject to a fine in the amount of \$25 per violation. Each day that a violation occurs shall constitute a separate violation, subject to a separate fine.

(Ord. 2010-07, passed 4-6-10)