

Chapter 10

BUILDINGS AND BUILDING REGULATIONS*

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ARTICLE I. IN GENERAL**Sec. 10-1. Purpose.**

The purpose of this chapter 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.

Sec. 10-2. Adoption of rules.

(a) Building rules of the Indiana Fire Prevention and Building Safety Commission, as set out in the following articles of the Indiana Administrative Code, Title 675, are hereby incorporated by reference in this section:

- (1) Article 13, Building Codes.
- (2) Article 14, One- and Two-Family Dwelling Code.
- (3) Article 16, Plumbing Code.
- (4) Article 17, Electrical Codes:
 - a. Indiana Electrical Code.
 - b. Safety Code for Health Care Facilities.
- (5) Article 18, Mechanical Code.
- (6) Article 19, Energy Conservation Codes:
 - a. Indiana Energy Conservation Code.
 - b. Modifications to the Model Energy Code.
- (7) Article 20, Swimming Pool Code.
- (8) Article 21, Safety Codes for Elevators, Escalators, Manlifts and Hoists.
- (9) Article 22, Fire Prevention Codes.
- (10) Article 25, Fuel Gas Code.

(b) Two copies of the adopted building rules, codes and standards are on file in the office of the Building Commissioner.

State law references—State building standards, IC 22-13-2-1 et seq.; adoption by reference, IC 36-1-5-4.

Secs. 10-3—10-22. Reserved.

ARTICLE II. ADMINISTRATION**Sec. 10-23. Building Commissioner; appointment.**

There is hereby created the office of Building Commissioner, who shall be appointed by the Town Council.

Sec. 10-24. Records.

The Building Commissioner shall keep suitable records, which are to be kept on file in the office of the Clerk-Treasurer and in which shall be recorded the location and character of every building, structure or other work for which an inspection is issued, and a copy of every report of inspection of such building, structure or work so arranged that the full history of the various inspections of each building, structure or other work shall appear therein in consecutive order, and the day upon which such inspection was made. All original notes on records made by the Building Commissioner shall be signed and properly filed for permanent record.

Sec. 10-25. General authority to make inspections and investigations.

(a) All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.

(b) The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this chapter or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of such structure.

Secs. 10-26—10-53. Reserved.**ARTICLE III. UNSAFE BUILDING CODE****Sec. 10-54. Definitions and interpretation of terms.**

(a) The definition of "substantial property interest" as set forth in IC 36-7-9-2 is also specifically incorporated in this article by reference.

(b) The definition of and description of an "unsafe building" set forth in IC 36-7-9-4 is supplemented to provide minimum standards for building condition or maintenance in the Town, by adding the following definition: any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

- (1) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (2) Whenever the stress in any materials, member, or portion thereof due to all dead and live loads, is more than 1½ times the working stresses allowed for new buildings of similar structure, purpose, or location.
- (3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.

- (4) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure person or damage property.
- (5) Whenever any portion of a building or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose or location, without exceeding the working stresses permitted for such building.
- (6) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar or new construction.
- (7) Whenever any building or structure, or any portion thereof, because of:
 - a. Dilapidation, deterioration, or decay;
 - b. Faulty construction;
 - c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. The deterioration, decay, or inadequacy of its foundation; or
 - e. Any other cause;is likely to partially or completely collapse.
- (8) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (9) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (10) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting members, or 50 percent or more damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
- (11) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children; or
 - b. A harbor for vagrants or criminals.
- (12) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided in the building regulations of this Town or of any law or ordinance of this state relating to the condition, location or structure of buildings.

- (13) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member, or portion less than 50 percent, or in any supporting part, member, or portion less than 66 percent of the:
 - a. Strength;
 - b. Fire-resisting qualities or characteristics; or
 - c. Weather-resisting qualities or characteristics;
 required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- (14) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air, or sanitation facilities, or otherwise, is determined by the enforcement authority to be unsanitary, unfit for human habitation, or determined to be in such a condition that it is likely to cause sickness or disease.
- (15) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the enforcement authority to be a fire hazard.
- (16) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or jurisprudence.
- (17) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building, or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(Ord. of 7-6-1981)

Sec. 10-55. Violation, penalties and fines.

A person who:

- (1) Remains in, uses, or enters a building in violation of an order made under this article;
- (2) Fails to complete or delays or knowingly interferes with the carrying out of an order under this article;
- (3) Knowingly obstructs, damages, or interferes with persons engaged in or property used in performing any work or duty under this article; or
- (4) Fails to comply with IC 36-7-9-27 (incorporated herein by reference);

shall be subject to a civil fine in accordance with section 1-13. Each day that a given violation continues constitutes a separate offense; and shall be required to reimburse the Town, if the Town is required to repair or secure property or cause to have the repairs made or the property to be secured. The amount the property owner shall be required to reimburse

the Town is the actual cost of materials plus the cost of labor according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office, or actual cost for hired labor, whichever is greater. Such costs shall be assessed as a lien against the property.

(Ord. of 7-6-1981)

State law reference—Unsafe Building Law, IC 36-7-9-1.

Sec. 10-56. Statutory authority.

Under the provisions of IC 36-7-9-3, there is established the Town of North Judson's Unsafe Building Code.

(Ord. of 7-6-1981)

Sec. 10-57. Compliance and applicability.

IC 36-7-9-1 through 36-7-9-28 are adopted by reference as the Town of North Judson's Unsafe Building Code. Two copies of this material is on file in the Clerk-Treasurer's office and available for public inspection. All proceedings within the Town for the inspection, repair and removal of unsafe buildings shall be governed by state law and the provisions of this article. If the provisions of this article conflict with the provisions of IC 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.

(Ord. of 7-6-1981)

Sec. 10-58. Building Commissioner responsible for administration and enforcement.

The administration of the provisions of this article shall be the responsibility of the office of the Building Commissioner. The Building Commissioner shall be the enforcement authority, and the Town Council of the Town shall be the hearing authority, within the meaning of these terms as defined in IC 36-7-9-2.

(Ord. of 7-6-1981)

Secs. 10-59—10-89. Reserved.

ARTICLE IV. SWIMMING POOLS

Sec. 10-90. Compliance with article provisions required.

It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Town except in compliance with all the provisions of this article.

Sec. 10-91. Swimming pool defined.

(a) The term "swimming pool" is hereby defined as an outdoor structure designed as a receptacle for water or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, whether such structure is built "inground", "aboveground" or combination thereof.

(b) Swimming pools of a smaller size shall be deemed to be "wading pools" and are not regulated under this section.

(c) The term "private pools" are defined as those restricted to occupants of the principal use of the property and guests, for whom no admission or membership fees are charged. Only "private pools" are permitted in residential districts.

Sec. 10-92. Location.

No portion of an outdoor swimming pool shall be located at a distance of less than ten feet from any side or rear property line or building line, and no less than 20 feet from any existing dwelling unit on abutting property, nor at any other location where a "structure" is prohibited under the other terms of the North Judson Zoning Code. Pumps, filters and pool water disinfection equipment installations shall be similarly restricted to the requirements of this section. No swimming pools shall be located on an easement and all swimming pools shall be located beyond (towards the rear building line) the actual location of the furthest projection of the rear of said residence.

Sec. 10-93. Permits required.

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any swimming pool and appurtenances within the Town unless a zoning permit, electrical permit, and building permit have first been obtained from the Town in accordance with the procedures set forth in this article.

Sec. 10-94. Drawings, plans and permits.

(a) All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be presented to the zoning and building commissioner for examination and approval as to proper location and construction.

(b) All such drawings and plans shall accurately portray the relevant lot lines and setback distances and include information as to the pool, walk, and fence construction, water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall be provided in accordance with all applicable building, plumbing and electrical codes.

(c) Once such drawings and plans are approved, the construction and location of the swimming pool and its appurtenances shall be constructed in strict conformance to such plans.

Sec. 10-95. Recirculation pools.

All swimming pools shall be of the recirculation type in which circulation of the water is maintained through the swimming pool by pumps. The water drained from the swimming pool shall be filtered and disinfected before being returned to the swimming pool.

Sec. 10-96. Materials.

(a) Swimming pool walls and floors shall be constructed of any impervious material which will provide a tight tank with white or light colored finish and easily cleaned surfaces. The floor or bottom surface of the swimming pool shall have a nonslip finish as smooth as possible. The side and end walls of a swimming pool shall present a smooth finish and shall be vertical to a depth of at least six feet or shall have a slope or curvature meeting one of the following conditions.

(b) The swimming pool may be vertical for 30 inches from the water level, below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point and 30 inches.

(c) To a depth of six feet, except as in subsection (a) of this section, the wall's slope shall not be less than one foot horizontal in six feet vertical.

Sec. 10-97. Structural design.

The slope of the bottom of any part of a swimming pool in which the water is less than five feet in depth shall be not more than one foot in each ten feet. The maximum slope where water is five feet or more in depth shall not exceed one foot in two feet.

Sec. 10-98. Walk areas.

(a) Unobstructed walk areas of not less than 36 inches shall be provided to extend entirely around any inground swimming pool. The walk area shall be constructed of impervious material and the surfaces shall be such as to be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth inch to the foot, designed to prevent back drainage from entering the swimming pool.

(b) On all aboveground swimming pools, no completely surrounding walk shall be required. Where such walk area is provided, however, such area shall be at least 15 inches wide and bordered by a fence or railing.

Sec. 10-99. Fences.

(a) All outdoor swimming pools shall be completely enclosed by a fence.

(b) Such fence may either be used to enclose only the swimming pool itself or may be a fence which provides a continuous barrier to the portion of the yard where the swimming pool is located.

(c) The structural sides of an aboveground swimming pool may be used in satisfying a portion of the fence height requirement.

(d) In all cases a minimum height of four feet shall be met by vertical fence extensions from the side or other means.

(e) Retractable stairs which are self-latching are acceptable substitutes for closing gates.

(f) All fence openings or points of entry into the swimming pool area enclosures shall be equipped with gates. The fence and gates shall be at least four feet in height above the grade level. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.

(g) Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases, or by manufacturer's specifications.

Sec. 10-100. Steps or ladders.

In every inground swimming pool, at least two or more means of egress in the forms of steps or ladders shall be provided. In every aboveground swimming pool, one ladder which can be removed or placed in such a position as not to allow entry into said pool shall be provided.

Sec. 10-101. Outlets.

(a) Swimming pools shall be equipped with facilities for completely emptying the swimming pool, and discharge of the swimming pool water to the storm sewer shall be at a rate not exceeding 200 gallons per minute. No direct connection shall be made to the storm sewer. Swimming pool pumps are an acceptable means for emptying a pool.

(b) Water drained from the swimming pool shall not be discharged into the storm sewer system during periods of rains or storms. At no time shall the rate of drain water discharge exceed a flow of 200 gallons per minute.

Sec. 10-102. Electrical requirements.

(a) All electrical installations provided for, installed, and used in conjunction with private residential swimming pools shall be in conformance with the Town of North Judson's Electrical Code and Zoning Code.

(b) No current-carrying electrical conductors shall cross private residential swimming pools, either overhead or underground or within five feet of such pools.

(c) All metal fences, enclosures or railings near or adjacent to swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

(d) Underground wiring shall not be permitted under a swimming pool or under the area extending five feet horizontally from the inside wall of the pool.

Sec. 10-103. Inspection.

The Building Commissioner periodically may inspect any swimming pools to determine whether or not the provisions of the ordinances have been complied with and maintained.

Sec. 10-104. Permit fees.

The fee for a permit for the erection or construction of a private swimming pool shall be according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office.

Sec. 10-105. Permitted uses.

Private swimming pools shall be permitted in all open space and residential districts and in other districts only by way of special exception from the board of zoning appeals.

Secs. 10-106—10-123. Reserved.**ARTICLE V. PERMIT FEES AND CHARGES****Sec. 10-124. Permit fees.**

(a) All building, electrical, pool and fence permit fees shall be determined according to a schedule of fees, as shall be modified, from time to time, by the Town Council, and made available for public inspection, in the Clerk-Treasurer's office.

(b) All permits are to be obtained and permit fees paid to the Clerk-Treasurer prior to beginning construction and/or installation. Failure to do so will result in a fine as outlined in section 1-13.

(Ord. No. 2005-03, § 1, 7-7-2005)

Sec. 10-125. Service charges.

The service charge for the filing of a lien for payment or satisfaction of a debt owed the Town shall be determined according to a schedule of fees, as shall be modified, from time to time, by the Town Council, and made available for public inspection, in the Clerk-Treasurer's office.

(Ord. No. 2005-03, § 2, 7-7-2005)

Chapters 11—13

RESERVED

