

ORDINANCE NO. 865

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

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

SECTION ONE: That Ordinance 812 shall be repealed.

SECTION TWO: That a portion of Chapter 151, Building Code and Unsafe Buildings of the Ogden Dunes Town Code shall be amended and re-codified into Chapter 155 and hereafter read as follows:

CHAPTER 155- PERMITS, FEES, AND CONSTRUCTION OPERATIONS AND SPECIFICATIONS

ARTICLE I. FEES AND PERMITS

- 155.001 Permits, Filing Fees, and Deposits
- 155.002 Miscellaneous Permits
- 155.003 Certification of Site Plan

ARTICLE II. CONSTRUCTION OPERATIONS AND ADMINISTRATION

- 155.004 Demolition
- 155.005 Underground Utilities
- 155.006 Work Site Authority; Time Limits
- 155.007 Construction Operations
- 155.008 Contractor/Tradesperson Registration

ARTICLE III. VIOLATIONS

- 155.999 Violations

ARTICLE I

155.001 PERMITS, FILING FEES AND DEPOSITS.

- (A) A deposit of \$500 shall be paid at time of filing for building permit application for all new construction, additions or structure modifications.

(1) This deposit shall be deducted from the total building permit cost as a credit at the time the building permit is issued, so long as the building permit is issued within one year from the date of the submission of the building permit application.

(2) In the event the final building permit cost is less than \$500, the difference shall be refunded to the applicant within 30 days of the issuance of a final building permit.

(B) A re-inspection and consultation fee of \$75 per hour must be paid before re-inspection of any rejected construction. There is a minimum charge of \$75 per re-inspection.

(C) In addition to the fees listed below, the permit applicant shall also pay the cost of any professional assistance engaged by the Town, in the Town's sole discretion, for the review of a permit application, including but not limited to engineers, architects, contractors, and legal counsel. Such fees shall be paid regardless of whether the application is approved or denied. Attorney fees shall be determined in accordance with the attorney's prevailing hourly rate which is on file in the Office of the Clerk-Treasurer. Other fees shall be determined by written proposal by the professional and acceptance by either the Town Council or Advisory Plan Commission.

<i>Description</i>	<i>Reference</i>	<i>To be Paid</i>	<i>Amount</i>
Building permit	156.008)	At time of filing of application**	\$100 + \$1.50 per sq. ft. + \$0.40 per sq. ft. for garage and other non-living spaces + \$300 debris removal refundable deposit
Remodeling and renovation permit	156.008	At time of filing of application **	\$100 + \$1.50 per sq. ft. + \$0.40 per sq. ft. for garage and other non-living spaces + \$300 debris removal

<i>Description</i>	<i>Reference</i>	<i>To be Paid</i>	<i>Amount</i>
Electrical permit	155.002(A))	At time of filing of application	\$50 + \$75 per inspection
Plumbing permit	155.002(B)	At time of filing of application	\$50 + \$75 per inspection
Heating, venting and air conditioning permit	155.002(C)	At time of filing of application	\$50 + \$75 per inspection
Repair permit	156.008	At time of filing of application	\$200 (includes two inspections)
Roof repair permit	156.008	At time of filing of application	\$125 (includes one inspection)
Water supply tap fee	155.002(D)	At time of filing of application to Water Works	Established by Ogden Dunes Water Works
Sewage disposal permit	155.002(D)	At time of filing of application to Porter County Health Department	Established by Porter County Health Department
Driveway or parking area permit	155.002(E)	At time of filing of application***	\$150
Land disturbing activity permit	151.177(C)(1)	At time of filing of application***	\$400 (\$300 is refundable)
Appurtenances and/or Structures	156.008	At time of filing of application**	\$50 + \$75 per inspection

--	--	--	--

<i>Description</i>	<i>Reference</i>	<i>To be Paid</i>	<i>Amount</i>
Tree removal permit	151.176(C)(2)	At time of filing of application***	\$5 + \$1 per tree over five trees
Demolition permit	155.004	At time of filing of application	\$525.00 (\$300.00 is refundable)
Swimming pool	675 IAC 20	At time of filing of application	\$500.00 (Includes four inspections)
Certificate of occupancy	156.011	At time of filing of application	Fee included with building permit
Sign Permit	156.008	At time of filing of application	\$50
Registration Fees	155.008		
Initial Registration Fee			\$100 (expires 12/31)
Registration Renewal Fee		By January 30 each year	\$25
Late Registration Renewal Fee		By the last day in February	\$50
** Fees do not include electrical, plumbing and heating, venting and air conditioning permits			
*** Fees waived if accompanied by building permit			

Whenever a person, whether an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity, which is either an applicant for a permit or an obtainer of a permit owes fees (including checks returned for insufficient funds, permit fees or inspection fees owed pursuant to this code), the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied. Similarly, non-conformity and/or non-compliance with any applicable provision of an applicable code or

ordinance is also grounds for the Building Commissioner to withhold the issuance of requested permits until such time that conformity and/or compliance is had.

(`99 Code, § 10-31) (Ord. 643, passed 3-2-98; Am. Ord. 695, passed 10-3-05; Am. Ord. 718, passed 8-13-07; Am. Ord. 725, passed 5-5-08)

155.002- MISCELLANEOUS PERMITS

(A) *Electrical permit.*

- (1) An electrical permit is required for all major electrical work and providing for the inspection of the same by the Building Commissioner or Electrical Inspector.
- (2) A permit is not required for minor repairs, such as:
 - (a) Replacing switches;
 - (b) Re-fusing cutouts;
 - (c) Changing lamps, sockets, and receptacle;
 - (d) Repairing drop cords.
- (3) All new electrical work and major repairs requiring a permit must be inspected.
- (4) At the homeowner's request, an electrical inspection of electrical systems and devices may be scheduled by the Building Commissioner or Electrical Inspector for a base inspection . (`99 Code, 10-150)

(B) *Plumbing permit.*

- (1) A plumbing permit is required for all major plumbing work and for providing for the inspection of the same by the Building Commissioner or Plumbing Inspector.
- (2) A permit is not required for:
 - (a) Hot water tank replacement installed by a licensed plumber;
 - (b) Cleaning, clearing and rodding drains;

(c) Replacing or repairing faucets;

(d) Replacing sinks, traps and toilets.

(3) All new plumbing work and major repairs requiring a permit must be inspected.

(4) At the home owner's request, a plumbing inspection of plumbing systems and device may be scheduled by the Building Commissioner or Plumbing Inspector for a base inspection fee (see 155.001). ('99 Code, § 10-151)

(C) Mechanical Permit (HVAC)

(1) A mechanical permit is required for the erection, installation, enlargement, alteration, repair, removal, conversion or replacement of all or part of a HVAC system, which is defined as heating, ventilating, and air conditioning , and for the inspection of the same by the Building Commissioner or Mechanical Inspector.

(2) A permit is not required for :

a) Portable gas heating appliances.

b) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

c) Portable heating appliances.

d) Portable cooling appliances.

e) Portable evaporative coolers.

f) Steam, hot or chilled water piping within any heating or cooling equipment.

g) Replacement of any part that does not alter its approval or make it unsafe.

h) Self-contained portable refrigeration unit that is not more than 1.5 horsepower

(D) *Water supply and sewage disposal permits.* A water supply permit is required through the Ogden Dunes Waterworks and a sewage disposal permit is required from the Porter County Health Department. A sewage disposal inspection is required before a certificate of occupancy permit can be issued (§155.001).

('99 Code, 10-152)

(E) *Driveway permit.* A driveway permit is required before work begins on the installation or construction of a driveway or parking area, using macadam, black top, concrete or other similar materials. Application for the permit shall include one set of plans and specifications

which clearly describe the proposed driveway or parking area. The plans shall show the following:

- (1) The area to be covered;
- (2) Adjacent property lines;
- (3) Existing buildings;
- (4) Elevations of the area;
- (5) The type and location of the drainage system;
- (6) The materials to be used; and
- (7) The method of construction.

('99 Code, 10-153)

(F) *Other permits.* For land disturbing activity permit, see 151.176(C)(1); for tree removal permit, see 151.175(C)(2); and for demolition permit, see 155.004.

('99 Code, 10-154) (Ord. 643, passed 3-2-98; Am. Ord. 725, passed 5-5-08) Penalty, see 155.999).

155.003 CERTIFICATION OF SITE PLAN

Except as detailed in Paragraph 1 below, site plans and specifications submitted pursuant to §156.009 shall be certified by an architect or professional engineer licensed in the state of Indiana. All building sites with proposed pre-development or post-development grade at or exceeding 20 degrees shall require a site plan design certified and stamped by a professional engineer licensed in the state of Indiana. Any site plan that includes a proposed retaining wall, regardless of its height must also be certified and stamped by a professional engineer licensed in the State of Indiana.

1. All retaining walls shall be designed and constructed in accordance with the manufacturer's recommendations and guidelines. When specific manufacturer's guidelines are not available, generally accepted design and construction standards shall be followed. All retaining wall designs shall include site plans and specifications. Retaining wall not exceeding four feet (4') in height, as measured from the bottom of the footing to the top of the wall, shall not require design certification by an architect or professional engineer licensed in the State of Indiana.

ARTICLE II

155.004 DEMOLITION.

- (A) *Permits.* The contractor or owner shall obtain all necessary permits before starting any demolition work. The permit shall be issued for a period of 30 days. All work must be completed in 30 days unless extended for a period not to exceed 30 days by the Building Commissioner.

('99 Code, 10-244)

- (B) *Safety.* The contractor must use care in removal of buildings. Hand methods shall be used if required by the Building Commissioner, and the area appropriately secured for safety purposes.

('99 Code, 10-245)

- (C) *Procedure for demolition.*

- (1) The contractor or owner shall disconnect from service and securely plug the existing house sewer/septic line. The sewer shall be sealed watertight with a concrete plug and marked for future identification.

- (2) The work shall be continued to completion promptly and expeditiously.

- (3) The contractor or owner shall remove all concrete slabs, sidewalks within the property, sidewalks in the public right-of-way, basement walls, footings, drain pipes, storage tanks, and any debris encountered within the excavation area, except septic system.

- (4) The hole shall not be filled until inspection and approval by the Building Commissioner.

- (5) The hole must be filled with clean sand, brought up to grade and planted with appropriate vegetation to prevent erosion. ('99 Code, 10-246) (Ord. 643, passed 3-2-98) Penalty, see 155.999

155.005 Underground Utilities.

All utility services for new construction begun after the effective date of this chapter shall be buried under the ground in accordance with the standard practice governing each utility. This shall include sewers, gas, water, electricity, cable television and telephone.

155.006 WORK SITE AUTHORITY; TIME LIMITS.

(A) *Work site authority.* After approval of a building permit, two sets of the approved plans and specifications shall be returned to the applicant. One copy of the approved plans and specifications shall be kept on the work site at all times that construction is in progress and shall be available for inspection by the Building Commissioner. ('99 Code, 10-159)

(B) *Time limits.*

- (1) The Building Commissioner shall, by certified mail to the applicant, cancel a permit if:
 - (a) The permit holder fails to start construction within a period of 120 days of the date the permit was issued; or
 - (b) The permit holder fails to proceed with the construction with reasonable diligence for any continuous period of six months, or;
 - (c) The permit holder fails to complete the construction within the 12 months immediately following the construction start date.
- (2) After the 12-month expiration date, the permit may be re-issued upon application, for a period not exceeding an additional six months, at double the original permit fee.
- (3) Any rejected applicant or the holder of an outstanding building permit may surrender it to the Building Commissioner any time before construction and may be refunded one-half the permit fee. ('99 Code, 10-160) (Ord. 643, passed 3-2-98)

155.007 CONSTRUCTION OPERATIONS.

(A) *Duty of care.* It is the duty of the owner, contractor, builder or other person having control or supervision of a construction site to take every precaution to safeguard the public from any injury which could foreseeably occur from the condition of the building, the use of equipment or materials, an attractive nuisance or any hazard maintained on the construction site. If necessary, a fence should be erected to prevent public access to the construction area.

(B) *Sand control.* It is the duty of the owner, contractor, builder or other person having control or supervision of a construction site to prevent loose sand from blowing or sifting onto public

roads or adjacent property. This requirement may be assured by providing suitable ground cover, by erecting suitable fencing or by immediate cleaning.

- (C) *Construction hours.* Hours of construction are between 7:00 a.m. and 7:00 p.m. Monday through Saturday. A special permit may be granted by the Building Commissioner at his discretion, taking into consideration noise levels and traffic situations, to work at other times. This permit must be applied for at least 48 hours in advance. No activity before 9:00 a.m. on Saturday or on Sunday, if permitted, shall generate noise which may be heard outside property lines of the construction.
- (D) *Garbage and refuse disposal.* During construction, no lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in accepted container.
- ('99 Code, 10-165 - 10-168) (Ord. 643, passed 3-2-98) Penalty, see 155.999.

155.08 Contractor/Tradesperson Registration

- (A) *Registration.* Any building contractor, general contractor, subcontractor or tradesperson doing business which requires a Permit per Section 156.008 of the Town Code, within the Town of Ogden Dunes must be registered with the Town of Ogden Dunes, and provide a certificate of insurance naming The Town of Ogden Dunes as an "Additional Insured" and bonding in Porter County, Indiana and provide proof of insurance and bonding in Porter County, Indiana, as specified in paragraph (C) below, at the time of such registration.

If a state license is required in the discipline, trade, or field of work it is to be submitted when seeking registration.

Additionally, Plumbing, Mechanical, and Electrical Contractors must provide proof of being licensed in an Indiana Municipality or county that tests these disciplines prior to issuances of a license.

General contractors are required to provide a list of subcontractors working on each project. This list is required to be filed prior to commencing work on any project. Changes in subcontractors must be made in writing, prior to commencing work to be performed by the new subcontractor.

- (B) *Initial Registration and Registration Renewal.* Each building contractor, general contractor, subcontractor, or tradesperson referred to in Section (A) above, shall submit an application for Initial Registration or

Registration Renewal on a form provided by the Clerk-Treasurer, accompanied by an application fee in the amount specified in 155.01, and the required proof of insurance and bonding as specified in 152.099 (A) and (C). The registration shall expire annually on December 31.

- (1) Registrations shall be renewed with the Town of Ogden Dunes, annually, not later than January 30. Fees for Registration Renewals shall be in the amount specified in 152.203.
- (2) Between January 30 and the last day of February, registrations may be renewed by submitting a Registration Renewal application, accompanied by a late renewal fee in the amount specified in 152.203.

- (3) Registrations not renewed with the Town of Ogden Dunes by the last day of February shall be considered as Initial Registrations.

(C) *Insurance and Bond.* Building contractors, general contractors, subcontractors and tradespersons referred to in Section (A) above shall furnish proof of Insurance to the Town of Ogden Dunes, showing compliance with Indiana Workers Compensation and Occupational Disease laws prior to being granted registration with the Town. Coverage must include at a minimum:

- (1) Certificate of liability insurance showing minimum coverage limits of \$500,000 per occurrence with a yearly aggregate coverage of \$1,000,000.
- (2) Unified License Bond in an amount equal to \$5000. This bond must be recorded and filed with the Porter County Recorder.
- (3) Proof of Worker's Compensation Insurance coverage for all employees, with coverage in an amount no less than that required by Indiana law.

(D) *Homeowner Registration.* Homeowners are not required to be registered to perform work on their property.

Homeowners who hire contractors, subcontractors and tradespersons to do electrical, plumbing, heating, ventilation and air conditioning are responsible to ensure that these contractors, subcontractors and/or tradespersons are registered in accordance with this Section 152.099.

Homeowners who hire unregistered contractors and tradespersons to perform work not requiring a building permit do so at their own risk. The

Town of Ogden Dunes cannot protect homeowners against fraud, poor workmanship, or damage to their property, neighboring property, or Town property.

(E) Revocation/Suspension of Contractor Registration

(1) Acts or omissions that may warrant suspension or revocation:

The power of the Plan Commission is authorized to temporarily suspend or permanently revoke the registration of any contractor or subcontractor registered under this article, who shall be found to have committed any one or more of the following acts or omissions:

- (a) Deliberate misrepresentation of any material fact, fraud, or deceit in obtaining a registration.
- (b) Aiding, abetting, or knowingly combining or conspiring with an unregistered person with the intent to evade the provisions of this article.
- (c) Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the registered contractor or subcontractor.
- (d) Diversion of funds or property received for a specified purpose, and for the purpose and prosecution or completion of any construction project or operation, and the application or use of such funds for any other project or operation, obligation or purpose:
 - 1. With the intent to defraud or deceive creditors or the owners; or,
 - 2. Resulting in the loss of said funds or property received.
- (e) Willful and deliberate violations of the building laws of the state and the town, or the political subdivisions thereof.
- (f) Willful departure from or disregard of plans or specifications in any material respect, without the consent of the person entitled to have the particular construction or operation completed.
- (g) Failure in any substantial respect to comply with the provisions of this article.
- (h) Disregarding a stop-work order which has been issued for violation of ordinances or the building codes or laws; provided, when a contract has been executed or commenced, upon the Building Commissioner's directive the contractor may proceed to complete such contract on the condition that he will make the necessary adjustments and repairs.

- (i) Receiving three or more citations for using or hiring unregistered contractors or subcontractors.

1. If suspension or revocation results from a violation of this subpart, reinstatement may only occur after the passage of one year from the date of suspension or revocation.
2. Prior to reinstatement of registration, the contractor or subcontractor must obtain Plan Commission approval for reinstatement by appearing before the Commission for interview.

(2) Suspension/Revocation Procedures

- (a) The Plan Commission may, upon a complaint filed by a member of the building department, or upon the filing of a verified complaint in writing by a contractee, proffer charges against any registered contractor under the terms of this Article. The Plan Commission shall issue a notice directing the registered contractor within 20 days after service of notice to appear and answer to the complaint showing cause, if any, why his registration should not be suspended or revoked. The contractor may request a hearing on such charges and the Plan Commission shall, within 30 days of receiving a request for a hearing, set a date for a hearing. The complaint shall contain a statement of facts pertaining to the specific charges of the violation of this Article, other ordinances and/or state law pertaining to the building construction, or of any act which may be the cause of suspension or revocation of a registration. The contractor may be present and may be represented by counsel at such hearing. The contractor may cross examine witnesses and present evidence and witnesses on his own behalf.
- (b) When a hearing is requested by a registered contractor on charges brought under this Section, the Plan Commission shall set the time and place when such hearing shall be held.
- (c) A service of notice upon the contractor shall be fully effective upon mailing a copy thereof, by United States Registered Mail, with return receipt requested, in a sealed envelope with postage fully paid thereon, addressed to the contractor at his last address of record as shown in the building commissioner's office or by hand delivery. Failure of the contractor to answer within 20 days after service may be deemed to be an admission by him of the facts stated in the complaint, and his registration thereupon may be suspended forthwith upon the complaint filed thereon and without any further evidence in this case. The Plan Commission shall have the authority, in its discretion, to continue such cause for further hearing should the circumstances of this case warrant this action.
- (d) Whenever the Plan Commission shall determine that a registered contractor is in violation of the terms of this article, the determination of the Plan

Commission shall be in writing and be issued within five business days of the determination. The Plan Commission shall then have the power to suspend such registration for a definite period, to revoke such registration or to issue an order against such contractor to correct the violation, fixing a reasonable time within which such correction shall be made or accomplished and, upon compliance with such order, the Plan Commission may dismiss such complaint. If the contractor fails to correct such violation within the time required by the previous order Plan Commission, the Plan Commission shall have the power to extend such time for correction of the violation or shall have the right to suspend such contractor's registration for a determinative period or may revoke the registration without any further right to hearing by the registrant. To revoke or suspend a registration or for the issuing of an order requiring correction of any violations, it shall require the affirmative vote of two-thirds of the membership of the Plan Commission.

- (e) After the revocation of any registration, such registration shall not be renewed, and no new registration shall be issued to the same registration holder within a period of at least one year subsequent to the date of revocation. After the expiration of the one-year period, a new registration shall only be issued upon proper showing that all violations, acts or omissions for which the registration was revoked have been corrected and that all conditions imposed by the decision of the revocation correction order or suspension have been fully complied with.
- (f) Any contractor who is aggrieved by the decision of the Plan Commission may take an appeal from such Plan Commission to the Board of Zoning Appeal of the town and, if still aggrieved, may further appeal as allowed by the laws of the state. An appeal to the Board of Zoning Appeals must be submitted to the Board of Zoning Appeals within thirty (30) days of the written decision of the Plan Commission hearing.
- (g) Whenever a new registration is issued by the Commission to any applicant whose registration has previously been revoked, the issuance shall be treated as an initial issuance.

ARTICLE III

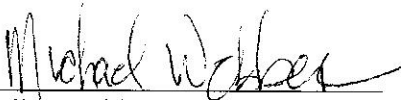
155.999 VIOLATIONS.

All violations of Chapter 155 shall be subject to a fine not to exceed \$2,500 for the first violation and not to exceed \$7,500 for the second and subsequent violations. Each day that the violation shall continue to exist, or each distinct repetition of any violation shall constitute a separate offense.

SECTION THREE: This Ordinance shall be in full force and effect from and after its adoption, and publication as required by law.


ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Ogden Dunes, Porter County, Indiana, this 17th day of Sept, 2020.

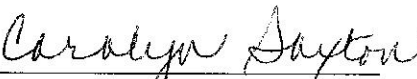
OGDEN DUNES TOWN COUNCIL



Mike Webber, President

ABSENT

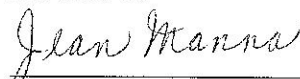
Scott Lehmann


Nate Ball


Carolyn Saxton


Doug Cannon

ATTEST:


Jean Manna, Clerk-Treasurer