

REPLACES DOC #: 202403505 RECORDED 07/29/2024
RE-RECORDED DUE TO SCRIVENER'S ERROR

**DEKALB COUNTY RESOLUTION 2024-R-6
DEKALB COUNTY CODE SECTION 32-3-2
DEKALB COUNTY DEVELOPMENT SERVICES - BUILDING DEPARTMENT**

WHEREAS, the DeKalb County Commissioners as the legislative authority of DeKalb County as designated in Indiana Code 36-7-8 and as the executive body as designated by said statutory authority, has determined that they are responsible for the orderly and proper administration of the regulation of the construction, alteration, repair, and demolition of buildings and structures in the rural area of DeKalb County; and

WHEREAS, the executive and legislative bodies of certain cities, towns and villages located within DeKalb County have given notice to the DeKalb County executive and legislative bodies that they desire to submit the jurisdiction of such regulation and the enforcement thereof to one single joint building code, administered by one single building department to be designated as the DeKalb County Building Department; and

WHEREAS, this ordinance does incorporate by reference building rules, codes and standards required by the laws of the State of Indiana, and further provides for the issuance of permits, and further provides enforcement authority, as well as, penalties for violations;

NOW THEREFORE BE IT ORDAINED as follows:

SECTION 1 - TITLE: This ordinance is a recodification of all prior County Building Department Ordinances and Ordinances that were supplemental or amendatory hereto and shall be known as the "2024 Building Code of DeKalb County, Indiana" and may be cited as such, and will be referred to herein as the "2024 Building Code".

SECTION 2 - PURPOSE: The purpose of this 2024 Building Code is to provide minimum standards for the protection of public safety and the conservation of energy in the design and construction of buildings and structures.

SECTION 3 - BUILDING DEPARTMENT: Under Indiana Code Chapter 36-7-8, the DeKalb County Commissioners created and hereby reaffirm a separate department which shall be named the "DeKalb County Building Department", hereinafter called the "Building Department". This Department shall be part of and located in the DeKalb County Department of Development Services as per Resolution 2014-R-2: "A Resolution Combining the Offices of Planning, Building, and GIS into One Office".

- 3.1 There is hereby created the position of the "DeKalb County Building Inspector", hereinafter called the "Building Inspector".
- 3.2 The Building Inspector is hereby authorized and directed to administer and enforce all of the provisions of this 2024 Building Code.
- 3.3 The Building Inspector shall be selected, hired, retained and dismissed at the will of the Director of the Department of Development Services.
- 3.4 The Building Inspector shall be provided with such office space with the Department of Development Services and shall be part of the Department of Development services budget for all expenses and payroll.



SECTION 4 - BUILDING PERMIT REQUIREMENTS: Any person or legal entity desiring to construct any new building or structure or alter, remove or demolish any existing building or structure shall first make application for a permit on the form provided by the Department of Development Services.

- 4.1 Upon satisfaction of the Zoning Administrator and Building Inspector that all of the proper legal authorities have approved the location and use proposed, and that the applicant has furnished sufficient evidence that the building or structure will be constructed, altered, or demolished in conformance with the requirements of this 2024 Building Code, the Department of Development Services will issue a permit.
- 4.2 The permit must be posted in plain view at the work site or available for viewing when the inspector is on site.
- 4.3 The permit is subject to revocation at any time the permitted work is found to be not in compliance with this 2024 Building Code.
- 4.4 The permit refusal or revocation may be reviewed by the Building Inspector and reissued or reinstated upon such terms and conditions as he may find required by this 2024 Building Code and in the event of a refusal of the inspector to issue or reinstate a permit, the applicant may appeal to the Indiana Department of Fire and Building Services as provided for in Indiana Code 22-13-2-7, for such relief as that agency deems to be legally proper and in conformance with the requirements of this 2024 Building Code.
- 4.5 The Building Inspector shall not accept any application for a building permit until the applicant furnishes the building inspector with an improvement location permit from the municipal authority, if required.
- 4.6 In those instances where a Design Release is required by Indiana Code 22-15-3-1, the Building Inspector shall issue no permit until the Design Release is issued.
- 4.7 Permit fees shall be based upon a fee schedule adopted by the County Commissioners as Appendix A to this Ordinance.
- 4.8 The permit fees may be reconsidered and adjusted annually by the DeKalb County Commissioners.
- 4.9 At the conclusion of all work authorized by the permit, the Building Inspector shall file a report of completion with the local Plan Commission having jurisdiction over the site and with the County Assessors.
- 4.10 Generally known as the "Log Cabin Rule", Indiana Code IC 36-7-8-3 (d) specifically excludes building codes from applying to "private homes that are built by individuals and used for their own occupancy. However, onsite sewage systems of a private home described in this subsection must comply with state laws and rules." This applies to all structures which are located in proximity, incidental to and within the same site as the primary residence (see Noble v. Fahlsing). Therefore, building permits are not required for any structure built by individuals and used for their own occupancy. This shall apply for new structures and remodel to existing structures.

SECTION 5 - INTERPRETATION: Whenever it shall be necessary for any person, court or agency to construe this 2024 Building Code, such interpretation or construction of this 2024 Building Code shall be uniformly in conformance with the requirements and precedents of law and shall not be arbitrary or capricious.

SECTION 6 - VARIANCE: Any variance from adopted building rules is subject to approval under Indiana Code 22-13-2-7 (B) of the Fire Prevention and Building Safety Commission.

SECTION 7 - OTHER ORDINANCES: All work performed under the authority of a permit issued by the Building Inspector shall be performed in full compliance with all other city, town or county ordinances governing the site location.

SECTION 8- INSPECTIONS: The Building Inspector shall make or shall cause to be made such inspections of the work being done when permits are issued or when work is being illegally performed without a permit-as are necessary to ensure full compliance with the provisions of this 2024 Building Code and the terms of the permit.

- 8.1 Application for such permit shall be deemed to be blanket authority for the Building Inspector or his appointees to enter the site and make such inspection.
- 8.2 When the Building Inspector deems it to be necessary to employ specialists to assist in inspections, funds being appropriated and available the Building Inspector may employ such specialists to accompany the inspector on such inspections and to make reports and give evidence as needed.

SECTION 9 - ADOPTION OF BUILDING CODES, RULES AND STANDARDS BY REFERENCE: All of the Building Codes, Health Codes, Fire Codes and Statutes of the State of Indiana concerning building safety, fire prevention and public health as adopted and currently effective by promulgated laws of the State of Indiana as they now exist or hereafter become effective or may hereafter be amended, modified or additionally made (Indiana Code) are hereby adopted, together with all rules and regulations of the Indiana Department of Fire and Building Services as set forth in the Indiana Administration Code (IAC) Title 675 are hereby adopted by this ordinance and ordered to be enforced by the authority herein created including the following:

- 9.1 Articles of Title 675 of the Indiana Administrative Code Article 13 - Building Codes:
 - 9.1.1 Fire and Building Safety Standards.
 - 9.1.2 Indiana Building Code.
 - 9.1.3 Indiana Building Code Standards.
 - 9.1.4 Indiana Handicapped Accessibility Code.9
- 9.2 Article 14 - One and Two Family Dwelling Codes:
 - 9.2.1 Council of American Building Officials One and Two Family Dwelling Code.
 - 9.2.2 CABO One and Two Family Dwelling Code; Amendments.
 - 9.2.3 Standard for Permanent Installation of Manufactured Homes.
- 9.3 Article 16 - Plumbing Codes:
 - 9.3.1 Indiana Plumbing Code.
- 9.4 Article 17 - Electrical Codes:
 - 9.4.1 Indiana Electrical Code.
 - 9.4.2 Safety Code for Health Care Facilities.
- 9.5 Article 18 - Mechanical Codes:
 - 9.5.1 Indiana Mechanical Code.
- 9.6 Article 19 - Energy Conservation Codes:
 - 9.6.1 Indiana Energy Conservation Code.
 - 9.6.2 Modifications to the Model Energy Code.
- 9.7 Article 20 - Swimming Pool Codes:
 - 9.7.1 Indiana Swimming Pool Code.

Also, all state and municipal ordinances of the communities joining in with the enforcement of this ordinance concerning demolition, condemnation and site restoration are hereby adopted and ordered to be enforced.

SECTION 10 - BUILDINGS AND STRUCTURES: Buildings and structures as used herein shall include all construction of every nature and kind including but not limited to pre-manufactured structures, swimming pools,

out buildings, residences, business buildings of every kind, manufacturing and non-manufacturing buildings, stores, warehouses, storage facilities and any other building or structure included in the provisions of Indiana law or the rules and regulations of any state agency concerning health, safety, fire prevention or the installation of mechanical, electrical or plumbing fixture.

- 10.1 Industrialized building systems or mobile structures certified under Indiana Code 22-15-4 are exempted from inspection by the DeKalb County Building Inspector, but the placement of such structure and issues of compliance with local laws remain under the local inspector's authority.
- 10.2 Construction as used herein shall include new building on previously unoccupied land, remodeling existing buildings or structures, adding to existing building or structure or the demolition thereof, but shall not include interior or exterior repair of existing facilities or any improvements when the useable square footage is not increased.
- 10.3 Parking lots are excluded from this Ordinance, except as to location of entrances and exits and the requirements of the Indiana Department of Transportation or DeKalb County Highway Department, and except for drainage requirements under the DeKalb County Drainage Board Code.

SECTION 11 - RESPONSIBILITY: Any owner of land where work is performed, lessee, sub lessee, occupant, or contractor therewith is jointly and severally responsible for compliance with this ordinance, and it shall be unlawful for any person or legal entity to violate any provision hereof.

- 11.1 In the event that the Building Inspector is refused entry to inspect, the Building Inspector shall be authorized to obtain a court order authorizing entry.
- 11.2 The Building Inspector shall have the authority to issue a stop work order on any project not being completed in strict conformance with any provision of this Ordinance, or any law, rule or regulation incorporated herein by reference.
- 11.3 The failure of any responsible party to immediately abide by such order of the Building Inspector when posted at the site shall authorize the Building Inspector to sue in the name of the County and the Department in any court of general jurisdiction for injunctive relief and to obtain such court orders as may be proper for the strict enforcement of this Ordinance.
- 11.4 Upon proof of intentional continual violation of any provision of this Ordinance or order of the Building Inspector, and upon finding of the court that violation to be fact, the court shall be empowered in the court's discretion to impose a fine of \$100.00 per day for each and every day that the violation has occurred or continues to occur. Attorney fees for the cost of collections against the offender shall be charged over and above the amount of the daily fine.
- 11.5 After such finding, the fine may be imposed jointly and or severally upon the owner of the land or structure or building (which is the site of the unlawful activity), any tenant, lessee, sub-lessee or contractor found to be knowingly guilty of such unlawful activity.
- 11.6 Each day of violation shall be considered a separate offense.

SECTION 12 - JOINING OF COMMUNITIES: Any city, town or village in DeKalb County that by interlocal agreement duly adopted elects to join in with DeKalb County, utilizing the DeKalb County Building Inspector to enforce this ordinance in that city, town or village in its complete form, may do so upon the passage of such interlocal agreement and the execution of a contract which shall be renewable or terminable annually on a calendar year basis.

12.1 The cities and towns of Ashley, Butler, Corunna, Garrett, St. Joe & Waterloo are part of this Ordinance per an Interlocal Agreement effective July 1, 2019.

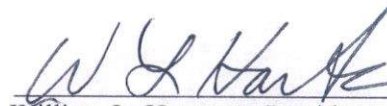
SECTION 13 - EFFECTIVE DATE: This Resolution No. 2024-R- 6 shall supersede any prior DeKalb County Ordinance regarding the Building Department of DeKalb County, Indiana, including; Ordinance 89-2 passed June 5, 1989; Ordinance 76-1 passed April 26, 1976; Ordinance 2000-10 passed November 20, 2000; and Resolution 2021-R-22 passed October 4, 2021. This Resolution No. 2024-R- 6 shall be in full force and effect from and after its adoption and after any approval required by the Indiana Department of Fire and Building Services, and after publication as may be required by law.

READ AND PASSED ON FIRST READING: July 29, 2024

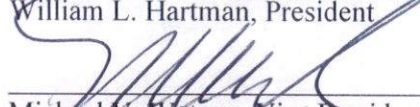
READ AND PASSED ON SECOND READING: July 29, 2024

READ AND PASSED ON THIRD READING: July 29, 2024

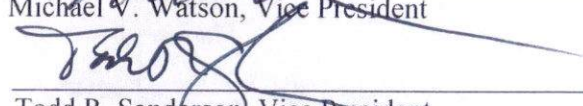
THIS ORDINANCE IS PASSED AND ADOPTED by the DeKalb County Commissioners of DeKalb County, Indiana, after the Third Reading, and is signed by the DeKalb County Commissioners on this 29 day of July, 2024.



William L. Hartman, President



Michael V. Watson, Vice President



Todd R. Sanderson, Vice President



Attest, Susan Sleeper, Auditor

Prepared by: Chris Gaumer "I affirm under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

APPENDIX A: FEE SCHEDULE

The following fees for inspection and issuance of permits are hereby established:

- I. RESIDENTIAL (Stick Built, Mobile, Double Wide, Modular)
 - A. One, Two, and Multiple Family Dwellings – New construction applying to basements, multi-story dwellings, attached garages, carports, decks and porches.
 - B. Detached Garages and Accessory Buildings that are built at the same time as the main dwelling unit require a separate building permit from the main dwelling unit and shall be categorized as Residential Accessory Buildings (see below).
 - C. Residential Additions are any addition to the residence and include an attached garage, deck or porch, enclosure of existing porches, decks or patios, new foundations or basements under existing structures.
\$.10 per square foot of floor area
\$50.00 minimum fee
 - D. RESIDENTIAL REMODEL
\$.10 per square foot of floor area affected
\$50.00 minimum fee

- II. RESIDENTIAL SWIMMING POOL
\$75.00

- III. RESIDENTIAL/AGRICULTURAL PRIVATE ACCESSORY SOLAR ENERGY SYSTEM
\$30.00

- IV. NO BUILDING PERMIT SHALL BE REQUIRED FOR THE FOLLOWING:
Buildings less than 300 square feet and not on a permanent foundation, pre-built sheds under 500 square feet that may or may not be on a permanent foundation; grade level patios; above ground pools; painting; paneling; siding; gutter and downspout replacement; insulation; window replacement of a like size not requiring a change to the existing structure; storm windows and doors; and other cosmetic improvements not affecting electrical, plumbing, or mechanical systems as determined by the Building Inspector.

- V. RESIDENTIAL ACCESSORY BUILDINGS
These buildings may include detached garages, sheds or barns used by and for the residents of the property for personal storage; housing for animals used for hobby or hobby farming; farm equipment storage or similar; and roadside sales structure for the sale of products of the farm, and signs displaying subject matter directly related to the name or the products of the particular farm. The permit category for these buildings shall be subject to approval by the Zoning Administrator or the Building Inspector.
\$.10 per square foot of floor area
\$50.00 minimum fee

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VI. COMMERCIAL AGRICULTURE BUILDINGS

The primary or accessory building on the property of any type that may be the primary (or primary adjacent) use of the property that could include storage of equipment for commercial agriculture uses; any animal barns used for commercial agriculture uses that may be below the IDEM Confined Feeding Operation (CFO) requirements and any animal barns used for commercial agricultural uses that may be at or above the IDEM Confined Feeding Operation (CFO) requirements; any type of roadside sales structure for the sale of products of the farm, and signs displaying subject matter directly related to the name or the products of the particular farm. The permit category of these buildings shall be subject to approval by the Zoning Administrator or the Building Inspector.

\$.15 per square foot of floor area

\$100.00 minimum fee

VII. COMMERCIAL AND INDUSTRIAL BUILDINGS

A. Commercial – New Construction

\$.15 per square foot

\$100.00 minimum fee

B. Commercial -- Remodel/ Alteration/ or Accessory Structure

\$.15 per square foot

\$100.00 minimum fee

C. Industrial – New Construction

\$.15 per square foot

\$200.00 minimum fee

D. Industrial – Remodel/ Alteration / or Accessory Structure

\$.15 per square foot

\$200.00 minimum fee

VIII. COMMERCIAL SOLAR ENERGY SYSTEM

\$50.00 per acre of \$5,000.00 maximum

IX. UTILITIES/RAILROAD – Structures owned by railroads, electric, gas, telephone, or cable companies. Structures owned by cities or towns, which are used for utilities. Uninhabited equipment buildings only require a foundation permit. An electrical permit will need to be issued if there will be electric in the building.

\$.05 per square foot

\$25.00 minimum fee

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- X. MISCELLANEOUS FEES: Applying to temporary mobile offices and existing residential, commercial, industrial, and agricultural buildings.
- A. Electrical service replacement and/or additions to an existing electrical system. (excluding fixture replacement)
\$30.00
 - B. Temporary electrical service
\$30.00
 - C. Replacement and/or addition to existing plumbing system. (excluding fixture replacement)
\$30.00
 - D. Roof – Applies only if a contractor is hired.
\$30.00
 - E. Foundation and/or Demolition
Residential – Applies only to foundation repair on existing structures, or demolition of existing structures. New foundations and basements, which are to be placed under existing structures, are subject to the fees of residential new construction.
 - F. Utilities/Railroad – Applies only to buildings or structures, which are not inhabited.
\$.10 per square foot
\$50.00 minimum fee
- XI. REMOVAL OF STORAGE FACILITIES FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS AND GASES
\$50.00 per tank
- XII. For unusually large or complex buildings or structures, the Building Inspector shall have the power to increase the number of required inspections by fifty percent (50%). When circumstances warrant, the Building Inspector shall have the power to assess a building permit based on a calculated amount at \$50.00 per inspection, i.e. remodeling projects covering large areas. The Building Inspector shall in all cases designate the state of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundations 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 the permit holder to have work ready for inspection at a designated stage of construction, the Building Inspector shall have the power to assess a reinspection fee of \$50.00 for each additional inspection. Reinspection fees shall be paid to the DeKalb County Building Department prior to the issuance of a Certificate of Occupancy. The Building Inspector shall submit an annual report, which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections.

END OF APPENDIX A