

## TITLE II: PLANNING, ZONING AND DEVELOPMENT

### CHAPTER I: MASTER PLAN--NORTH MANCHESTER AND JURISDICTIONAL AREA

#### ARTICLE 1: MASTER PLAN

General Ordinance No. 4, 1981, the same being a master development plan for the Town of North Manchester, adopted May 5, 1982 and *General Ordinance No. 4, 1995, being a comprehensive zoning ordinance for the Town and its jurisdictional area, as amended (Title II, Chapter I, Article I, Municipal Code)* as found under separate covers, ~~is~~ are hereby incorporated herein by reference as fully as if set forth verbatim in this code. ~~Two Copies of General Ordinance No. 4~~ are on file in the office of the Clerk-Treasurer and are available for inspection by the public.

#### ARTICLE II: FLOOD HAZARD DEVELOPMENT CONTROL

SECTION 1. STATEMENT OF PURPOSE. The purpose of this ordinance is to regulate development in flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for extraordinary public expenditures for flood protection and relief.

- 1.1 by means of preventing development which materially increases flood hazards to persons or property;
- 1.2 to protect buildings and other improvements on land from flood damage;
- 1.3 to protect human life and health from hazards of flooding;
- 1.4 to lessen the burden on taxpayers for costs of flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- 1.5 to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- 1.6 to make federally subsidized flood insurance available for property in the Town of North Manchester and adjacent areas under its planning and zoning jurisdiction by fulfilling the requirements of the National Flood Insurance Program.

SECTION 2. DEFINITIONS. ~~For the purpose of this ordinance the following definitions are adopted:~~

- 2.1 Building - see "structure."
- 2.2 Development - any man-made change to improved or unimproved real estate including but not limited to:
  - 2.2.1 construction, reconstruction, or placement of a building or any addition to a building ~~valued at more than \$1,000;~~
  - 2.2.2 installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;

2.2.3 installing utilities, erection of walls and fences. construction of roads, or similar projects;

2.2.4 construction of flood control structures such as levees, dikes, channel improvements, etc.;

2.2.5 mining, dredging, filling, grading, excavation, or drilling operations;

2.2.6 construction and/or reconstruction of bridges or culverts;

2.2.7 storage of materials; or

2.2.8 any other activity that might change the direction, heights, or velocity of flood or surface waters. "Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

2.3 Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

2.4 Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

2.5 FHBM - means Flood Hazard Boundary Map.

2.6 FIRM - means Flood Insurance Rate Map.

2.7 Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

2.8 Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The flood plain includes both the floodway and the floodway fringe districts.

2.9 Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area or the "SFHA".

2.10 Floodway - means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

2.11 Floodway fringe - means those portions of the flood hazard areas lying outside the floodway.

2.12 Lowest Floor - means the lowest of the following:

2.12.1 the basement floor;

2.12.2 the garage floor, if the garage is the lowest level of the building;

2.12.3 the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or

2.12.4 the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:

2.12.4.1 the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor.

2.12.4.2 such enclosed space shall be usable for nonresidential purposes and building access.

2.13 Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

2.14 New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

2.15 Recreation vehicle - means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

2.16 Regulatory Flood - means of flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The regulatory flood elevation at any location is as defined in Section 4 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood."

2.17 SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the Town that are subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Insurance Rate Map of ~~the Town~~ *the Wabash County and the Incorporated Areas* prepared by the Federal Emergency Management Agency and dated ~~August 19, 1986~~ *November 19, 1997*. The SFHAs of those parts of unincorporated Wabash County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as

such on the Flood Insurance Rate Map prepared for Wabash County by the Federal Emergency Management Agency and dated ~~August 19, 1986~~ November 19, 1997.

2.18 Structure - means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

2.19 Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 40 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the continued designation of the structure as a "historic structure".

*SECTION 3. DUTIES OF THE ADMINISTRATOR. The Building Inspector for the Town of North Manchester is appointed Administrator to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:*

3.1 *Ensure that all development activities within the SFHAs of the jurisdiction of the Town meet the requirements of this ordinance.*

3.2 *Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.*

3.3 *Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 6 of this ordinance, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).*

3.4 *Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.*

3.5 *Maintain a record of the engineer's certificate and the "as-built" floodproofed elevation of all buildings subject to Section 7 of this ordinance.*

3.6 *Cooperate with state and federal floodplain management agencies to improve base flood and floodway date and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.*

3.7 *Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all building constructed subject to this ordinance.*

~~SECTION 3. REGULATORY FLOOD ELEVATION AND FLOODWAY LIMITS.~~ The Building Inspector for the Town of North Manchester is appointed *Administrator* to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:

~~3.1 Ensure that all development activities within the SFHAs of the jurisdiction of the Town meet the requirements of this ordinance.~~

~~3.2 Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.~~

~~3.3 Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 7.6 of this ordinance, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).~~

~~3.4 Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.~~

~~3.5 Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Section 8.7 of this Ordinance.~~

~~3.6 Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.~~

~~3.7 Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all buildings constructed subject to this ordinance.~~

SECTION 4. REGULATORY FLOOD ELEVATION AND FLOODWAY LIMITS. This ordinance's protection standard is the regulatory flood *and floodway limits*. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study shall have a duty to replace existing data with correct data and submit it to the Department of Natural Resources for review and approval.

~~4.1 The regulatory flood elevation for the SFHAs of Eel River and Pony Creek and the floodway limits of the Town shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Town or County Wabash County, Indiana and Incorporated Areas dated November 19, 1997 and the corresponding FIRM maps dated November 19, 1997 prepared by the Federal Emergency Management Agency. and dated August 19, 1986.~~

~~4.2 The regulatory flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Town of Wabash County and Incorporated Areas dated November 19, 1997.~~

~~4.3 The regulatory Flood Elevation and the floodway limits for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map for Wabash County and Incorporated Areas of the Town or County shall be according to the correct best available data available as provided by the Department of Natural Resources.~~

~~4.4 The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Wabash County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Wabash County and Incorporated Areas dated November 19, 1997 and the corresponding FIRM prepared by the Federal Emergency~~

Management Agency. ~~and dated August 19, 1986.~~ If the SFHA is delineated as "AH Zone or AO Zone," the elevation (or depth) will be delineated *on the FIRM for Wabash County and Incorporated Areas dated November 19, 1997.* If the SFHA is delineated as "Zone A" on the ~~County Flood Insurance Rate Map~~ *FIRM for Wabash County and Incorporated Areas,* the regulatory flood ~~elevation and floodway limits~~ shall be according to the correct data available as provided by the Department of Natural Resources.

SECTION 5. IMPROVEMENT LOCATION PERMIT. No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Building Inspector. The Building Inspector shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this ordinance.

5.1 The application for an Improvement Location Permit shall be accompanied by the following:

5.1.1 A description of the proposed development.

5.1.2 Location of the proposed development - sufficient to accurately locate property and structure in relation to existing roads and streams.

5.1.3 A legal description of the property site.

5.1.4 A site development plan showing existing and proposed structure locations and existing and proposed land grades.

5.1.5 Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD).

5.2 Upon receipt of an application for an Improvement Permit, the Building Inspector shall determine if the site is located within an identified floodway or within the Location floodplain where

5.2.1 If the site is in an identified floodway the Building Inspector shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC ~~13-2-22~~ *14-28-1* a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building. No action shall be taken by the Building Official until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Building Official may issue the local Improvement Location Permit, provided the provisions contained in Sections 7 and 8 of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

5.2.2 If the site is located in an identified floodway fringe, then the Building Inspector may issue the local Improvement Location Permit provided the provisions contained in Section ~~7 and 8~~ *6 and 7* of this ordinance have been

met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.

5.2.3 If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Inspector shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment. No action shall be taken by the Building Inspector until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources. Once the Building Inspector has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from Natural Resources and the provisions contained in ~~Section 7 and 8~~ 6 and 7 of this ordinance have been met.

**SECTION 6. PREVENTING INCREASED DAMAGES.** No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

6.1 Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:

6.1.1 No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and

6.1.2 For all projects involving channel modifications or fill (including levees) the Town shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data.

6.2 Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:

6.2.1 The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

6.3 Public Health Standards in all SFHAs

6.3.1 No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of ~~Section 8~~ Section 7 and 8 of this ordinance.

6.3.2 New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPG are watertight.

SECTION 7. PROTECTING BUILDINGS. In addition to the damage prevention requirements of Section 7, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

7.1 The building protection requirement applies to the following situations:

7.1.1 Construction or placement of any new building ~~valued at more than \$1,000;~~

7.1.2 Structural alterations made to ~~an existing building that increase the market value of the building by more than 40% (excluding the value of the land);~~

7.1.2.1 An existing building (previously unaltered) building, the cost of which equals or exceeds 40% of the value of the pre-altered building (excluding the value of the land);

7.1.2.2 Any previously altered building;

7.1.3 Reconstruction or repairs made to a damaged building that are valued at or more than 40% of the market value of the building (excluding the value of the land) before damage occurred;

7.1.4 Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

7.1.5 Installing a travel trailer on a site for more than 180 days.

7.2 This building protection requirement may be met by one of the following methods. The Building Inspector shall maintain a record of compliance with these building protection standards as required in ~~Section 4~~ Section 3 of this ordinance.

7.2.1 A residential or non-residential building may be constructed on a permanent landfill in accordance with the following:

7.2.1.1 The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Protector Test method.

7.2.1.2 The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

7.2.1.3 The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

7.2.1.4 The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

7.2.1.5 The lowest floor (see definition of lowest floor in ~~Section 3~~ Section 2. Definitions) shall be at or above the FPG.

7.2.2 A residential or non-residential building may be elevated in accordance with the following:

7.2.2.1 The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

7.2.2.1.1 Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor.

7.2.2.1.2 Any enclosure below the elevated floor is used for non-residential purposes and building access.

7.2.2.2 The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice and floating debris.

7.2.2.3 All areas below the FPG shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

7.2.3 Manufactured homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

7.2.3.1 The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

7.2.3.1.1 outside a manufactured home park or subdivision;

7.2.3.1.2 in a new manufactured home park or subdivision;

7.2.3.1.3 in an expansion to an existing manufactured home park or subdivision; or

7.2.3.1.4 in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood;

7.2.3.2 The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers

or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

7.2.4 Recreation vehicles placed on a site shall either:

7.2.4.1 be on the site for less than 180 consecutive days;

7.2.4.2 be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

7.2.4.3 meet the requirements for "manufactured homes" in paragraph (3) of this section.

7.2.5 A nonresidential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

7.2.5.1 A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

7.2.5.2 Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

## SECTION 8. OTHER DEVELOPMENT REQUIREMENTS.

8.1 The Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Plan Commission finds the subdivision to be so located, the Plan Commission shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Plan Commission shall require appropriate changes and modifications in order to assure that:

8.1.1 it is consistent with the need to minimize flood damages;

8.1.2 all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

8.1.3 adequate drainage is provided so as to reduce exposure to flood hazards;

8.1.4 onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

8.2 Developers shall record the 100 year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.

8.3 All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the Town or County FHBM or FIRM develop an evacuation plan for those lots located in Zone A and file it with the local Plan Commission and have it filed and approved by the appropriate community emergency management authorities.

## SECTION 9. VARIANCES.

9.1 The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:

9.1.1 there exists a good and sufficient cause for the requested variance;

9.1.2 the strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and

9.1.3 the granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

9.2 The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions

9.2.1 No variance or exception for a residential use within a floodway subject to Section 7.1 or 7.2 may be granted.

9.2.2 Any variance or exception granted in a floodway subject to Section 7.1 or 7.2 will require a permit from Natural Resources.

9.2.3 Variances or exceptions to the Building Protection Standards of Section 8 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

9.2.4 Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.

9.2.5 All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

9.2.6 The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

SECTION 10. DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available

information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the Town, Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully hereunder.

SECTION 11. VIOLATIONS. Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Master Plan and Zoning Ordinance for the Town of North Manchester.

11.1 A separate offense shall be deemed to occur for each day the violation continues to exist.

11.2 The North Manchester Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

11.3 Nothing herein shall prevent the Town of North Manchester, Wabash County, or State of Indiana, from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

SECTION 12. ABROGATION AND GREATER RESTRICTIONS. This ordinance repeals and supersedes all provisions contained in Title II of the North Manchester Municipal Code regulating development in or upon or use of land in flood hazard areas. Where this ordinance and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence.

SECTION 13. SEPARABILITY. The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder. *Amended November 5, 1997.*

### **ARTICLE III. FAIR HOUSING**

SECTION 1. POLICY STATEMENT. It shall be the policy of the Town of North Manchester to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

SECTION 2. DEFINITIONS. The definitions set forth in this Section shall apply throughout this ordinance:

2.1 "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2.8).

2.2 "Family" includes a single individual (I.C. 22-9.5-2.9), with the status of such family being further defined in subsection (2.8) of this Section.

2.3 “Person” (I.C. 22-9.5-2-13) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

2.4 “To rent” (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

2.5 “Discriminatory Housing Practice” means an act that is unlawful under Sections 4, 5, 6, 7 or 8 of this Ordinance or I.C. 22-9.5-5.

2.6 “Handicap” means, with respect to a person:

2.6.1 A physical or mental impairment which substantially limits one or more of such person’s major life activities.

2.6.2 A record of having such an impairment, or

2.6.3 Being regarded as having such an impairment,

2.6.4 An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.

2.6.5 Any other impairment defined under I.C. 22-9.5-2-10.

The term “handicap” shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code {I.C. 22-9.5-2-10(b)}; nor does the term “handicap” include an individual solely because that individual is transvestite {I.C. 22-9.5-2-10(c)}.

2.7 “Aggrieved person” includes any person who (I.C. 22-9.5-2-2):

2.7.1 Claims to have been injured by a discriminatory housing practice; or

2.7.2 Believes that such person will be injured by a discriminatory housing practice that is about to occur.

2.8 “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:

2.8.1 A parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

2.9 “Commission” (I.C. 22-9.5-2-3) means the Indiana Civil Right Commission created pursuant to I.C. 22-9.1-4, et. seq.

2.10 “Complainant” (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

SECTION 3. UNLAWFUL PRACTICE. Subject to the provisions of subsection (3.2) of this Section, Section 9 of this ordinance and Title 22-9.5-5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this ordinance shall apply to:

3.1 All dwellings except an exempted by subsection (3.2) and Title 22-9.5-3 of Indiana Code.

3.2 Other than the provisions of subsection (3.3) of this Section, nothing in Section 4 shall apply to:

3.2.1 Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental or more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:

3.2.1.1 Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and

3.2.1.2 Without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4.3 of this ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

3.2.2 Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

3.3 For the purposes of subsection 3.2, a person shall be deemed to be in the business of selling or renting dwellings if:

3.3.1 He has, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

3.3.2 He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or resale of any dwelling or any interest therein, or

3.3.3 He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

SECTION 4. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING. As made applicable by Section 3 and except as exempted by Section 3.2 and 9, it shall be unlawful:

4.1 To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.

4.2 To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.

4.3 To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.

4.4 To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

4.5 For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

4.6.1 To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of --

4.6.1.1 That buyer or renter;

4.6.1.2 A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

4.6.1.3 Any person associated with that person.

4.6.2 To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

4.6.2.1 The person; or

4.6.2.2 A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

4.6.2.3 Any person associated with that person.

4.6.3 For purposes of this subsection, discrimination includes:

4.6.3.1 A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so

condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

4.6.3.2 A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

4.6.3.3 In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that --

4.6.3.3.1 The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

4.6.3.3.2 All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

4.6.3.3.3 All premises within such dwellings contain the following features of adaptive design:

4.6.3.3.3.1 An accessible route into and through the dwelling;

4.6.3.3.3.2 Light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

4.6.3.3.3.3 Reinforcements in bathroom walls to allow later installation of grab bars; and

4.6.3.3.3.4 Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

4.6.4 Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1:") suffices to satisfy the requirements of paragraph 4.6.3.3.3.

4.6.5 Nothing in this subsection requires that a dwelling be made available to an individual who tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

## SECTION 5. DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

5.1 It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in

making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

5.2 As used in this section, the term “residential real estate-related transaction” means any of the following:

5.2.1 The making or purchasing of loans or providing other financial assistance:

5.2.1.1 For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

5.2.1.2 Secured by residential real estate.

5.2.2 The selling, brokering, or appraising of residential real property.

5.3 Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

**SECTION 6. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.** It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

**SECTION 7. INTERFERENCE, COERCION, OR INTIMIDATION.** It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5, or 6 of this ordinance.

**SECTION 8. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.** Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

8.1 Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

8.2 Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

8.2.1 Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15.1; or

8.2.2 Affording another person or class of persons opportunity or protection so to participate; or

8.3 Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without

discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 8.1, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

## SECTION 9. EXEMPTIONS.

9.1 Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this ordinance to include those activities or organizations set forth under subsections 9.2 and 9.3 of this Section.

9.2 Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

9.3.1 Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.

9.3.2 As used in this section, "housing for older persons" means housing:

9.3.2.1 Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

9.3.2.2 Intended for, and solely occupied by, persons 62 years of age or older; or

9.3.2.3 Intended and operated for occupancy by at least one person 55 years of age or older per unit.

## SECTION 10. ADMINISTRATIVE ENFORCEMENT OF ORDINANCE.

10.1 The authority and responsibility for properly administering this ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection 10.2 hereof shall be vested in the Chief Elected Official of the Town of North Manchester, Indiana.

10.2 Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of North Manchester, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this ordinance, herein elects to refer all formal complaints of violation of the articles of this ordinance by complainants to

the Indiana Civil Rights Commission (:Commission:) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of North Manchester, Indiana, shall refer all said complaints to the Commission as provided for under subsection 10.1 of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

10.3 All executive departments and agencies of the Town of North Manchester, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.

10.4 The Chief Elected Official of the Town of North Manchester, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

SECTION 12. SEPARABILITY OF PROVISIONS. If any provision of this ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. {Adopted June 5, 1996.}

## **TITLE II: PLANNING, ZONING AND DEVELOPMENT**

### **CHAPTER II: ZONING**

#### **ARTICLE I: ZONING--BOARD OF ZONING APPEALS**

General Ordinance No. 4, 1995, the same being a comprehensive replacement zoning ordinance for the Town of North Manchester adopted May 3, 1995, as found under separate cover, is hereby incorporated herein by reference as fully as if set forth verbatim in this Code. Two copies of General Ordinance No. 4, 1995, as well as subsequent amendments thereto, are on file in the office of the Clerk-Treasurer and are available for access and copying to the public.

#### **ARTICLE II: ZONING DISTRICT CHANGES**

SECTION 1. All ordinances effecting a change of zoning district classification adopted subsequent to May 3, 1995, the date on which the official zoning district map was approved, shall serve as the sole basis for effecting changes to the official zoning district map of the Town of North Manchester.

SECTION 2. The official zoning district map shall be changed by the Clerk-Treasurer in consultation with the Building Inspector, only on the basis of an ordinance duly enacted by the Town Council.

SECTION 3. Ordinances effecting a change of zoning district classification adopted subsequent to May 3, 1995, shall be deemed to be incorporated herein by reference following enactment by the Town Council and the placing of two copies thereof on file in the office of the Clerk-Treasurer and made available for public inspection.

**TITLE II: PLANNING, ZONING AND DEVELOPMENT**

**CHAPTER III: SUBDIVISION CONTROL**

**ARTICLE I: SUBDIVISIONS AND PLATS**

SECTION 1. General Ordinance No. 6, 1981, the same being a Subdivision Control Ordinance for the Town of North Manchester, adopted May 5, 1982, as found under separate cover, is hereby incorporated herein by reference as fully as if set forth verbatim in this code. Two copies of General Ordinance No. 6, 1981, as well as subsequent amendments thereto are on file in the office of the Clerk-Treasurer and are available for public inspection.

**TITLE II: PLANNING, ZONING AND DEVELOPMENT**

**CHAPTER IV: ANNEXATION OF LAND**

**ARTICLE I: ANNEXATION ORDINANCES**

SECTION 1. All ordinances heretofore adopted by the Town Council of the Town of North Manchester effecting annexations of land to the incorporated area of the Town of North Manchester, are hereby incorporated herein by reference as fully as if set forth verbatim in this code. Two copies of each of said annexation ordinances are on file in the office of the Clerk-Treasurer and are available for inspection by the public. Ordinances subsequently enacted in accordance with law effecting annexation of land to the incorporated boundaries of the Town of North Manchester shall be deemed incorporated herein by reference as the same are enacted and when two copies of same are placed on file in the office of the Clerk-Treasurer and made available for public inspection.

SECTION 2. The Clerk-Treasurer shall record in the office of the Recorder, Wabash, Indiana, all ordinances enacted which effect an annexation of land to the Town of North Manchester.

**TITLE II: PLANNING, ZONING AND DEVELOPMENT**

**CHAPTER V: STREET GRADES**

**ARTICLE I: BENCHMARK FOR GRADE**

SECTION 1. The Town Civil Engineer of said Town shall and he is hereby ordered to select some suitable and permanent point upon the Town Hall in said Town of North Manchester and to calculate and ascertain the exact elevation and distance of said point above the level of the sea and to permanently mark on said point by marks which cannot be erased or destroyed, its distance and elevation above the level of the sea and to record the location and description of said point and its distance and elevation above the level of the sea and the markings thereon in the proper records in his office, which point, when calculated, ascertained and properly marked and recorded, shall hereafter be taken as a benchmark for the grades of all the streets and alleys within the corporate limits of said city.

SECTION 2. When the grade of any street or alley within the said Town of North Manchester is hereafter established by said Town Council the said benchmark described in

Section 1 of this ordinance shall be the base from which said grade shall be calculated and described.

SECTION 3. When the grade of any street within the said Town of North Manchester shall be established duly and legally by the Town Council of said Town, the grade thereof shall be marked as follows: Wherever said street intersects with any other street in said city, two lines shall be drawn, one line being drawn parallel with and eight feet south from the north line of said intersection, and one line being drawn parallel with and eight feet east of the west line of said intersection, at the point of the intersection of said two lines, a concrete, stone or iron monument shall be placed and the top of said monument shall be set at the true grade of the street at the intersection of the center lines of said intersecting streets.

SECTION 4. Benchmarks shall be established at convenient points and wherever possible. The elevation of the tops of said benchmarks from said monuments and the distance and location therefrom shall be ascertained and said distances, elevations and locations shall be permanently marked on said benchmarks by marks which cannot be erased or destroyed.

SECTION 5. An accurate description of the location of said monuments and the marking thereon, if any, and an accurate description of said benchmarks and their locations and their elevations from said monuments and the markings thereon and the elevation of said benchmark provided for in Section 1 of this ordinance, from said monuments, shall all be recorded in the proper records of his office by the said Town Civil Engineer. A book of grades and markings and profiles of the different streets shall also be properly kept by the Town Engineer.

## **TITLE II: PLANNING, ZONING AND DEVELOPMENT**

### **CHAPTER VI: BUILDING CODE**

#### **ARTICLE I: BUILDING RULES, CODES AND STANDARDS**

SECTION 1: TITLE. This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the Town of North Manchester, Indiana", may be cited as such, and will be referred to herein as "this code", incorporated in the North Manchester Municipal Code as Article I, Chapter VI, Title II.

SECTION 2: PURPOSE. The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

SECTION 3: AUTHORITY. The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in this code, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner of the Town of North Manchester, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinances or to enforce this code in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under IC 22-13-2-7(b).

SECTION 4: SCOPE. The provisions of this code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4, in the Town of North Manchester.

SECTION 5: ADOPTION OF RULES BY REFERENCE.

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

- 5.1.1 Article 13 – Building Codes
  - (a) Fire and Building Safety Standards
  - (b) Indiana Building Codes
  - (c) Indiana Building Code Standards
- 5.1.2 Article 14 – One and Two Family Dwelling Code  
Indiana One and Two Family Dwelling Code
- 5.1.3 Article 16 – Plumbing Code  
Indiana Plumbing Code
- 5.1.4 Article 17 – Electrical Codes
  - (a) Indiana Electrical Code
  - (b) Safety Code for Health Care Facilities
- 5.1.5 Article 18 – Mechanical Code  
Indiana Mechanical Code
- 5.1.6 Article 19 – Energy Conservation Codes
  - (a) Indiana Energy Conservation Code
  - (b) Modifications to the Model Energy Code
- 5.1.7 Article 20 – Swimming Pool Code  
Indiana Swimming Pool Code

5.2 Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner and Department of Public Safety.

SECTION 6. APPLICATION FOR PERMITS. No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done.

SECTION 7. PERMIT REQUIRED. A permit shall be obtained before beginning new construction, alteration or repair of any building or structure adding additional square footage, changing a load bearing wall or any roofing or recovering of any existing roof, and for any building project exceeding \$1,500 in cost, excluding costs of interior finishes, trim or cabinetry and exterior cosmetic finishes, using forms furnished by the Building Commissioner. All fees required by this code shall be paid to the Town of North Manchester.

SECTION 8. OTHER ORDINANCES. All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances. Unless the context clearly indicates a contrary meaning works and phrases used in this code are to be defined by reference to the North Manchester Zoning Ordinance as now or hereafter amended.

SECTION 9. FEES AND REQUIRED INSPECTIONS. Permits required by Section 7 shall be issued upon prior payment of inspection fees according to the following schedule:

9.1	<u>Type of Construction</u>	<u>Required Inspection</u>	<u>Single Inspection Fee</u>	<u>Total Inspection Fees</u>
	1 or 2 Family Dwelling, detached	4	\$ 30.00	\$120.00
	Mobile Homes, Temporary Structures	1	\$ 30.00	\$ 30.00
	Accessory Buildings (residential use)		\$ 30.00	\$ 30.00
	Additions/Alterations (all occupancies)	2	\$ 30.00	\$ 60.00

The minimum permit fee for any permit shall be \$30.00. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the number of required inspections by fifty percent (50%). The Building Commissioner 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 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 permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall have the power to assess a reinspection fee of \$30.00 for each such additional inspection. Reinspection fees shall be paid to the Town prior to the issuance of a certificate of occupancy. The Building Commissioner shall submit an annual report to the Town Manager or permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

9.2 All other construction, alteration, repair, use, or occupancy and additions to all buildings and structures, including multiple family housing, shall be subject to the following inspection fees, applied to the project. A fee of four cents per square foot or area will be assessed on each project. On buildings with multiple levels, including basements, the sum of all levels will be used to calculate the total square footage of the project.

The minimum inspection fee will be \$100.00 and the maximum fee will be \$600.00 per building. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the inspection fee by fifty percent (50%). The Building Commissioner 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 foundations without prior inspection. Where additional inspections are required due to failure of permit holder to have work ready for inspection at a designated state of construction, the Building Commissioner shall have the power to assess a reinspection fee of \$100.00 for each additional inspection. Reinspection fees shall be paid to the Town prior to the issuance of a Certificate of Occupancy. The Building Commissioner shall submit an annual report to the Town Manager of permit fees collected, cost of inspections operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

SECTION 10. REVIEW OF APPLICATION. Prior to the issuance of any building permit, the Building Commissioner shall:

- 10.1 Review all building permit applications to determine full compliance with the provisions of this code.
- 10.2 Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
- 10.3 Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair (1) uses construction materials and utility equipment that are resistant to flood damage, and (2) uses construction methods and practices that will minimize flood damage.
- 10.4 Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) (1) is protected against flood damage, (2) is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and (3) uses construction methods and practices that will minimize flood damage.

SECTION 11. INSPECTIONS. After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this code 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.

SECTION 12. INSPECTION ASSISTANCE. The Director of Public Safety Services, or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and shall provide reports of such inspection to the Building Commissioner.

SECTION 13. ENTRY. Upon presentation of proper credentials, the Building Commissioner or his duly authorized representative may enter at reasonable times any building, structure or premises in the zoning jurisdiction of the Town of North Manchester, to perform any duty imposed upon him by this code.

SECTION 14. STOP ORDER. Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

SECTION 15. CERTIFICATE OF OCCUPANCY. No certificate of occupancy for any building or structure constructed after the adoption of this code shall be issued unless such building or structure was constructed in compliance with the provisions of this code. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.

SECTION 16. WORKMANSHIP. All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

SECTION 17. VIOLATIONS. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair,

improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the zoning jurisdiction of the Town of North Manchester or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 18. RIGHT OF APPEAL. All persons shall have the right to appeal any order of the Building Commissioner first through the North Manchester Plan Commission and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.

SECTION 19. REMEDIES. The Building Commissioner shall in the name of the Town of North Manchester bring actions in the Circuit or Superior Courts of Wabash County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code.

SECTION 20. PENALTIES. If any person, firm or corporation shall violate any of the provisions of this code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this code for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than \$10.00, nor more than \$300.00. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

*Adopted June 2, 1999.*