



# City of New Castle, Building Commissioner

227 North Main Street • New Castle, IN 47362 • Phone (765) 521-6823 • Fax (765) 521-6826

BUILDING COMMISSIONER  
HAROLD FRAME

DEPUTY BUILDING COMMISSIONER  
WAYNE WEAVER

## **ORDINANCE NO. 2864 (AS AMENDED) (EFFECTIVE 06/03/92 & AS AMENDED 08/07/06)**

AN ORDINANCE, regulating the construction, alteration, repair, location and use of buildings and structures in the City of New Castle, Indiana. Incorporating by referenced building rules, codes and standards required to be enforced under IC 36-7-2-9; providing for the issuance of permits; providing penalties for violations; and repealing all ordinances in conflict therewith.

BE IT ORDAINED by the City Council of the City of New Castle, Henry County, Indiana as follows:

**SECTION 1. TITLE:** This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of New Castle, Indiana, and its Jurisdictional Area," may be cited as such, and will be referred to herein as "this code".

**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 or any other officer of the City, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provisions 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 22-13-27 (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 City of New Castle, Indiana.

### **SECTION 5. APPLICATION TO EXISTING BUILDINGS AND STRUCTURES:**

The provisions of the Indiana General Assembly Rules (675 IAC 12-1) as adopted in Section 6 of this code shall apply to all existing buildings and structures within the corporation limits and the jurisdictional area of the City of New Castle, Indiana; and be subject to the fees established in Section 10 of this code.



**SECTION 6. ADOPTION OF RULES BY REFERENCE:**

- A. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include later amendments to those Articles as the same are published in the Indiana register of the Indiana Administrative Code with effective dates as fixed therein:
- (1) Article 12 – General Administrative Rules
    - (a) GAR (675 IAC 12)
  - (2) Article 13 – Building Codes
    - (a) Fire and Building Safety Codes
    - (b) Indiana Building Code
    - (c) Indiana Building Code Standards
    - (d) Indiana Handicapped Accessibility Code
  - (3) Article 14 – One and Two Family Dwelling Code
    - Indiana One and Two Family Dwelling Code
  - (4) Article 16 – Plumbing Code
    - Indiana Plumbing Code
  - (5) Article 17 – Electrical Code
    - (a) Indiana Electrical Code
    - (b) Safety Code for Health Care Facilities
  - (6) Article 18 – Mechanical Code
    - (a) Indiana Mechanical Code
  - (7) Article 19 – Energy Conservation Codes
    - (a) Indiana Energy Conservation Codes
    - (b) Modification to Model Energy Code
  - (8) Article 20 – Swimming Pool Code
    - Indiana Swimming Pool Code
  - (9) Article 22 – Fire Prevention Codes – Indiana
    - (a) Fire Prevention Codes
    - (b) Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner
    - (c) Other codes hereby incorporated by reference in this code shall include later amendments to those codes as the same are published in the Indiana register of Indiana Code with effective dates are fixed herein;
      - 1. Minimum Housing Standards – Uniform Housing Code
      - 2. Abatement of Unsafe Structures  
IC 36-7-9-1 through 36-7-9-28



3. Smoke Detectors – IC-22-11-18-1, IC 22-12-1-1-4 (a) 1 (b) and IC-22-12-1-5-(a) (1)

**SECTION 7. APPLICATION FOR PERMITS:**

- A. The Building Commissioner is hereby authorized to take applications for building and to issue building permits as provided in this code.
- B. 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 on form provided by the Building Commissioner stating such information as the Building Commissioner shall deem necessary for the Building Commissioner to carry out the duties of the office.
- C. No building permit shall be issued for the foregoing purposed, unless the Application for the permit is accompanied by:
1. A plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing work to be done.
  2. When applicable, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshall pursuant to the Indiana Code Section 22-15-3-1 and a state stamped set of plans.
  3. When applicable, written approval or a non-objection letter from the County Health Department.
  4. When applicable, written approval or release from the County Surveyor's Office or written approval from the County Drainage Board for any drainage variances requires.
  5. When applicable, written approval or release from the State, County or City Street or Highway Department.
  6. When applicable, written approval or release from the City Water Department.
  7. When applicable, written approval or release from the City Sanitation Department.
- D. Upon satisfaction of the Building Commissioner 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 code, the Building Commissioner will issue a building permits, otherwise the permit shall be refused.
- E. A building permit:
1. Must be posted in plain view at the work site and;



2. Is subject to revocation at any time the permitted work is found not to be in compliance with this code; and
  3. May be reviewed by the Building Commissioner for refusal or revocation or by the Plan Commission executive and issued or reinstated upon such terms and conditions as they may find required by this code.
- F. All work performed under the authority of a permit issued by the Building Commissioner shall be performed in full compliance with all other city or county ordinances governing the site location.
- G. The activity to be done by authority of the building permit shall be completed within one (1) year from the date of issuance of the building permit or a new permit must be obtained.

#### **SECTION 8. PERMIT REQUIRED:**

A permit shall be obtained before beginning construction, alternation or repair of any building or structure, the cost of which exceeds five hundred dollars (\$500.00). A permit is required for all additions, outbuildings and fences, regardless of cost. All fees required by this code shall be paid to the Building Commissioner of the City of New Castle, Indiana.

#### **SECTION 9. 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. The provisions of this ordinance or code are supplemental to and do not abrogate the powers extended to agencies, bureaus, departments, commissioners, divisions or officials of state or federal statutes.

#### **SECTION 10. FEES:**

Permits required by Section 8 shall be issued upon prior payment of projected inspection fees according to the following schedule: (see next page)



Type of Construction	Inspection	Single Inspection Fee	Initial Fee
One & Two Family Dwelling-Detached	5	\$35.00	\$175.00
Apartments, Hotels Motels, Nursing Homes (each unit or bedroom)	3	\$35.00	\$105.00
*Business, Commercial Public	6	\$35.00	\$210.00
*Educational, Church	6	\$35.00	\$210.00
*Industrial, Warehouse Bulk Storage	4	\$35.00	\$140.00
Mobile Homes, Temporary Structures	1	\$35.00	\$35.00
*Additions, Alterations	3	\$35.00	\$105.00
Swimming Pools-in-ground Above ground	3	\$35.00	\$105.00
**Very Large Low or High Rise Buildings With Complex Systems	10-20	\$35.00	
Heating & Cooling Systems	1 per unit	\$35.00	\$35.00
Sewer/Water Lines or Similar	1	\$35.00	\$35.00



**DEMOLITION PERMITS:**

There shall be a fee of (one cent) \$0.01 per square foot of total floor space under roof for demolition of structures with a minimum of \$10.00 per permit.

**UNDERGROUND FUEL PUMPS:**

There shall be a fee of (twenty dollars) \$50.00 per fuel pump installed underground.

**CERTIFICATES OF OCCUPANCY:**

There shall be a fee of (twenty dollars) \$20.00 for issue of Certificate of Occupancy.

There shall be a fee of (twenty-five dollars) \$25.00 per hour per person plus current IRS rate per mile for special inspection services, not listed above.

**BUILDING PERMITS:**

Permit fees shall be calculated as follows:

1. There shall be a minimum fee of (twenty dollars) \$20.00 for all work of (five hundred dollars) \$500.00 to (one thousand dollars) \$1,000.00.
2. The fee for work over (one thousand dollars) \$1,000.00 shall be calculated at the rate of (thirty-five dollars) \$35.00 for the first (one thousand dollars) \$1,000.00 and an additional (four dollars) \$4.00 for each additional one thousand dollars) \$1,000.00 thereafter.
3. For new construction or additions, the fee will be calculated at 30 cents per square foot of total floor space under roof or the formula in number two (2) above, whichever is greater.

**PERMIT TO CUT STREET/SIDEWALK OR CURB:**

There shall be a minimum fee of (thirty-five dollars) \$35.00 for each cut. For pavement or sidewalk disturbed, there shall be an additional (three dollars) \$3.00 per square foot added to the permit fee.

**ANNUAL LICENSE FEES FOR CONTRACTORS:**

The initial license fee for any trade except the Plumbing Trade shall be (ninety dollars) \$90.00 for the primary trade and (thirty dollars) \$30.00 for each additional trade.

The license shall expire at midnight on the 31<sup>st</sup> day of December each year. License must be renewed within (sixty) 60 days of expiration to retain renewal privileges. Thereafter a new application shall be required.



No contract work is to be done in the City of New Castle without a current license.

**REGISTRATION OF PLUMBERS:**

Plumbers are licensed by the State of Indiana, but shall pay a registration fee of (thirty dollars) \$30.00 to contract work within the city limits of New Castle, Indiana.

**SECTION 11. REVIEW OF APPLICATION:**

- A. Review all building permit applications to determine full compliance with the provisions of this code.
- B. Review all building permit applications for new construction of substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
- C. 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,
- D. 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 12. INSPECTIONS:**

After the issuance of any building permit, the Building Commissioner upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections to ensure full compliance with the work provisions of this ordinance and the terms of the permit and shall include but are not limited to the following types:

- A. Foundation inspections: commonly made after poles or piers are set or trenches or basement areas are excavated and forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation of bearing walls partitions, structural supports, or equipment and special requirements for wood foundations.
- B. Plumbing, mechanical and electrical rough inspections. Commonly made prior to covering or concealment, before fixtures are set and prior to framing inspection.
- C. Framing and masonry inspections: Commonly made after roof, masonry, all framing, fire stopping, draft stopping and bracing are in place and after plumbing, mechanical and electrical rough inspections are approved.



Lath and/or wallboard inspection: Commonly made after all lathing and/or wallboard interior is in place, but before any plaster is applied or before wallboard joints and fasteners are taped and finished.

- D. Final inspections: Commonly made after the building is completed and ready for Occupancy.
- E. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment or re-inspection fees as prescribed in this code.
- F. The Building Commissioner may require that every request for inspection be filed at least twenty-four hours (24 hours) before such inspection is desired. Such request may be in writing, by fax or telephone at the option of the Building Commissioner. Length of notice for inspections may be adjusted by the Building Commissioner for industry sake, i.e.: concrete

### **SECTION 13. INSPECTION ASSISTANCE:**

The Chief of the Fire Department, or his or her designated representative, shall assist the Building Commissioner in inspection when necessary, and shall provide reports of such inspections to the Building Commissioner.

### **SECTION 14. ENTRY:**

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representative may enter at reasonable times any building, structures or premises in the City of New Castle, Indiana, to perform any duty imposed upon him by his code.

### **SECTION 15. 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 doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

### **SECTION 16. CERTIFICATE OF OCCUPANCY:**

- A. After all work has been done in full compliance with this ordinance and the terms of the building permit and final inspections have been made as required in this ordinance, the Building Commissioner shall issue a Certificate of Occupancy.
- B. No Certificate of Occupancy for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this code.
- C. It shall be unlawful to occupy any such building or structure unless a full or a



Temporary Certificate of Occupancy has been issued by the Building Commissioner

- D. A temporary Certificate of Occupancy may be issued for a period not to exceed six (6) months during alteration or partial occupancy of a building. The Building Commissioner may require as a condition safeguards that will reasonable protect the safety of the occupancy and the public.
- E. Other than in one and two family dwellings, the Fire Chief or his designated representative shall also sign the Certificate of Occupancy.

#### **SECTION 17. WORKMANSHIP:**

All work on the construction, alternation, and repair of building or other structures shall be performed in good workmanship like manner according to accepted standards and practices in the trade.

#### **SECTION 18. 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 in the City of New Castle, Indiana, or cause or permit the same to be done contrary to or in violation of the provisions of this code.

#### **SECTION 19. CONTRACTORS LICENSE:**

The provisions of this ordinance require nothing less than the minimum standard for all construction work and all installation of equipment. It shall be unlawful for any person, firm, partnership, association or corporation, personally or through any agent or servant or other party acting on his, her, their or it's behalf to install, construct, alter, repair or work upon any erection, construction, enlargement, alteration, repair electrical equipment or installation, sheet metal work, siding, roofing or other work covered by this ordinance or any part thereof, for hire or by contract, without having applied for and obtained a license currently in force, covering the trade and type of work to be performed as herein provided.

- a. There shall be a Basic License issued based on previous active license in the City of New Castle from 1-1-91 to the date of passage of this ordinance.
- b. There shall be a Journeyman's License based on a passage of the required test for each trade as determined by the License Board.
- c. There shall be a Master's License based on passage of the required test for each trade determined by the License Board
- d. All license shall be subject to the License Board:
  - 1. Make application on forms provided.



2. Pay the required fees which shall accompany the application.
  3. Take the written and practical examination required as provided for
  4. Be interviewed by the License Examination Board.
  5. File proof of required liability insurance.
- e. A five (5) member License Board shall be appointed by the Mayor of the City of New Castle, Indiana. The five (5) member License Board shall be as follows: Two (2) members shall be appointed to serve a term of two (2) years. One (1) member shall be appointed to serve a term of one (1) year and two (2) members shall be appointed to serve a term of four (4) years. The License Board shall be represented by a member from the Plumbing, a member of the Heating & Cooling, a member of Electrical, and a member from General Constructing and a member at large.

The Board shall meet (once a month) and they shall appoint a chairperson and a person for records.

Records shall be kept of all meetings and decisions of the Board.

The Board shall give or see that it is given, the written and practical exams for applicants. The Board shall interview applicants and make final recommendations for obtaining a license. The Board shall see that provisions are made for testing of applicants at least twice per year, or by a thirty (30) day notice when needed.

- f. License issued under the provisions of this ordinance may be revoked or suspended when a license has made a materially false statement on his or her application or otherwise failed to comply with the provisions of this ordinance. A citation signed by the Building Commissioner for any violations shall be served upon the licensee who has been charged. A hearing shall be held by the License Board who shall make the recommendation to suspend, revoke, and/or other action as may deem necessary. The determination of the License Board shall stand unless overruled by a Court of Law.
- g. Existing License shall be renewed annually without examination, but all license Holders are subject to all rules and regulations of this ordinance.

**Each licensee shall furnish to the Building Commissioner, a Certificate of Liability Insurance to be kept on file at the Department of Building Inspection.**

**There shall be a minimum of three hundred thousand dollars (\$300,000.00) Commercial Liability Coverage for each occurrence.**

#### **SECTION 20. RIGHT OF APPEAL:**

All persons shall have the right to appeal any order of the Building Commissioner first through the Board of Public Works 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 21. REMEDIES:**

The Building Commissioner shall in the name of the City of New Castle, bring actions in the City, Circuit or Superior Courts of Henry 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 this code.

**SECTION 22. 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 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 fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00). Each day of such lawful activity as prohibited by the first sentence of this section shall constitute a separate offense.

**SECTION 23. EFFECTIVE DATE:**

This code shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.



ORDINANCE NO. 3477

AN ORDINANCE AMENDING SECTION 10 OF  
ORDINANCE NUMBER 2864

WHEREAS, the City of New Castle has established by the passage of Ordinance Number 2864 a Building Code, and

WHEREAS, Section 10 of said ordinance establishes certain fees to be charged by the Building Commissioner's Office for various matters, and

WHEREAS, from time to time it is proper to review these fees to determine if they are adequate and appropriate.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of New Castle that Ordinance Number 2864 should be amended by changing Section 10 thereof to conform to the attached fee schedule which is attached hereto, incorporated herein, and made part hereof as Exhibit "A" in three parts.

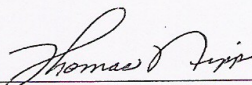
That all other sections of said Ordinance Number 2864 not changed by the passage of this ordinance shall remain in full force and effect.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed. Those provisions of the New Castle Code of Ordinances not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage and publication as provided for by law.

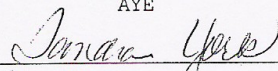
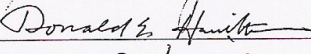
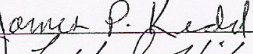
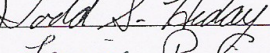
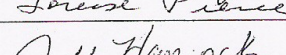
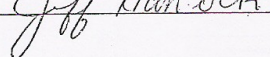
ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE  
THIS 7<sup>th</sup> DAY OF August, 2006.



Thomas Nipp, Presiding  
Officer, Common Council, City  
of New Castle, Indiana

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ATTEST:

Janice Lavarney  
Janice Lavarney,  
Clerk-Treasurer

APPROVED BY ME THIS 7<sup>th</sup> DAY OF August, 2006.

Thomas Nipp  
Thomas Nipp, Mayor of the City  
of New Castle, Indiana

Publish: 8/14 & 8/21