

CHAPTER 97: OUTDOOR WOOD-FIRED BOILERS

Section

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§ 97.01 FINDINGS AND PURPOSE.

(A) *Findings.* The use of outdoor wood-fired boilers is declared to be a nuisance due to the large volumes of smoke produced and released low to the ground which will add to the pollutant levels in the air and can cause or contribute to short-term health problems such as eye, nose, throat and lung irritations, coughing and shortness of breath, and may exacerbate asthma and other lung-related illnesses; and the general population density within the city limits means that the negative aspects of low-to-ground wood smoke is more likely to occur causing the health problems listed above and greatly diminish the use and enjoyment of neighboring property.

(B) *Purpose.* To ensure against the findings of division (A) above, the Common Council of the City of Rushville has determined that it is necessary to establish this chapter banning outdoor wood-fired boilers within the City of Rushville.

(Ord. 2007-9, passed 5-15-2007)

§ 97.02 DEFINITION.

For purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning:

OUTDOOR WOOD-FIRED BOILER. A fuel-burning device designed:

- (1) To burn primarily wood by hand-firing;
- (2) Not to be located inside structures ordinarily occupied by humans; and

(3) To heat spaces or water by the distribution through pipes of a fluid heated in the device. Such fluid is typically water or a mixture of water and anti-freeze. Examples of common uses include, but are not limited to, residential or commercial space heating, heating of domestic hot water, or heating of water for swimming pools, hot tubs or whirlpool baths.

(Ord. 2007-9, passed 5-15-2007)

§ 97.03 PROHIBITION.

It shall be a violation of the Municipal Code to have installed, install, use or permit the use of an outdoor wood-fired boiler after the effective date of this chapter.

(Ord. 2007-9, passed 5-15-2007)

§ 97.04 EXEMPTIONS.

Outdoor wood-fired boilers installed or operating prior to the effective date of this chapter shall be exempted from this prohibition so long as the following criteria are met:

- (A) Documentation is available to verify the date of installation;
- (B) The outdoor wood-fired boiler is intended to serve a single family dwelling; and
- (C) Complies with all applicable laws; and
- (D) Does not create a public nuisance, which is defined as follows: "A condition or activity which endangers the health, safety, or welfare of the public or of any individual; causes injury to property; or interferes with an individual's possession or ordinary use or enjoyment of his or her property"; and
- (E) Is installed in compliance with municipal building codes pertaining to the installation of any primary home heating source; and
- (F) Is installed and operated in compliance with manufacturer's specifications; and
- (G) Uses only dry seasoned wood. No other materials may be burned.

(Ord. 2007-9, passed 5-15-2007)

§ 97.99 PENALTY.

There is hereby imposed a fine of \$50 per violation of this chapter. Each day of use of a wood-fired boiler operated in violation of this chapter shall constitute a separate violation. In addition to the monetary fine, the city may enforce this chapter by obtaining an injunction or other court order directing the removal of the wood-fired boiler or ordering the owner or other person not to operate the device.

(Ord. 2007-9, passed 5-15-2007)

CHAPTER 150: BUILDING REGULATIONS

Section

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GENERAL PROVISIONS

§ 150.01 CONSTRUCTION STANDARDS.

(A) This section is adopted pursuant to I.C. 36-1-3-1.

(B) A set of uniform standards for the construction of infrastructure throughout the city as previously adopted shall be amended. All persons building homes, developing subdivisions, building roads, or constructing any other type of infrastructure in the city shall follow the uniform standards construction. The construction standards may be found at the City Hall. A copy of the modifications to the construction standards is attached to Ordinance 2006-10 as Exhibit A.

(Ord. 2002-3, passed 4-16-2002; Am. Ord. 2006-10, passed 6-6-2006)

§ 150.02 MOVING BUILDINGS.

(A) *Permit and bond requirement.* It shall be unlawful for any person or persons to move any building or buildings upon the streets or alleys of the city without a permit. Such person or persons must provide a bond that is proportionate to the value of the property he is moving with a minimum bond of \$10,000 for all damage the city may sustain by the moving of the building or buildings. In lieu of the bond, the person or persons may deposit a certified check for the sum of \$10,000.

(1992 Code, § 15.12.010)

(B) *Notification to city.* Before any person or persons shall remove any building or buildings along the streets or alleys of the city, where the same will interfere with the electric wires of the city, the person or persons shall notify the utility of such removal so that that utility may remove the wires. The person or persons moving the building or buildings shall pay the actual costs to the city for removing such wires and replacing same.

(1992 Code, § 15.12.020)

§ 150.03 HOUSE NUMBERING.

(A) *System.* The houses and buildings within the corporate limits of the city shall be numbered in accordance with what is known as the Philadelphia System:

Beginning with number 101 on First Street, at the intersection of Main Street, and numbering from thence East and West all the houses and buildings fronting North and South, giving 20 feet for each whole number and numbering alternately on either side of the street, marking the numbers on the South side of each street odd, and on the North side of each street even, and giving 100 numbers for each block, and all stairways shall be numbered with half-numbers in their appropriate places, and all the houses and buildings on all streets running parallel with First Street shall be numbered in the same manner East and West from Main Street as First Street is numbered.

And beginning with number 101 on Main Street at the intersection of First Street and numbering thence North and South all the houses and buildings, fronting East or West, giving 20 feet for each whole number. Numbering alternately on either side of the street making the numbers on the West side of each street odd, and the numbers on the East side of each street even, and giving 100 numbers to each block, and all stairways shall be numbered with half numbers in their appropriate places, and the houses and buildings on all streets running parallel with Main Street shall be numbered in the same manner North and South from First Street as Main Street is numbered.

(1992 Code, § 16.12.010)

(B) *Administration.*

(1) The numbers of the houses and buildings shall be of such style, pattern and material, as the City Council shall designate.

(2) The numbering of the various houses and buildings within the city on the various streets is hereby assigned to the APC Director, and put up under his or her direction and supervision.

(1992 Code, § 16.12.020) (Ord. 83, passed 5-15-1900)

UNSAFE BUILDINGS

§ 150.15 STATE LAW ADOPTED BY REFERENCE.

The City of Rushville hereby adopts I.C. 36-7-9, which establishes the Indiana Unsafe Building Law and explicitly incorporates by reference the definition of ***SUBSTANTIAL PROPERTY INTEREST*** found in I.C. 36-7-9.

(Ord. 1992- , passed - -1992; Am. Ord. 1994-2, passed 2-15-1994; Am. Ord. 1994-5(A), passed 5-16-1994; Am. Ord. 2000-9, passed 7-5-2000; Am. Ord. 2012-9, passed 4-17-2012; Ord. 2014-27, passed 11-18-2014)

§ 150.16 APPOINTMENT OF DEPARTMENT TO ADMINISTER.

The Department of Community and Neighborhood Development and Preservation shall be the executive department authorized to administer this subchapter.

(Ord. 2014-27, passed 11-18-2014)

§ 150.17 CONSTRUCTION.

Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.

(Ord. 2014-27, passed 11-18-2014)

§ 150.18 DEFINITIONS.

For the purposes of this subchapter, the following definitions are added to give additional clarification to definitions found in I.C 36-7-9.

DEPARTMENT. The Department of Community and Neighborhood Development and Preservation.

ENFORCEMENT AUTHORITY. The enforcement authority to enforce the provisions of this subchapter as well as those provisions adopted by reference shall be the City of Rushville's Code Enforcement Officer or his or her designee.

HEARING AUTHORITY. The City of Rushville's Unsafe Building Board.

(Ord. 1992- , passed - -1992; Am. Ord. 2000-4, passed 3-7-2000; Am. Ord. 2004-24, passed 11-1-2004; Am. Ord. 2012-9, passed 4-17-2012; Am. Ord. 2014-27, passed 11-18-2014)

FEE SCHEDULE

§ 150.30 TITLE.

This subchapter shall be more commonly known as the City of Rushville Fee Ordinance.

(Ord. 2015-02, passed 4-7-2015)

§ 150.31 INSPECTIONS INCLUDED.

All permit fees include fees to perform inspections. Inspections include one inspection for each trade (structural, framing, electric, plumbing, HVAC, fire suppression, and the like). A reinspection fee shall be assessed when an inspection cannot be performed or completed.

(Ord. 2015-02, passed 4-7-2015)

§ 150.32 FEE SCHEDULE.

The fees to be charged by and paid to the City of Rushville's City Clerk-Treasurer's Office for various permits and inspections shall be implemented as follows:

(A) *Phase I.* The following shall pay the prescribed fees; obtain a building permit and inspections performed as of July 1, 2014:

<i>Commercial (Class I Structures)</i>	
New commercial construction*	\$200 plus \$0.07 per square foot
Commercial addition/remodel - includes tenant space build-out or interior finish*	\$100 plus \$0.07 per square foot
Commercial Indiana industrialized buildings*	\$100 per labeled box/unit
Foundation only	\$100
Detached garage/carport	\$100 per vehicle space
Fire suppression - new	\$200
Fire suppression - renovation	\$100
Fire alarm - new	\$200
Fire alarm - renovation	\$100
Commercial cooking hood - includes fire suppression system	\$100 plus \$10 per lineal foot
Temporary electric service	\$100
* Permit includes: electric, plumbing, HVAC, fireplace/wood stove flue	
Renewal of expired permit(s)	1/2 of the original permit cost
Commercial reinspection fees:	
1st reinspection - including swimming pool	\$100
2nd reinspection	\$200
3rd reinspection and all subsequent inspections	\$300
Certification of occupancy - commercial:	
Issued prior to occupancy	\$0
Issued after occupancy	\$300
Check returned for insufficient funds	\$50

Multi-Family (3 Dwelling Units or More (Class 1 Structures))

Multi-family dwelling*	\$200 per dwelling unit
Multi-family dwelling additions/remodel*	\$100 per dwelling unit
Multi-family dwelling Indiana industrialized buildings*	\$100 per dwelling unit
Foundation only	\$100
Detached garage/carport	\$75 per vehicle space
Fire suppression - new	\$150
Fire suppression - renovation	\$75
Fire alarm - new	\$150
Fire alarm - renovation	\$75
Temporary electric service	\$100
* Permit includes: electric, plumbing, HVAC, fireplace/wood stove flue	
Renewal of expired permit(s)	1/2 of the original permit cost
Multi-family (3 dwelling and more) - reinspection fees: 1st reinspection 2nd reinspection 3rd reinspection and all subsequent reinspections	\$50 per dwelling units \$100 per dwelling units \$150 per dwelling unit
Certificate of occupancy - multi-family (3 or more dwelling units): Issued prior to occupancy Issued after occupancy	\$0 \$300
Check returned for insufficient funds	\$50

Miscellaneous Commercial (Class 1 Structure)

Swimming pools (commercial & multi-family (3 dwelling units or more) includes electrical and fence: In-ground Above-ground	\$150 \$75
Storage tank (fuel/oil, etc.) above- or underground: Up to 1,000 gallons Up to 25,000 gallons Over 25,000 gallons	\$50 each \$100 each \$200 each
Fuel dispensers	\$25 each
Refrigeration equipment/machinery (other than	

walk-in cooler/freezer or comfort cooling):	
Up to 1 horsepower	\$50
Over 1 horsepower	\$100
Signs (lighted or roof top - imposing structural load)	\$100 plus \$0.10 per square foot
Cellular towers and control buildings	\$100
Temporary structures (90 days or less)	\$50
Renewal of expired permit(s)	1/2 of the original permit cost
Miscellaneous commercial - reinspection fee:	
1st reinspection	\$50
2nd reinspection	\$100
3rd reinspection and all subsequent inspections	\$150
Certificate of occupancy - miscellaneous:	
Issued prior to occupancy	\$0
Issued after occupancy	\$30
Check returned for insufficient funds	\$50

(B) *Phase 2.* The fees for the following residential (one or two family dwellings (Class 2 structures)) shall be effective on January 1, 2016. The issuance of a building permit and inspection performed shall be effective July 1, 2014.

<i>Residential (One and Two Family Dwellings (Class 2 Structures))</i>	
New construction - single or two family dwelling*	\$150 plus \$0.07 per square foot
Additions and remodeling single or two family dwelling*	\$75 plus \$0.07 per square foot
Manufactured home (HUD) or residential Indiana industrialized building*	\$150
Foundation only	\$100
Detached garage/carport	\$75
Temporary electric service	\$100
Renewal of expired permit(s)	1/2 of the original permit cost
Residential - reinspection fees:	
1st reinspection	\$35
2nd reinspection	\$70
3rd reinspection and all subsequent reinspections	\$140
Certificate of occupancy - one or two family dwellings:	
Issued prior to occupancy	\$0
	\$300

Issued after occupancy Check returned for insufficient funds	\$50
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(C) *Phase 3.* The fees for the following Commercial (Class 1 structures) shall be in effect on January 1, 2017. The issuance of a building permit and inspection performed shall be effective July 1, 2014.

<i>Commercial (Class 1 Structures)</i>	
Deck/patio/porch/balcony	\$100
Accessory structure (utility buildings) - including prefabricated building (all Class 1 structures require a foundation - including prefabricated buildings)	\$100 plus \$0.07 per square foot
Demolition/raised structure	\$100
Relocation/moved structure	\$150
Electrical only - including change of service	\$100
Plumbing only - including new water heater	\$100
Heating/ventilation/cooling (HVAC) - includes gas piping	\$100
Fireplace/stove/flue/smokestack (solid fuel, gas, or electric)	\$100
Commercial renovation (roofing, siding, replacement windows, etc.)	\$100
Commercial reinspection fee:	
1st reinspection	\$50
2nd reinspection	\$100
3rd reinspection and all subsequent inspections	\$150
Certificate of occupancy - commercial:	
Issued prior to occupancy	\$0
Issued after occupancy	\$300
Check returned for insufficient funds	\$50

<i>Multi-Family (3 Dwelling Units or More (Class 1 Structures))</i>	
Deck/patio/porch/balcony	\$100 per dwelling unit
Accessory structure (storage/utility building - including prefabricated building (all Class 1 structures require a foundation - including prefabricated buildings))	\$100
Demolition/raised structure	\$50 per dwelling unit
	\$150 plus \$0.07 per square

Relocation/moved structure	foot
Electrical only - including change of service	\$75
Temporary electrical service	\$75
Plumbing only - includes new water heater	\$75
Heating/ventilation/cooling (HVAC) includes gas piping	\$75
Fireplace/stove/flue/smokestack (solid fuel, gas or electric)	\$75
Multi-family renovation (roofing, siding, replacement windows, etc.)	\$150
Renewal of expired permit(s)	1/2 of the original permit cost
Multi-family (3 dwelling units or more) reinspection fees: 1st reinspection 2nd reinspection 3rd reinspection and all subsequent reinspections	\$50 per dwelling unit \$100 per dwelling unit \$150 per dwelling unit
Certification of occupancy - multi-family (3 dwelling units or more): Issued prior to occupancy Issued after occupancy	\$0 \$300
Check returned for insufficient funds	\$50

(D) *Phase 4.* The fees for the following residential (one or two family dwellings (Class 2 structures)) shall be in effect on January 1, 2018. The issuance of a building permit and inspection performed shall be effective July 1, 2014.

<i>Residential (One and Two Family Dwellings (Class 2 Structures))</i>	
Decks/patios/porches/balcony	\$50
Accessory structures (storage/utility buildings)	\$75
Demolition/raised building	\$50 per building
Relocation/moved structure	\$150 plus \$0.07 per square feet
Electrical only - including change of service	\$50
Temporary electric service	\$50
Plumbing only - includes new water heater	\$50
Heating/ventilation/cooling (HVAC) - including gas piping	\$50
Fireplace/stove/flue/smokestack (solid fuel, gas, or electric)	\$50

Residential renovation (e.g., roofing, siding, replacement windows, etc.)	\$50
Swimming pools (residential (one or two family dwellings)) includes electrical and fence: In-ground Above-ground	\$150 \$75
Residential - reinspection fee - including residential swimming pools: 1st reinspection 2nd reinspection 3rd reinspection and all subsequent reinspections	\$35 \$70 \$140
Certification of occupancy - residential (one or two family dwellings): Issued prior to occupancy Issued after occupancy	\$0 \$300
Check returned for insufficient funds	\$50

(Ord. 2015-02, passed 4-7-2015; Am. Ord. 2015-5, passed 6-2-2015)

§ 150.33 DISPOSITION OF FEES.

All fees collected or received by the City of Rushville Code Enforcement Department pursuant to this subchapter shall be deposited with the Clerk-Treasurer of the city to be deposited in the General Fund of the city.

(Ord. 2015-02, passed 4-7-2015)

§ 150.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the penalty provided in § 10.99.

(B) Any person or persons violating any of the provisions of § 150.02 shall pay to the city not less than \$25 nor more than \$100 for each offense.

(1992 Code, § 15.12.030) (Ord. 137, passed 7-07-1903)

(C) Violations of §§ 150.15 through 150.18 shall be addressed as established in I.C. 36-7-9, as it may be amended from time to time.

(Ord. 1992- , passed - -1992; Am. Ord. 2014-27, passed 11-14-2014)