

COMMISSIONER ORDINANCE NO. 2015- 214

AN ORDINANCE AMENDING THE ELKHART COUNTY CODE REGARDING  
CHAPTER 151: BUILDINGS OF TITLE XV: LAND USAGE

WHEREAS Indiana Code Sections 36-1-3-1 et seq. permit any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the county legislative body and is by law authorized to adopt ordinances and resolutions with respect to public health, safety, and welfare;

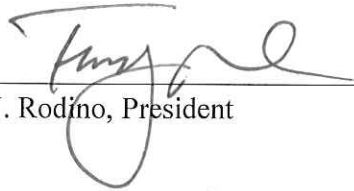
WHEREAS the Elkhart County Planning Department has recommended that the fee schedule for the Elkhart County Building Code be amended;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED, AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana and as follows:

1. Amendment of Elkhart County Code. Chapter 151: County Building Code of Title XV: Land Usage of the Elkhart County Code is hereby amended by replacing the Section 151.11 Fee Schedule with the Section 151.11 Fee Schedule attached hereto as Exhibit A.
2. Effective Date. This Ordinance will be effective the 1<sup>st</sup> day of August, 2015 subject to publication in accordance with the applicable legal requirements.

ORDAINED this 6 day of July, 2015.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF ELKHART, INDIANA

By:   
Terry J. Rodino, President

By:   
Mike Yoder, Vice President

By:   
Frank R. Lucchese, Member

ATTEST:

  
Pauline E. Graff, Elkhart County Auditor

## EXHIBIT A

### § 151.11 FEE SCHEDULE.

Unless otherwise indicated herein, all fees and costs shall be due and payable at the time of application, when the service is performed, or when the fee is imposed, whichever occurs first. With respect to the certificate of occupancy fee for residential permits when a certificate of occupancy will be required, that fee shall be due and payable at the time of application for a building permit or other residential permit.

(A) *Table I. Residential Permits.*

(1) *Residential building permit.*

(a) The standard residential permit fee covers the footing/foundation, structural, mechanical, and plumbing permits and inspections for a single- or two-family residence, attached porches or decks and an attached garage. Detached garages, workshops, storage sheds or other outbuildings are not included and require separate permits and fees as outlined in division (A)(2) below. For purposes of this subchapter, the term **RESIDENTIAL** shall mean of or pertaining to a residence which shall be defined as a structure primarily used for dwelling purposes which contains no more than two dwelling units and which dwelling units are each used or are intended to be used primarily for purposes of living, sleeping, cooking and eating. The standard residential building permit fee is based upon the square footage of the structure as follows:

<i>Square Footage of Structure</i>	<i>Fee</i>
121 to 900 sq. ft.	\$200
901 to 1,500 sq. ft.	\$225
1,501 to 2,500 sq. ft.	\$250
2,501 to 3,000 sq. ft.	\$275
3,001 to 5,000 sq. ft.	\$300
Over 5,000 sq. ft.	\$325 plus \$0.02 per sq. ft. over 5000 sq. ft.

(b) The standard residential permit fee for a mobile home covers the footing/foundation/piers, structural, mechanical, and plumbing permits and inspections for a single mobile home, attached porches or decks, and an attached garage. Detached garages, workshops, storage sheds or other outbuildings are not included and require separate permits and fees as outlined in division (A)(2) below. For purposes of this subchapter and this section, the term **MOBILE HOME** shall be as defined in the County Zoning Ordinance, as amended or replaced from time to time. The residential building permit fee for a mobile home shall be \$75.

(2) *Residential remodeling, additions, detached garages, accessory structures and individual permits by service.* The fees listed below are for remodeling or additions to residential structures, detached garages, accessory structures, individual permits for certain services and any other type of structure or activity that is not included in the standard residential building permit but which relates to a residential use. For purposes of this subchapter, the term **REMODELING** includes structural alterations to a residence, and any replacement or extension of electrical,

mechanical and plumbing in residential or accessory structures. Required inspections are included in the fees outlined below:

<i>Type of Permit or Service</i>	<i>Fee</i>
Demolition permit (residential and accessory structures)	\$25
Permits for remodeling, additions, detached garages, accessory structures and individual permits for certain services	
Electrical (New or replaced service or Reconnect)	
Up to 100 amps	\$35
Up to 200 amps	\$40
Up to 400 amps	\$50
Electric (New or Replaced Sub Panels) (Fee Per Panel)	
Up to 100 amps	\$25
Up to 200 amps	\$30
Up to 400 amps	\$40
Electric Service for Mobile Home	\$35
Back-Up Generator	
10 Kv or less	\$30
Over 10 Kv	\$40
Energy	\$25
Footing/structural	\$50
Mechanical (includes, but is not limited to, air conditioning or cooling system, furnace or other heating device, air cleaner, residential exhaust fans and gas lines)	\$40
Plumbing	\$40
Temporary electric service or a meter relocation (100 amps)	\$25
Wood or solid burning fuel (includes mechanical pump)	\$60
Swimming pool only	\$50
Water heater only	\$20
Water softener only	\$20

(3) *Extension of residential building permit.* \$100.

(B) *Table II. Commercial, Multi-Family Residential or Industrial Construction Permit Fees.* (1) *Commercial building application fee.* Prior to consideration for a commercial building permit, the owner or contractor must provide the County Building Department with a copy of the state design release for the project, unless the owner or contractor demonstrates that the project is exempt from such requirement pursuant to 675 I.A.C. 12-6-4. The commercial rates set forth in this division (B) apply to all commercial, industrial and multi-family residential structures (collectively referred to as commercial buildings). Commercial buildings shall also include non-

occupied non-residential structures such as water tanks, field storage tanks, inflatable structures, commercial crane elevators, cell towers and similar structures. The following is the standard application fee for commercial buildings in the county:

<i>Square Footage of Structure</i>	<i>Fee</i>
First 25,000 sq. ft.	\$200
25,001 to 50,000 sq. ft.	\$400
50,001 to 100,000 sq. ft.	\$500
Greater than 100,000 sq. ft.	\$500 plus \$0.02 per sq. ft. over 100,000 sq. ft.

(2) *Commercial building permit fees.*

(a) In addition to the commercial building application fee above, any commercial building project shall be subject to the following fee schedule. Required inspections are included in the fees outlined below:

<i>Type of Permit</i>	<i>Fee</i>
Base plumbing fee	\$40
Construction plan review	\$100
Demolition permits	
Less than 20,000 sq. ft.	\$25
20,000 to 50,000 sq. ft.	\$50
Greater than 50,000 sq. ft.	\$100
Electrical service (New or replaced service or Reconnect)	
Up to 100 amps	\$35
Up to 200 amps	\$40
Up to 400 amps	\$50
Up to 800 amps	\$100
Up to 2000 amps	\$200
Over 2000 amps	\$400
Electric (New or Replaced Sub Panels and Equipment Feeders) (Per item)	
Up to 100 amps	\$25
Up to 200 amps	\$30
Up to 400 amps	\$40
Up to 800 amps	\$50
Back-Up Generator	
10 Kv or less	\$40
Over 10 Kv	\$60

Extension of permit	\$200
Fire suppression or sprinkler system	
Up to 150 heads	\$50
151 to 300 heads	\$100
Over 300 heads	\$200
Footings and structural	
First 25,000 sq. ft.	\$50
25,000 to 50,000 sq. ft.	\$75
50,000 to 100,000 sq. ft.	\$100
Greater than 100,000 sq. ft	\$150 plus \$0.02 per sq. ft. over 100,000 sq. ft.
Gas lines	\$50
Mechanical (each heating, cooling, make up air or refrigeration unit)	\$50
Plumbing fee for each fixture drain line	\$5
Site plan review	\$100
Temporary electrical service	
Up to 100 amps	\$25
Over 100 amps	\$35

(b) The following are examples of commercial buildings and the application of the fee schedules:

<i>Type of Fee or Service</i>	<i>24,000 sq. ft.</i>	<i>160,000 sq. ft.</i>
Electrical service (200 amps)	\$40	\$50 (400 amps)
Electric subpanels (200 amps – 2 subpanels)	\$60	\$120 (400 amps – 3 subpanels)
Fire prevention sprinkling system (100 heads)	\$50	\$200 (over 300 heads)
Footing/structural inspection fee	\$50	\$1,350
Gas line	\$50	\$50
Mechanical (2 heating units, 2 cooling units)	\$200	\$200
New commercial building application fee	\$200	\$1,700
Plumbing (7 drains)	\$75	\$75
Temporary electric fee	\$35	\$35
<b>Total</b>	<b>\$760</b>	<b>\$3,780</b>

(C) *Table III. Agricultural Buildings.* Agricultural buildings include, but are not limited to, storage bins, silos, workshops, barns, loafing sheds, implement sheds and other similar types of structures used for agricultural purposes. Agricultural buildings are subject to the applicable fees

at the residential rates set forth in division (A)(2) above.

(D) *Table IV. Other Fees and Costs.*

(1) The following are additional fees and costs of the County Building Department. The re-inspection fees set forth below will be assessed for each inspection required due to code violations, the failure to correct violations, lock-outs when inspections have been requested, or any additional inspection that is required by applicable law which is not otherwise set forth in this subchapter. Notice will be left with the inspection when these fees will be applied. When a certificate of occupancy is requested, such fees must be paid prior to the issuance of the certificate of occupancy.

(2) A civil penalty equal to twice the normal fee will be added to the permit for any work started before securing the building permit or appropriate specialty fee (plumbing, electrical, footings and the like).

<i>Type of Fee or Service</i>	<i>Amount</i>
Builder/contractor annual license/registration (due and payable on February 15 each year)	\$100
Certificate of occupancy	\$35
Civil penalty for work after a stop work order	\$500
Copies	
Copies (8.5 in. by 11 in.)	\$0.15 per page
Copies (8.5 in. by 14 in.)	\$0.15 per page
Copies (11 in. by 14 in.)	\$0.15 per page
Large scale copies (greater than 11 in. by 14 in.)	\$5 per page
Duplicate or lost permit charge	\$5
Illegal structures (not used for permitted use)	2 times the appropriate permit fee(s) for the actual use
Permit reinstatement fee	\$100
Re-inspections	
First re-inspection	\$35
Second re-inspection	\$50
Third and each subsequent inspection	\$65
Returned check fee	\$25
Stop work order	\$50

(3) If a check is returned for insufficient funds, stop payment order, or is not honored for any other reason, all permits obtained with that check shall be void. If construction has not started, a permit reinstatement fee and the returned check fee must be paid before reinstatement of permits will be considered. If construction has started, all construction must stop immediately and a stop work order fee, plus a permit reinstatement fee, and the returned check fee must be paid before reinstatement of permits will be considered. If work does not stop, or work commences prior to the reinstatement of all required permits, then the civil penalty fee for work

after a stop work order will be applied and the matter may be referred to the office of the County Prosecutor or the County Attorney for further action and enforcement. In all cases, the amount of the returned check must be paid to the County Building Department in good funds.

(E) *Table V. Signs.*

(1) *Signs and billboards.* An application for a stationary sign or billboard must be accompanied by a site plan with dimensions and boundaries, a location of the sign on the site, a footing/foundation plan and the sign specifications. For purposes of this subchapter, each viewable face of the sign shall be included in the total square footage calculation. The permit fees for signs are as follows:

<i>Stationary Signs</i>	<i>Non-Lighted and Non-Illuminated Signs</i>	<i>Lighted or Illuminated Signs</i>
First 100 sq. ft.	\$40	\$80
101 to 200 sq. ft.	\$50	\$100
201 to 300 sq. ft.	\$60	\$120
301 to 500 sq. ft.	\$70	\$140
Over 501 sq. ft.	\$80	\$160

(2) *Portable signs for commercial use (must have zoning clearance).*

<i>Portable Sign</i>	<i>Fee</i>
Civil penalty for portable sign without a permit, zoning clearance, or violation of time limit	\$100
Fee for portable sign with zoning clearance (maximum of three week duration)	\$40



# Additional Building Permit Fees

## GIS Data Management Fee

Type of Permit	Data Management Fee
New Residential (Excluding Mobile Homes)	\$35
New Non-Residential (Commercial / Industrial)	\$50
New Non-Residential – Other Buildings	\$25
New Non-Residential – Non-building Structures	\$25
Residential Addition	\$35
Non-Residential Addition	\$25
Garages and Car Ports	\$25
Demolition Permit	\$25

Background: The GIS data management fee is a supplementary fee and added to the existing fees established under separate ordinances. These fees were last amended in Ordinance 07-78 adopted February 26, 2007.

## Assessment Filing Fee

An assessment filing fee of \$5 should be collected on every building permit we issue for improvements which exceed \$500 including signage and all demolition. The exception to this is remodeling permits which do not require an assessment filing fee regardless of the value of the improvements.

Background: IC 6-1-1-5.15 require us to collect a \$5 filing fee “before an owner of real property demolishes, structurally modifies or improves it at a cost of more than five hundred (\$500.00) dollars for material or labor or both...”. It is our opinion that remodeling is primarily a structural maintenance action and therefore exempt from the assessment filing fee requirements.