ORIGINAL

ORDINANCE NO. 2016-37

AN ORDINANCE of the Town of Whitestown amending Ordinance 2011-02 to provide for preliminary foundation application review.

WHEREAS, the Town Council of the Town of Whitestown, Indiana, previously adopted Ordinance 2011-02, An Ordinance regulating the construction, alteration, equipment, use, occupancy, and location of buildings and structures in the Town of Whitestown, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-2-9; providing for the issuance of permits; inspections, and penalties for violations (the "Whitestown Building Code"); and

WHEREAS, the Whitestown Town Council now desires to amend the Whitestown Building Code to authorize preliminary foundation application review.

BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana as follows:

SECTION 1 – Section 10 of the Whitestown Building Code is hereby amended to add authority for the Building Commissioner to issue a preliminary foundation permit, and is restated as follows:

> **SECTION 10. ISSUANCE OF BUILDING PERMIT.** The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed Construction will conform to all applicable building and fire safety laws and will not violate any other applicable ordinances or laws.
>
> The Building Commissioner may also issue a preliminary foundation permit to a person for a commercial or industrial structure, prior to issuance of a building permit, following submission of a complete application, including any applicable fee, and initial review of foundation application materials. The preliminary permit is for the foundation only and allows the person to begin foundation work prior to issuance of a building permit. The preliminary permit does not guarantee approval of the building permit or create any other rights or interest in the applicant.

SECTION 2 – All other provisions of the Whitestown Building Code shall remain in full force and effect. All parts of ordinances in conflict with this Ordinance are superseded.

SECTION 3 – The provisions of this Ordinance are separable from Ordinance 2011-02. If a court of competent jurisdiction hereof declares this Ordinance unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect Ordinance 2011-02.

SECTION 4 – This Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

1. The Town Council of the Town of Whitestown has adopted this ordinance.

2. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by IC 36-7-8-3 and IC 22-13-2-5.

The foregoing Ordinance 2016-_____ was introduced on _____, and adopted by the Town Council of the Town of Whitestown, Indiana, on this 14th day of September, 2016.

ORIGINAL

THE TOWN COUNCIL OF THE TOWN
OF WHITESTOWN, INDIANA

Eric Miller, President

Kevin Russell, Council Member

Susan Austin, Council Member

Clinton Bohm, Council Member

Jeff Wishek, Council Member

ATTEST:

Matt Sumner, Clerk- Treasurer

Approved this _____ day of _____, 20___, By the Fire Prevention and Building Safety Commission of the State of Indiana.

_____
Chair of Commission

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