



# Town of Fowler Plan Commission Building Permit Application and Information

Town of Fowler Plan Commission  
Brad Lane Building Commissioner  
307 East 5<sup>th</sup> Street  
Fowler, IN 47944  
765-884-0570  
765-884-8211 Fax

**The following information will answer some of the most common questions regarding building within the Town of Fowler. You may view a full copy of our Zoning Code Ordinance, 2009-9 adopted July 20, 2009, at Town Hall. The below is an excerpt from said ordinance and in no way reflects ALL rules that may apply to your building project.**

**152.057 SETBACK AND YARDS.**

No building shall be located or structurally altered upon the lot dedicated to residential use under this chapter except in accordance to the following requirements:

(A) On an interior lot, the same being defined as any lot which is not a corner lot, each principal building shall have a front yard of at least 25 feet, a rear yard of at least 15 feet and a side yard on each side of the building of at least 5 feet; provided, however, that when a lot is situated in a block where 30% or more of the total frontage of all interior lots along that side of the street in such block is already improved by the erection of principal buildings thereon, yards shall be established by those already improved.

(B) Any building on a corner lot, which building faces in the same directions as adjacent interior lots, shall maintain on all sides the yard requirements for interior lots.

(C) Any building on a corner lot which faces a street which is not the front line of the adjoining interior lot shall maintain a front yard setback from the easement of at least 5 feet, a rear yard of 5 feet and side yards of at least 25 feet on one side and 15 feet on the other.

(D) All accessory buildings shall be located in the rear yard only and no accessory building shall be erected or altered nearer than 15 feet of any rear line and 5 feet of any side line.

(E) An attached or detached private garage; an attached or detached car port, shelter or driveway canopy; a patio, veranda, deck, piazza or other similar construction; an open, enclosed or covered porch of more than 15 square feet; or any other installation, which is not expressly allowed, shall not be permitted, located, erected or altered within 15 feet of any rear line and 5 feet of any side line.

(F) Steps, porches not exceeding 15 square feet including any covering or enclosure thereof, walks and driveways, yard lights, necessary public utility facilities, underground sanitary and water installations, fences, landscaping, trees, plant and vegetation, and any other appurtenances, not expressly prohibited, which are indispensable for the use and enjoyment of the premises, shall be permitted in the front and side yards established and required by this chapter.

(G) For the purpose of setback, a side yard shall be construed to run the full length of the lot line. Except for lawful uses, the established and required yards shall be open from the established grade (or the natural grade if higher) to the sky. Side and rear yards shall be deemed to extend to the center of alleys which may abut the side or rear lines of the lot.

(H) On a lot included in a land subdivision on record at the time of enactment of this chapter which shows building lines along the frontage in which such lot is included for the purpose of creating front yards greater than the requirements of this chapter, such subdivision plat shall apply in preference to the front yard established by this chapter.

#### **152.133 FENCES, TREES AND SHRUBS.**

(A) Wire fences. All wire fences shall be of smooth wire, except that a business, industrial or public grounds fence may have at its top a guard wire or wires of barbed or pointed or rough wire.

(B) Height of fences. No fence or wall whether for ornamental, barrier or line purposes and whether constructed or grown shall not exceed 48 inches in height if made of wire or 72 inches in height if made of solid material on a residential lot nor more than seven feet in height on a business or light industrial lot, but this provision shall not apply to walls used for lateral support nor to fences on or around public ground.

(C) Maintenance of fences. All walls and other constructed fences shall be constructed and maintained plumb to within a variable of 2 inch for each foot of heights. All growing fences shall be kept trimmed so that there is no overhang into any adjoining property, street or alley. No advertising sign shall be attached to or painted upon any fence or wall.

(D) Storage yard fences. Whenever in a General Business District or Light Industrial District a lot or portion of a lot in excess of a total 400 square feet is used for the authorized storage, sale or display of materials, supplies, equipment or other articles outside of the principal building, the entire area so used shall be enclosed by a wall or fence of not less than six feet in height, but this requirement shall not

relate to lots or portions thereof used for the parking of automobiles for sale, or greenhouses, nurseries or yards in which plant or shrubbery are cultivated, grown or displayed.

(E) Fence in Local Business District. No fence or wall in a Local Business District shall extend into the required front yard.

(F) Parkway. The care and use of the parkway area between the street lot line and the traveled portion of the street shall be vested in the owner or occupant of the lot adjoining so long as such parkway is not required for public purposes. Such parkways shall be kept free and clear of fences, barriers, obstructions, signs or other installations excepting:

#### **152.141 OBSTRUCTIONS.**

(A) Obstructions to vision. No fence, wall, sign, shrubbery or other matter shall be permitted, constructed, allowed or maintained upon any lot or in any parkway which obstructs or will obstruct vision from one street to an intersecting street at an approach of 30 feet to the nearest intersecting street line, but this shall not prohibit construction which is otherwise authorized.

(B) Removal of existing obstructions. Any sign or support for a sign existing in the parkway between the street lot line and the traveled portion of the street and any other unauthorized obstruction shall be removed and eliminated or relocated within six months from the effective date of this chapter.

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This is a list of the required steps for pole buildings, shed, garages, additions, remodels, swimming pools and fences over 6' tall.

- Fill out attached permit application and pay required fee.
- Provide a rough drawing of construction, including existing buildings and their relation to the construction. This does not have to be scale, but must include the dimensions, doors and windows.
- A site visit will be conducted as soon as you have it staked or flagged, or upon appointment, you may meet me there and show me the location.
- If footers are involved or pole building holes, I need to see them BEFORE any cement is poured.
- If electricity is involved, there needs to be a rough- in inspection, which can be done with rough frame and plumbing if ready.
- Insulation inspection is required.
- Drywall inspection is required.
- FINAL inspection. This inspection is required or an Occupancy Permit will not be issued.

I have read and fully understand the rules and guidelines set forth in this packet. I also understand that the penalties that can occur if I do not follow the rules up to and including a stop work order being issued.

\_\_\_\_\_

Applicant

\_\_\_\_\_

Date

\_\_\_\_\_

Building Commissioner

\_\_\_\_\_

Date

.....  
Office use only

Application completed and fee paid: \_\_\_\_\_ Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Site visit completed: \_\_\_\_\_ Date: \_\_\_\_\_ Initials: \_\_\_\_\_ Site approved: \_\_\_\_\_

Footers inspected prior to pour: \_\_\_\_\_ Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Electric inspected: \_\_\_\_\_ Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Drywall inspected: \_\_\_\_\_ Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Final Inspection: \_\_\_\_\_ Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Notes:

## ORDINANCE No. 2009-8

### Building Code of the Town of Fowler

AN ORDINANCE regulating the construction, alteration, repair, location and use of buildings and structures in the Town of Fowler, 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; providing penalties for violations; and repealing all ordinances in conflict therewith.

**BE IT ORDAINED** by the Fowler Town Council of the Town of Fowler, Benton 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 Town of Fowler, Indiana", 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 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 Town, 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.

**SECTION 4: SCOPE.** The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures in the Town of Fowler.

**SECTION 5: ADOPTION OF RULES 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 ordinance and 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:
  - 1) Article 13- Building Codes
    - A) Fire and Building Safety Standards
    - B) Indiana Building Code
    - C) Indiana Building Code Standards
    - D) Indiana Handicapped Accessibility Code
  - 2) Article 14- One and Two Family Dwelling Codes
    - a) Council of American Building Officials One and Two Family Dwelling Code; Amendments
    - b) CABO One and Two Family Dwelling Code; Amendments
    - c) Standard for Permanent Installation of Manufactured Homes
  - 3) Article 16- Plumbing Codes
    - a) Indiana Plumbing Code
  - 4) Article 17- Electrical Codes
    - a) Indiana Electrical Code
    - b) Safety Code for Health Care Facilities
  - 5) Article 18- Mechanical Codes
    - a) Indiana Mechanical Code
  - 6) Article 19- Energy Conservation Codes
    - a) Indiana Energy Conservation Code

- b) Modifications to the Model Energy Code
- 7) Article 20- Swimming Pool Code
  - a) Indiana Swimming Pool Code
- b. Copies of adopted building rules, codes and standards are on file at the Town Hall, Fowler, Indiana.

**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 the work to be done. In addition, a copy of a Design Release for Class I structures, issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release.

**SECTION 7: PERMIT REQUIRED.** A permit shall be obtained before beginning construction, alteration or repair of any building or structure, except for those matters listed in 675 I.A.C. 12-6-4 (exemptions from design release requirement), Using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the Clerk-Treasurer.

**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.

**SECTION 9: REVIEW OF APPLICATION.** Prior to the issuance of any building permits, the Building Commissioner shall:

- 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 or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

**SECTION 10: FEES AND REQUIRED 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 ordinance and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment of re-inspection fees as prescribed in this code.

Permits required by Section 7 shall be issued upon prior payment of permit fees. Such fees shall be based upon the following:

<b>Type of Construction</b>	<b>Permit/Inspection Fee</b>
New Construction:	\$.10 per sq. ft., Min. \$100.00/Max \$200.00
Modular Home:	\$100.00
Addition Remodel:	\$.10 per sq. ft., Min. \$50.00/Max. \$200.00
Accessory Buildings, Porches, Patios:	\$35.00
Garages:	\$.10 per sq. ft., Min. \$50.00/Max. \$100.00
Decks, balconies:	\$35.00

Multi-Family Dwellings, Hotels and Motels:	\$50.00 per unit, no max. charge
Business (General):	\$.10 per sq. ft., Min. \$300.00/Max. \$4,000.00
Pole Buildings and clear-span buildings:	\$95.00 + \$.01 per sq. ft. of total floor space
Industrial:	\$ 100.00 +.5% of total construction cost, Max. \$5000.00
Temporary:	\$35.00
Signs:	\$35.00
Educational:	\$95.00 + \$.01 per sq. ft. of total floor space
In ground swimming pools:	\$35.00
Each Re-Inspection:	\$35.00
Electrical:	\$35.00
Certificate of Occupancy:	\$5.00
Improvement Location Permit:	\$15.00

No concrete shall be poured, nor shall electrical, mechanical, plumbing or thermal insulation be covered without prior inspection.

**SECTION 11: ENTRY.** Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the Town of Fowler to perform any duty imposed upon by this code.

**SECTION 12: 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 13: CERTIFICATE OF OCCUPANCY.** 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 ordinance. 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 14: WORKMANSHIP.** All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and a workmanlike manner according to accepted standards and practice in the trade.

**SECTION 15: 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 Town of Fowler or cause or permit the same to be done, contrary to or in violation of the provisions of this code.



**SECTION 16: RIGHT OF APPEAL.** All persons shall have the right to appeal the Building Commissioner's decision first through the Board of Zoning Appeals in Fowler 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 17: REMEDIES.** The Building Commissioner shall in the name of the Town of Fowler bring actions in the Circuit Court of Benton 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 by this ordinance.

**SECTION 18: PENALTIES.** If any person, firm or corporation shall violate any provisions of this ordinance, 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 ordinance for each such violation, failure, or refusal, such person, firm or corporation shall be fined in any sum not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00). Each day of such unlawful activity as is prohibit in the first sentence of this section shall constitute a separate offense.

**SECTION 19: EFFECTIVE DATE.** This ordinance shall be in full force and in effect from and after its adoption on this the 20th day of July 2009.

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**Application for Building Permit**

Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_ Permit # \_\_\_\_\_

Site/Project Address \_\_\_\_\_ Phone # \_\_\_\_\_

Legal Description of Real Estate \_\_\_\_\_

Name of Owner of Real Estate \_\_\_\_\_

Address \_\_\_\_\_

Type of Structure \_\_\_\_\_

Proposed Use \_\_\_\_\_ Present Use \_\_\_\_\_

Contractor \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

Electrician \_\_\_\_\_ Address \_\_\_\_\_ Phone # \_\_\_\_\_

New Construction Cost \$ \_\_\_\_\_

New Construction: Width \_\_\_\_\_ Length \_\_\_\_\_ Sq. Feet \_\_\_\_\_ Height \_\_\_\_\_

Foundation Walls: Kind \_\_\_\_\_ Depth \_\_\_\_\_ Width \_\_\_\_\_

Footings: Kind \_\_\_\_\_ Depth \_\_\_\_\_ Width \_\_\_\_\_

Exterior Walls \_\_\_\_\_ Thickness \_\_\_\_\_

Interior Walls \_\_\_\_\_ Thickness \_\_\_\_\_

Roof: Kind \_\_\_\_\_ Framing \_\_\_\_\_

Applicant represents that all details of the proposed structure will comply in all respects with and conform to all applicable laws of the State of Indiana and Ordinances of Benton County, Indiana and Ordinances of Fowler, Indiana and all acts amendatory and supplemental thereto.

Applicants Signature \_\_\_\_\_

Building Commissioner \_\_\_\_\_

Received permit fee of \$ \_\_\_\_\_ Date \_\_\_\_\_

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Notice to all contractors: Site Reviews and Required inspections will be completed after 4:30 p.m., Monday through Friday. Weekend appointments are available and may be scheduled by calling Brad Lane at 765-376-8880. Please plan accordingly based on the above inspection hours.

Required Inspections:

Site Visit

Footers prior to pouring

Electricity rough-in

Insulation

Drywall

Final

Thanks for your cooperation