

Date..... December 6, 2010

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Chapter 26 thereof in its entirety, and enacting a new Chapter 26 establishing the Building and Fire Code Board of Appeals and the Board of Power Engineers; establishing the Permit and Development Division within the Community Development Department; adopting the 2009 editions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, and Parts I, II, III, V, VI and appendix chapters H & J of the International Residential Code; adopting the 2008 edition of the National Electrical Code; adopting the 2009 edition of the Uniform Plumbing Code; licensing contractors, masters, journeymen, apprentices and other individuals and businesses engaged in construction and construction activities; licensing persons engaged in the operation or control of steam or power operating equipment; and providing for the administration and enforcement of such codes",

which was considered and voted for the first time upon under Roll Call No. 10-1960 of November 22, 2010; and after further review by the City staff was amended by changing Sections 26-328 and 26-329 to address concerns raised by local homebuilders; again presented.

(Council Communication No. 10-715)

MOVED by _____ that this ordinance be considered and given second vote for passage.

FORM APPROVED:

(Second of three required readings)

Roger K. Brown

Roger K. Brown
Assistant City Attorney

G:\SHARED\LEGAL\BROWN\MISC\Building\Ch26\Ordinance\Ord RC.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED APPROVED				
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

Memo

To: Mayor and City Council

From: Phillip Delafield, Community Development Director

CC: Rick Clark, City Manager; John TeKippe, Fire Chief; Cody Christensen, Deputy Building Official; Creighton Cox, Homebuilders Association; Steve Niebuhr, Hubbell Realty

Date: 12/03/2010

Re: Residential Sprinkler Provisions in the 2009 IRC

During the first reading of the item amending Chapter 26 of the Municipal Code, City Council directed staff to address the issues of sprinkler systems in townhomes by:

- a) Preserve the 2006 International Residential Code (IRC) provisions applicable to townhouse sprinkler protection, and adopt the 8000 SF single family area threshold for protection of single dwelling units.
- b) Work with the Des Moines Homebuilders Association, Hubbell Realty, and other interested parties to create provisions that are acceptable to both parties, and might be used as a metro model.

The proposed revisions to sections 26-328 and 26-329 found in the December 6 documents will create standards that will:

- a) Require sprinklers in any dwelling unit containing more than 8000 square feet of gross area.
- b) Allow townhomes to be constructed without sprinklers if separated by a common two-hour wall. This is essentially the current provisions of the 2006 IRC. (Our current standard)
- c) Enable townhouses voluntarily constructed with sprinklers to benefit from the reductions allowed in the proposed 2009 edition.

Staff has held fruitful discussions with the Homebuilders and Hubbell, and progress is being made on a compromise position that potentially may result in agreement by both parties. This will result in further modifications to these provisions. If passed, that draft model would be presented to the metro as a proposed metro model that could be supported by the Homebuilders, Hubbell and others. Our goal is to refine the above provisions in time final consideration under third reading.

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Chapter 26 thereof in its entirety, and enacting a new Chapter 26 establishing the Building and Fire Code Board of Appeals and the Board of Power Engineers; establishing the Permit and Development Division within the Community Development Department; adopting the 2009 editions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, and Parts I, II, III, V, VI and appendix chapters H & J of the International Residential Code; adopting the 2008 edition of the National Electrical Code; adopting the 2009 edition of the Uniform Plumbing Code; licensing contractors, masters, journeymen, apprentices and other individuals and businesses engaged in construction and construction activities; licensing persons engaged in the operation or control of steam or power operating equipment; and providing for the administration and enforcement of such codes.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Sec 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as hereto fore amended, be and is hereby amended by repealing Chapter 26 thereof in its entirety, and enacting a new Chapter 26 establishing the Building and Fire Code Board of Appeals and the Board of Power Engineers; establishing the Permit and Development Division within the Community Development Department; adopting the 2009 editions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, and Parts I, II, III, V, VI and appendix chapters H & J of the International Residential Code; adopting the 2008 edition of the National Electrical Code; adopting the 2009 edition of the Uniform Plumbing Code; licensing contractors, masters, journeymen, apprentices and other individuals and businesses engaged in construction and construction activities; licensing persons engaged in the operation or control of steam or power operating equipment; and providing for the administration and enforcement of such codes, as follows:

CHAPTER 26. BUILDINGS AND BUILDING REGULATIONS

Article I. In General

Sec. 26-1. Title.

This chapter shall consist of the building code, electrical code, mechanical code and fuel gas code, plumbing code, and steam power equipment code, all of which shall be referred to collectively as the "building codes" or "this chapter." A person who performs or is in the business of performing the work or activities regulated by this chapter may be referred to as a "contractor."

Sec. 26-2. Purpose.

The purpose of this chapter is to provide for the protection of the public health and safety by: creation of a permit and development division, a building and fire code board of appeals and a board of power engineering examiners; adoption of building codes; enforcement of penalties for the violation of the building codes; and repealing conflicting ordinances.

Sec. 26-3. Interpretation.

Article I consists of general provisions applicable to all articles. Articles III through VII contain specific provisions pertaining to particular trades and activities. In the event of a conflict with article I, the specific provisions of articles III through VII shall control.

Secs. 26-4--26-99. Reserved

Division 1. Permit And Development Division

Sec. 26-100. Permit and development division established; officials appointed.

There is established in the city within the community development department the permit and development division which shall be under the direction and supervision of the permit and development administrator. The permit and development administrator and the building official shall be appointed by and be responsible to the director of the community development department. In the event the permit and development administrator does not also serve as the building official, the building official shall be responsible to the permit and development administrator.

Sec. 26-101. Powers and duties of building official.

- (a) *Generally.* Any reference in this article to the building official shall include the building official's designees and inspection staff. The general powers and duties of the building official shall be as follows:
- (1) Enforce all the provisions of this chapter.
 - (2) Be accountable for the issuance of permits and inspections of work.

- (3) Serve as city staff and advisor to the building and fire code board of appeals and to the board of power engineer examiners.
 - (4) Render interpretations of the building codes and adopt and enforce rules and regulations supplemental to such codes as the building official may deem necessary in order to clarify the application of the provisions of such codes. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of the applicable code.
 - (5) Determine value or valuation under any of the provisions of the building codes.
 - (6) Appoint staff members and delegate duties to those staff members.
- (b) *Reports and records.* The building official shall
- (1) Provide the director of community development and the city manager, not less than once per year a summary of the building official's recommendations as to desirable amendments to the building codes.
 - (2) Keep a permanent, accurate account of all fees and other monies collected and received under the codes assigned to the building official for enforcement, the names of the persons upon whose account the fees were paid, the date and amount thereof, together with the location of the building or premises to which they relate.
 - (3) Keep a record of the issuance of permits, inspections made, and other official work performed in accordance with this chapter.
 - (4) Keep records of building and fire code board of appeals meetings, hearings, rulings, and other matters performed in accordance with this chapter.
 - (5) Keep records of board of power engineer examiners meetings, hearings, rulings, and other matters performed in accordance with this chapter.
- (c) *Specific powers*
- (1) Whenever any condition exists that is in violation of the codes or creates a danger to health and safety, the building official may until further notice:
 - a. Order any work stopped.
 - b. Order changes to any work to correct an unsafe or illegal condition.
 - c. Order discontinuation of any utilities supplying the premises.
 - d. Order vacation of any premises.

The building official shall give notice of such action to individuals in control of the premises, and may prescribe a period of time to comply with such notice based on the urgency of the situation.
 - (2) Whenever necessary to make an inspection to enforce any of the provisions of the building codes or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the building official by the building code. However, if such building or premises is occupied, the building official shall first present proper credentials and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as

- provided in this subsection, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the such codes.
- (3) The building official shall have the authority to remove or cause the removal of covering, finishes, or other obstruction which may prevent the proper inspection of work or equipment.
- (d) *Emergencies and public nuisances.*
- (1) Whenever the building official finds a public nuisance exists which requires immediate action to protect the public health and safety, such official may issue an order reciting its existence and requiring that action be taken as such official deems necessary. The action required by such official shall depend upon the nature of the nuisance, the danger to the public that the nuisance presents, the condition and deterioration of the premises, the potential for rehabilitation of any structure involved and the time reasonably necessary to take the required action. If the owner does not comply with the order within the time specified in such order, such official may authorize the taking of the action specified in the order. Any costs incurred may be assessed against the property.
- (2) Notice of the order shall be given to all owners, tenants, and other persons holding a property interest in the premises who are reasonably known to such official. Notice shall be given by that method which is reasonably calculated to inform each recipient within the shortest practicable period of time, considering the nature of the emergency and any difficulties in notifying the owners. If an owner or other person holding a property interest in the premises cannot be found, an affidavit shall be completed by the person attempting to locate such person, describing the efforts made, and held on file.
- (e) *Cooperation of other officials and officers.* The building official may request and shall receive so far as is required, in the discharge of the building official's duties, the assistance and cooperation of other officials of this jurisdiction.
- (f) *Conflict of Interest.* Neither the building official nor any of the inspectors shall engage in any work for hire regulated by that individual, either directly or indirectly, nor shall the official or any of the inspectors have any financial interest in any firm engaged in such trade or business in the city at any time while employed by the city.
- (g) *Liability.*
- (1) Neither the city nor any employee is liable for damages to a person or property as a result of any act or failure to act in the enforcement of the building codes, unless the act of enforcement constitutes false arrest.
- (2) The building codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated by such codes for damage to a person or property caused by its defects, nor shall the city or any city employee be held as assuming any such liability because of the inspections authorized by such codes or any approvals issued under such codes.

Secs. 26-102--26-119. Reserved.

Division 2. Building and Fire Code Board of Appeals

Sec. 26-120. Building and fire code board of appeals created; authority.

There is created a building and fire code board of appeals with authority to:

- (1) Review the building, electrical, mechanical and fuel gas, plumbing, and fire codes periodically and make recommendations thereto to the city council.
- (2) Act as a board of appeals to hear grievances arising from a decision of the building official or fire chief and to provide for reasonable interpretations consistent with the provisions of the building, electrical, mechanical and fuel gas, plumbing and fire codes. Any person may upon written request appeal a previous decision of the building official or fire chief in the enforcement of such codes to the board for consideration.
- (3) Determine the suitability of alternate materials and types of construction to those otherwise allowed by the building codes and to provide reasonable interpretations of the provisions of such article.
- (4) Waive building code requirements that, in the opinion of the Board, do not render the building or structure more hazardous, based on life safety, fire safety and sanitation, than the code requires.
- (5) The board shall not have authority over administrative matters or matters covered by the board of power engineer examiners.

Sec. 26-121. Terms; composition.

- (a) The building and fire code board of appeals shall consist of 17 members. Fifteen of the members shall be appointed for terms of three years, provided however that the terms of five of the initial appointed members shall be for one year, and the terms of five of the initial appointed members shall be for two years. All appointed terms shall expire on April 1st.
- (b) The appointed members of the building and fire code board of appeals shall consist of the following persons having a minimum of five years of experience in the required field:
 - (1) One Iowa registered architect.
 - (2) One Iowa registered professional engineer (structural or construction).
 - (3) One Iowa registered professional engineer (mechanical).
 - (4) One Iowa registered professional engineer (electrical).
 - (5) One general contractor experienced in residential construction.
 - (6) One general contractor experienced in commercial construction.
 - (7) Two electricians who hold an active master electrician certificate of competency or license issued by the city or by the state of Iowa and are in responsible charge of the electrical installation operation of a licensed electrical contracting firm.
 - (8) One plumber who holds an active master plumber certificate of competency or license issued by the state of Iowa and is in responsible charge of the plumbing installation operation of a licensed plumbing contracting firm.
 - (9) One plumber who holds an active journeyman plumber certificate of competency or license issued by the state of Iowa.
 - (10) Two mechanical contractors who hold an active class A, B, C or D mechanical contractor license issued by the city or who hold a master's mechanical license issued by the state of Iowa.
 - (11) One licensed attorney.
 - (12) One person shall be a qualified engineer, architect, technologist, technician or safety professional trained in fire protection engineering, fire science or fire

technology, including but not limited to fire protection contractors and certified technicians engaged in fire protection system design.

- (13) One person with experience in historic preservation.
- (c) The building official and fire marshal shall serve as ex officio members of the board.
- (d) Any member of the board may be removed by the city council for malfeasance in office, incapacity, or neglect of duty.

Sec. 26-122. Hearings.

- (a) Any person affected by a decision of the building official, fire chief or their designees, may request and shall be granted a hearing before the building and fire code board of appeals on the decision, provided that the person shall file in the permit and development center a written petition requesting a hearing and setting forth a brief statement of the grounds within 15 days after receiving notice of the decision. Upon receipt of the petition, the permit and development center shall set a time and place for the hearing and shall give the petitioner written notice thereof at least three days before the hearing, unless such notice requirement is waived in writing by the petitioner. The hearing shall be commenced not later than thirty days after the day on which the petition was filed, unless for good cause shown the building official grants a postponement in writing.
- (b) At the hearing the petitioner shall be given an opportunity to be heard to show why the decision of the building official, fire chief or their designees should be modified or withdrawn. The building official or fire chief shall have the opportunity to be heard to show why their decision should be affirmed.

Sec. 26-123. Decisions.

- (a) After the hearing as provided in section 26-122, the building and fire code board of appeals shall affirm, modify or withdraw the decision of the building official, fire chief or their designees. The decision of the board is the final administrative decision.
- (b) The proceedings at any hearing before the board, including the findings and decision of the building official or fire chief, if applicable, shall be summarized, reduced to writing, and entered as a matter of public record in the permit and development center. This record shall include a copy of every notice or order issued in connection with the matter.

Sec. 26-124. Meetings; rules of procedure.

- (a) The building and fire code board of appeals shall hold regular meetings as necessary to hear appeals or conduct other business. Special meetings may be called at any time by the chair of the board, the building official, the fire chief or upon the written request of two members of the board to the chair and the building official or fire chief.
- (b) The building and fire code board of appeals shall adopt reasonable rules and regulations for conducting its meetings.
- (c) The city council shall provide suitable rooms in which the board shall hold its meetings and shall provide for the necessary expenses incurred by the board.

Sec. 26-125. Legal counsel.

The building and fire code board of appeals shall have the right to legal counsel from the city attorney.

Secs. 26-126--26-134.

Division 3. Permits and Fees

Part 1. General

Sec. 26-135. Permits required.

No person shall perform any work for which a permit is required under this chapter without first securing a permit from the building official. A separate permit shall be obtained for each building, individual address and each trade discipline unless otherwise indicated.

Sec. 26-136. Issuance of permits.

- (a) Except as otherwise provided, a contractor as defined in Sections 26-230 and 26-250 shall sign all applications for electrical, mechanical and plumbing permits. The building official shall issue electrical, mechanical and plumbing permits in the name of the contractor and the contractor's business, if any. If a contractor becomes associated with a new firm or corporation, immediate notice must be given by filing the name of such firm or corporation with the office of the building official.
- (b) In cases in which an owner-occupant of a single family dwelling desires to conduct work on electrical, mechanical, or plumbing systems in the owner-occupant's single family dwelling the owner-occupant may appear before the respective discipline inspector to demonstrate that he or she is competent to do the specific work to be accomplished, and after successful demonstration of competence as determined by the inspector, may obtain the permit(s) by paying the proper fee. For purposes of this section a single family dwelling unit shall mean a detached residence designed for or occupied by one family only which is the primary residence of the owner-occupant with record of homestead and qualifies for the homestead tax exemption. No refrigeration work requiring the recovery or charging of such systems shall be conducted by those individuals not having the required certification in accordance with CFC federal regulations.
- (c) A person seeking a permit to construct a swimming pool, spa or water recreational facility, or any addition, remodeling or other alteration thereto shall make application to the office of the building official for such permit. The plans and specifications and plot plan, as well as other pertinent explanatory data, shall be submitted with each application.
- (d) A person seeking to erect, alter, relocate or maintain any sign or sign structure, as defined in section 26-360, shall make application to the zoning enforcement officer for a permit to conduct such work.
- (e) No permit shall be issued to any person who has fees outstanding as required by this article or any other laws or city ordinances.

Sec. 26-137. Permit transferability; permit restrictions.

- (a) Permits issued pursuant to this chapter are not transferable. Either the person or contractor securing the permit or another qualified employee from the same firm or business as the contractor shall perform the work.
- (b) A contractor shall secure permits only for themselves and their firm or business. When a contractor has secured a permit, only the employees of that contractor or that contractor's firm or business shall perform the work for which the permit was obtained. For purposes of this section, an employee shall be one employed by the contractor for a wage or salary. A contractor may be required by the building official to show positive evidence as to the employee status of workers on the job. The evidence shall be in the form of payroll and time records, cancelled checks, or other documents. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that he or she is, in fact, the actual contractor for the work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours of demand shall be grounds for immediate revocation of any permit for the work in question.

Sec. 26-138. Permit fees.

- (a) There shall be paid to the community development department for the issuance of each permit, fees in the amounts set in the schedule of fees adopted by the city council by resolution. Permit fees shall include but not be limited to fees for plumbing permits, mechanical permits, electrical permits, building permits, certificates of occupancy, plan reviews, demolition permits, energy reviews, handicap reviews, reinspections, signs & billboards, and fees for failure to obtain permits before starting work.
- (b) The determination of value or valuation under any of the provisions of the building codes shall be made by the building official. The valuation to be used in computing the permit and plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.
- (c) If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay any fees pursuant to paragraph (a) for the new or amended permit.
- (d) If an inspection is requested and performed and the building official determines that the work was not ready, the inspection fails two or more times, or the permit card was not available for sign-off, a re-inspection fee may be charged at the discretion of the building official in the amounts set in the schedule of fees adopted by the city council by resolution.
- (e) In addition to other fees required in this section, a fee shall be paid to the building official for the review of plans and inspection of construction for compliance with the thermal efficiency standards of Chapter 303 of the Iowa State Building Code. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.
- (f) In addition to other fees required in this section, a fee shall be paid to the building official for review of documents (plans, specifications and related documentation) for compliance with the accessibility provisions of Chapter 11 of the IBC for the City of Des Moines and Chapter 302 of the Iowa State Building Code. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.

- (g) *Plan-checking fees.* Plan-checking fees shall be as follows:
- (1) When a plan is required to be submitted a plan-checking fee in the amount set in the Schedule of Fees adopted by the City Council by resolution shall be paid to the building official at the time of submitting plans and specifications for checking. Exception: The plan-check fee for buildings of one and two family dwelling occupancies and accessory structures for compliance with the International Residential Code may be waived by the building official when the plans do not involve unusual or complex engineering design features.
 - (2) Where plans are incomplete or changed so as to require additional plan checking, an additional plan-check fee shall be charged at the rate set in the Schedule of Fees adopted by the city council by resolution.
 - (3) Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-check fee.
- (h) No permit shall be issued to any person or firm that owes the city any outstanding fees or fines.

Sec. 26-139. Fee for failure to obtain permit before starting work.

Except in emergency situations, as determined by the building official, if work for which a permit is required by the building codes is started or continued by any person before obtaining a required permit, the regular total fees as specified in this article for such work may be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed in this chapter. However, no double fee shall be imposed upon any person who starts work without a permit if:

- (1) Work is started on Saturday, Sunday, or holiday, or during any other day when the office of the building official is not normally open for business; and
- (2) Such person secures the proper permit on the next working day of the community development department; and
- (3) No plan review is required prior to issuance of the permit.

Sec. 26-140. Collection of fees; refunds.

- (a) All fees due the city for examinations, licenses, certificates and permits pursuant to this article shall be collected in the office of the building official and paid thereafter to the city treasurer.
- (b) *Fee refunds.* Fees may be refunded as follows:
 - (1) The building official may authorize the refunding of any fee paid under this section which was erroneously paid or collected.
 - (2) The building official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with the building code.

- (3) The building official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Sec. 26-141. Exemption from fees.

- (a) Persons performing work on government owned public properties for the federal, state or county governments may obtain permits for that work without paying the permit fees described in this section, provided that nothing in this section shall be construed to exempt payment of permit fees by persons working under the direction of the city in connection with the abatement of any public nuisance on private property, pursuant to city ordinance or state law.
- (b) *Waiver of permit fees by city council.* The city council upon receipt of timely application may by resolution waive payment of permit fees required in this chapter to persons who develop a project within the Metro Center Urban Renewal Project Area which will receive assistance from the city, from Polk County or from the state of Iowa under Iowa Code, Chapter 15F, Vision Iowa Program.

Sec. 26-142. Revocation, expiration and extension of permit.

- (a) Any permit required by this chapter may be revoked by the building official upon the violation of any section of this article. In addition to the revocation of a permit a person may be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of the city Code, or may be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of the city Code.
- (b) A willfully false statement in an application for a permit shall be sufficient cause for revocation.
- (c) Every permit, except a demolition permit, issued by the building official under the provision of the building codes shall expire under any one of the following conditions:
- (1) Failure to begin work authorized within 180 days after issuance of the permit.
 - (2) Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
 - (3) Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
 - (4) Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.
- (d) Any permittee holding an unexpired permit may apply for an extension of the time within which the permittee may commence or continue work. The building official may give such extension of time at the building official's discretion as follows:
- (1) For structures designed for residential uses, two extensions, each extension not exceeding 90 days.

- (2) For structures designed for residential/ commercial uses, three extensions, each extension not exceeding 90 days.
- (3) For structures designed for commercial or industrial uses, three extensions, each extension not exceeding 180 days.
- (4) In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.
- (e) Any of the extensions in subsection (d) of this section may be further extended by action of the city council. An expired permit may not be reissued without a permit fee except by resolution of the city council.

Sec. 26-143. Validity of Permit.

- (a) The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of the building codes. No permit presuming to give authority to violate or cancel the provisions of the building codes shall be valid, except insofar as the work or use which it authorizes is lawful.
- (b) The issuance of a permit based upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in such plans and specifications or from preventing construction being carried on when in violation of the building codes or of any other ordinance.

Secs. 26-144—26-149. Reserved.

Part 2. Reserved

Part 3. Building

Sec. 26-150. Building permit required.

- (a) Building permits are required as identified in IBC chapter 1, part 2; IRC chapter 1, part 2; and IEBC Chapter 1, part 2.
- (b) A fee for each building permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the city council by resolution. The fee for a permit to construct only a foundation for a future building shall be 150 percent of the fee specified in the Schedule of Fees, with the value of the foundation for such purpose being ten percent of the total valuation of the future building and foundation.

Sec. 26-151. Building permit exemptions.

- (a) A building permit shall not be required for the following:
 - (1) One-story detached accessory buildings used as tool or storage sheds, playhouses, pet shelters, and similar uses constructed in accordance with the International Residential Code, provided the projected roof area does not exceed 120 square feet in area and complies with all applicable zoning requirements. Such building must be located at least two feet from any property line and three feet from any dwelling.

- (2) Chain link or wire fences four feet or less in height and all other fences three feet or less in height.
 - (3) Movable cases, counters, and partitions not over five feet high.
 - (4) Playground equipment.
 - (5) Retaining walls, which are not over four feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
 - (6) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
 - (7) Platforms, walks, and driveways not more than 30 inches above grade and not over any basement or story below.
 - (8) Painting, papering, and similar finish work.
 - (9) Temporary motion picture, television and theater stage sets and scenery.
 - (10) Window awnings supported by an exterior wall of one and two family dwellings and accessory structures to one and two family dwellings when projecting not more than 54 inches.
 - (11) Minor maintenance and repair work that is deemed by the building official not to affect structural strength, safety, fire resistance, or sanitation, provided that no such work shall be performed in a manner contrary to any provisions of the building code or any other laws.
- (b) Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required when appropriate for the exempted items in subsection (a) of this section.
 - (c) Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the building code or any other laws or ordinances of this jurisdiction.

Secs. 26-152—26-159. Reserved.

Sec. 26-160. Sign and billboards permits required.

- (a) Except as provided in this division, it shall be unlawful for any person to erect, alter, relocate or maintain within the city any sign or sign structure, as defined in section 26-360, without first obtaining a permit issued by the zoning enforcement officer and making payment of the permit fee provided in this division.
- (b) A sign permit shall not be required for the following:
 - (1) Identification signs, as defined in chapter 134 of the city Code, not exceeding one square foot in area.
 - (2) Memorial signs on buildings, showing only the building's name and date of erection, when such sign is carved into or made an integral part of the exterior of the building or when such sign is constructed of bronze or other metal alloy and securely and permanently attached to such building.
 - (3) A sign that is painted on or attached to an operative self-propelled vehicle.
 - (4) Flags bearing only the official design or recognized symbol of a governmental entity, an educational institution, or a company or other organization.
 - (5) Traffic or other municipal signs such as legal notices, railroad crossings, danger and other emergency signs as may be approved by the enforcement authority.
 - (6) For the replacement of the removable display board or other removable display surface of a sign having a stationary framework or structure so designed that a

display board or panel or other display surface may be inserted therein or attached thereto or removed whenever desired without unfastening or removing the stationary framework or structure from its supports.

- (7) Private traffic direction signs directing traffic movement into a premises or within a premises, provided such signs do not exceed four square feet in area and are not illuminated.
- (8) Horizontal directional signs painted on or installed flush with paved areas.
- (9) Non-illuminated real estate signs with an area of six square feet or less.
- (c) The permit fee for every sign permit required by this division shall be in the amount set in the Schedule of Fees adopted by the city council by resolution.
- (d) Every sign, whether existing or erected, shall be classified by the zoning enforcement officer according to its type as a "combination," "ground," "pole," "projecting," "roof," "wall" or "fascia," or "marquee" sign.

Sec. 26-161. Sign and billboard permit application; plans and specifications.

- (a) Application for a sign permit shall be made in writing upon forms furnished by the zoning enforcement officer. Such application shall contain the street address or legal description, as required, of the property upon which the sign is to be located, the name and address of the owner and the sign erector, and such other information as may be required by the zoning enforcement officer.
- (b) Two copies of plans and specifications shall be submitted when required with the application for each sign permit. Such plans shall show complete details, methods of attachment or support, location, and materials to be used. Computations, stress diagrams, and other data sufficient to show the correctness of the plans shall be submitted when required by the community development department.

Secs. 26-162—26-169. Reserved.

Part 4. Electrical

Sec. 26-170. Electrical permit required.

No person shall perform any electrical work nor install electrical equipment in or upon any building or property without first securing from the Permit and Development Center a permit therefore; nor shall any alteration or change be made in the wiring of any building, or in any electrical installation therein or thereon, either before or after inspection, nor shall any electric current be connected to any wires, or apparatus, without notifying the electrical inspector and securing a permit therefore. A separate permit shall be obtained for each building. A fee for each electrical permit shall be paid to the building official in the amount set in the schedule of fees adopted by the city council by resolution.

Secs. 26-171—26-179. Reserved.

Part 5. Mechanical

Sec. 26-180. Mechanical permit required.

