

# **Chapter 7 BUILDINGS**

*Last updated November 2011*

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## **Section 7.00E Editor's note to Chapter 7**

For state law as to authority of city to regulate building construction, see NDCC, § 40-05-02(7). As to building permits, see NDCC, § 40-05-02(6). As to electricity, see Ch. 12 of this Code. As to Fire Prevention Code, see §§ 13.08.010 to 13.08.050. As to gas installation generally, see Ch. 19. As to inspection of buildings, etc., by public health officer, see § 20.04.060. As to maintenance of blighted structures, see §§ 24.08.010 to 24.08.060. As to erection, construction, etc., of barbed wire fences, see § 25.16.12.020. As to plumbing, see Ch. 30. As to house numbering, see §§ 33.08.010 to 33.08.040.

## **Section 7.010 Housing Code--Adoption - REPEALED**

This section was repealed September 15, 2003. (Ord. No. 586; Ord. No. 646, § 1; Ord. No. 850, § 1; Ord. No. 1071, § 1; Ord. No. 1109, § 1; Ord. No. 1276 § 3.)

*For state law as to authority of city to adopt standard copies printed in pamphlet form, see NDCC, § 40-05-01(1).*

## **Section 7.020 Building Code--Adoption**

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area and maintenance of buildings or structures in the City of Dickinson shall meet with the provisions of the rules and regulations of the North Dakota State Building Code as set forth in NDCC Chapter 54-21.3, and any future updates and amendments to that code, copies of which are on file with the City Administrator and are hereby made a part of this chapter by reference; with the exception of the sections hereinafter set forth affecting local conditions in the City, which are amended, for use and application in the City, and the City hereby adopts said code, with the following additions, deletions and amendments:

To the International Building Code:

- (a) Section 101.1. Insert: City of Dickinson
- (b) Section 1612.3. Insert: City of Dickinson
- (c) Section 1612.3. Insert: [June 1, 1978]
- (d) Section 3409.2. Insert: [1969]

To the International Mechanical Code:

- (e) Section 101.1. Insert: City of Dickinson
- (f) Section 106.5.2. Insert: City of Dickinson Fee Schedule
- (g) Section 106.5.3. (2) Insert: 0%.
- (h) Section 106.5.3 (3) Insert: 0%
- (i) Section 108.4. Insert: Offense, \$1,000, 30 days
- (j) Section 108.5. Insert: \$100, \$500

To the International Residential Code:

- (k) Section R101.1 Insert: City of Dickinson
- (l) Table R301.2 (1) Insert: (see chart below):

### **TABLE R301.2 (1) CLIMATIC AND GEOGRAPHICAL DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CRITERIA	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects		Weathering	Frost Depth Line	Termite					
30	90	No	A	Severe	4'-0"	None to Slight	-10°	Yes	Amendment to Local Zoning Ordinance	2800	

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for the concrete as determined from Weathering Probability Map [Figure R301.2(3)]. This grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1 (1). The jurisdiction shall fill the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2 (4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2 percent values for winter from Appendix D of the *Uniform Plumbing Code*. Deviations from Appendix D temperature shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard maps adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “Yes.” Otherwise, the jurisdiction shall fill in this part of the table with “No.”

- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100- year (99%) value on the National Climatic Data Center data table “Air Freezing Index – USA Method (Base 32°)” at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index – USA Method (Base 32°)” at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographical wind speed-up effects, the jurisdiction shall fill in this part of the table with “Yes.” Otherwise, the jurisdiction shall indicate “No” in this part of the table.  
(Ord. No. 533, § 1; Ord. No. 578; Ord. No. 605; Ord. No 625, § 1; Ord. No. 655, § 1; Ord. No. 713, § 1; Ord. No. 728, § 1; Ord. No. 789, § 1; Ord. No. 819, § 1; Ord. No. 892, § 1; Ord. No. 981, § 1; Ord. 1071, § 2; Ord. No. § 1109, 2; Ord. No. 1143 § 1; Ord. No. 1166 § 1; Ord. No. 1276 § 1; Ord. No. 1422 § 1.)  
*For state law as to authority of city to adopt a building code by reference, see NDCC, § 40-05-01(1).*

## **Section 7.030 Dangerous Buildings or Structures**

For the purpose of this ordinance, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered. For purposes of this ordinance, the term “Building Code”, shall mean the building code adopted by the City of Dickinson in Chapter 7 of the Dickinson City Code.

Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (a) strength, (b) fire resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

Whenever a building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 1230 § 2.)

### **Section 7.030.010 Standards for Repair, Vacation or Demolition**

The following standards shall be followed in substance by the building inspector and the city commission in ordering repair, vacation or demolition:

If the “dangerous building” can be reasonably repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.

If the “dangerous building” is in such condition as to make it dangerous to the health, safety or general welfare of its occupant, it shall be ordered to be vacated.

In any case where a “dangerous building” cannot be repaired so that it will no longer exist in violation to the terms of this article, it shall be demolished. In all cases where a “dangerous building” is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of the City or statute of the State of North Dakota, it shall be demolished. (Ord. 1230 § 2)

### **Section 7.030.020 Dangerous Buildings - Nuisances**

All “dangerous buildings” within the terms of section 7.030 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this ordinance. (Ord. 1230 § 2)

### **Section 7.030.030 Duties of Building Inspector**

The Building Inspector shall:

Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance.

Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of the terms of this article.

Notify in writing the owner, occupant, lessee, mortgagee and all other persons having an interest in said building, as shown by the records in the office of the County Register of Deeds, of any building found by the Building Inspector to be a “dangerous building” within the standards set forth in section 1 of this ordinance that: (a) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this article; (b) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession. Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty days, as may be necessary to do, or have done, the work or act required by the notice.

Set forth in the notice provided for in subsection 3 a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a “dangerous building”, and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding thirty days, as is reasonable.

Report to the City Commission any noncompliance with the notice provided for in subsections 3 and 4.

Appear at all hearings conducted by the City Commission and testify as to the conditions of the “dangerous buildings”.

Place a notice on all “dangerous buildings” reading as follows: “This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee or mortgagee of this building as shown by the records of the County Register of Deeds. It is unlawful to remove this notice until its requirements have been met.” (Ord. 1230 § 2)

### **Section 7.030.040 Duties of the City Commission**

The City Commission shall:

Upon receipt of a report of the Building Inspector as provided for in section 7.030.030, give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the County Register of Deeds, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a “dangerous building” should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector’s notice provided for in section 7.030.030.

Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the County Register of Deeds shall offer relative to the “dangerous building”.

Make written findings of fact from the testimony offered as to whether or not the building in question is a “dangerous building” within the terms of section 7.030. Issue an order based upon findings of fact requiring the owner, occupant, mortgagee, lessee, or other persons having an interest in said building as shown by the records of the County Register of Deeds to repair, vacate or demolish any building found to be a “dangerous building” within the terms of this article and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said “dangerous building”. (Ord. 1230 § 2)

### **Section 7.030.050 Failure to Comply with Decision of the City Commission**

If the owner, occupant, mortgagee or lessee fails to comply with the order of the City Commission or fails to appeal to the District Court within thirty days, the City through its officers and employees shall cause such building or structure to be repaired, vacated or demolished as ordered by the City governing body and shall bill the owner, occupant, mortgagee or lessee for the costs of such repair, vacation or demolition. If the bill is not paid when due, the costs may be assessed against the land on which the building existed. (N.D.C.C. §40-05-01.1) (Ord. 1230 § 2)

**Section 7.030.060      Violations - Penalty for Disregarding Notices or Orders**

The owner of any “dangerous building” who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this article to give such notice or order shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500) for each offense and every day subsequent to such notice in which said owner shall fail to comply with any notice or order shall be deemed a separate offense.

The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500) for each offense and every day subsequent to such notice in which the said occupant or lessee shall fail to comply with any notice or order as above stated, shall be deemed a separate offense.

Any person removing the notice provided for in section 7.030.030, subsection 7, shall be guilty of an infraction and upon conviction shall be fined not exceeding five hundred dollars (\$500) for each offense. (Ord. 1230 § 2)

**Section 7.030.070      Duties of the City Attorney**

The City Attorney shall:

Prosecute all persons failing to comply with the terms of the notice provided for in section 7.030.030, subsections 3 and 4, and the order provided for in section 7.030.040, subsection 4.

Appear at all hearings before the City governing body in regard to “dangerous buildings”.

Take such other legal action as is necessary to carry out the terms and provisions of this ordinance. (Ord. 1230 § 2)

**Section 7.030.080      Where Owner Absent from the City**

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notice or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in the building, as shown by the records of the County Register of Deeds, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the “dangerous building” to which it relates. Such mailing and posting shall be deemed adequate service. (Ord. 1230 § 2)

**Section 7.030.090      Duties of Fire Department, Police Department and Southwest District Health Unit**

All employees of the Fire Department, Police Department and Southwest District Health Unit shall make written reports to the Building Inspector of all buildings or structures which are, may be, or are suspected to be “dangerous buildings” as defined in section 7.030. (Ord. 1230 § 2)

**Section 7.030.100      Appeal**

The City Commission shall serve upon the owner, occupant, mortgagee, lessee and all other persons having an interest in any building ordered to be repaired, vacated or demolished, a copy of



its order. The owner, occupant, mortgagee, lessee or other person shall have thirty days from the date of the service of such order in which to appeal to the District Court or to take such other legal steps to enjoin the enforcement of such order. (Ord. 1230 § 2)

### **Section 7.040 Mechanical Code--Adoption - REPEALED**

This section was repealed September 15, 2003. (Ord. No. 1071, § 4; Ord. No. 1109, § 3; Ord. No. 1166 § 2; Ord. No. 1276 § 3.)

### **Section 7.050 International Property Maintenance Code adopted**

The terms, provisions and conditions of the International Property Maintenance Code, including all supplements, additions and amendments thereto, copies of which are on file in the office of the City Administrator, are hereby adopted as a part of this Code as through the same were set forth in full. (Ord. No. 1071, § 5; Ord. No. 1109, § 4; Ord. No. 1276 § 2.)

### **Section 7.060 Rain gutters and downspouts**

All residential buildings within the city must have gutters, downspouts and splash blocks installed with a minimum of a two foot extension from any wall of the structure. (Ord. No. 981, § 9.)

### **Section 7.070 Drainage**

As regards residential building structures within the city, for the purposes of drainage, there shall be a minimum slope of three-eighths inch to one inch per foot from the sides of the house towards the lot lines; and in relation to the backyard, a slope of three-eighths inch to one inch per foot for a minimum distance of fifteen feet from the house to the back yard lot line. (Ord. No. 981, § 10.)

### **Section 7.080 Day care and child care facilities**

The following are minimum requirements for day care and child care facilities being provided for and housed in existing residential type occupancies:

- (a) Interior finish of walls must be a minimum of one-half inch gypsum. Ceilings shall have a flame spread rating of not greater than Class I (0-25) for required vertical exits and passways.
- (b) Draperies, hangings and other decorative materials suspended from walls or ceilings shall be noncombustible or flame resistant. The permissible amount of flame resistant decorative wall hangings shall not exceed ten percent of the total wall and ceiling area.
- (c) Maximum floor area allowances per occupant must meet all state requirements.
- (d) Exits shall meet the following requirements:
  - (1) All required exits shall be located so as to be discernable and accessible, with unobstructed access to lead directly to the street or area of refuge that will not be obstructed or impaired by fire, smoke or other cause.

- (2) Egress from a room or space shall not open into an adjoining or intervening room or area, except where such adjoining room or area is accessory to the area served, is not a high hazard use and provides a direct means of egress to an exit. A maximum of one exit access shall be permitted to pass through a kitchen, storeroom, restroom, closet or similar space; provided, that it is not the only means of access to an exit. An exit access shall not pass through a room subject to locking.
- (3) Exterior exit doors must be a minimum of thirty-six inches.
- (4) Every floor area shall be provided with two independent exits, to be as remote from each other as practical.
- (5) Passageways, aisles and corridors shall be a minimum of thirty-six inches, unless the occupant load is fifty or more, in which case the minimum width shall be forty-four inches.
- (6) All exit corridors shall be enclosed in fire separation walls having a fire resistant rating of one hour when serving an occupant load greater than thirty.
- (7) Each egress door shall be readily openable from the side from which egress is to be made, without the use of a key or special knowledge.
- (8) Interior exit stairways shall not be less than forty-four inches in width; except, that such width may be reduced to thirty-six inches when serving an occupancy of fifty or less.
- (9) Interior exit stairs shall have a maximum of seven-inch rise and a minimum four-inch rise and minimum eleven-inch tread. Stairs shall have guards and handrails on both sides. Stairways less than forty-four inches may have one handrail.
- (10) Balusters shall not be spaced more than six inches apart.
- (11) The width of every exit door, to and from a stairway, shall not be less than thirty-two inches.
- (12) Approved internally-illuminated signs reading "Exit" shall be installed in corridors, stairwells, adjoining or intervening rooms and multistory buildings where egress is not easily discernible. Signs shall be visible from the exit access and, when necessary, supplemented by directional signs in the exit access corridors indicating the direction and way of egress. All exit signs shall be located at exit doors. A structure constructed for the specific purpose of day-care center operations shall be equipped with internally illuminated "Exit" signs.
  - a. "Exit" signs shall have red letters at least six inches high, the minimum width of each stroke being three fourths inch, on white background.
  - b. "Exit" signs must be illuminated at all times, when the building is occupied, from an emergency electrical system.

- (13) Emergency lighting must be provided, for egress, from an independent power source, to assure continued illumination in case of emergency or primary loss for a duration of one hour.
- (e) A manual fire alarm system must be provided and maintained in full operating condition in multistory buildings and structures. An automatic fire alarm system (smoke detectors) may be installed in lieu of a manual fire alarm system, provided the detection system is interconnected and shall cause an audible alarm in all areas.
- (f) A fire suppression system shall be installed in every basement where there is not provided at least twenty square feet of opening entirely above the adjoining ground level in each fifty linear feet on at least one side of the building. The minimum dimension shall not be less than twenty-two inches. Such openings shall be accessible to the fire department from the exterior and shall be unobstructed to allow firefighting and rescue operations from the exterior.
- (g) All facilities shall be provided with one fire extinguisher for each two thousand five hundred square feet of floor area, but not less than one fire extinguisher per floor.
- (h) Automatic smoke detectors shall be installed in all rooms (e.g., furnace, mechanical rooms). (Ord. No. 989, § 1.)

### **Section 7.090 Bond or cash deposit for removal of house or building from existing foundation**

No person shall remove any house or any building of any kind or nature from an existing foundation within the city limits without first giving a surety bond in the sum of two thousand dollars approved by the board of city commissioners, or giving a cash deposit in the same amount. The bond or cash deposit as submitted to the city auditor's office shall be conditioned upon the party removing such house or building and causing the vacant lot to be filled and property brought into compliance with applicable city ordinances. After the city's inspection department determination that the vacant lot and property are in compliance with such ordinances, the party shall be entitled to return of the bond or cash deposit within a reasonable period of time. In the event the party, after proper notice, fails to fill the vacant lot or otherwise fails to comply with the applicable city ordinances, the city may fill the vacant lot and bring the property into conformance with this Code, and the bond or cash deposit shall be forfeited to cover the city's costs. (Ord. No. 991, § 1.)

### **Section 7.100 Mover's license required**

No person shall engage in the occupation of moving houses or buildings of any kind or nature whatsoever from place to place within the city limits or upon the streets or alleys of the city without first obtaining a license therefor from the city auditor. (Ord. No. 1071, § 6.)

### **Section 7.110 Bond requirement of applicant**

The applicants for a license under section 6-14 above shall give a surety bond in the sum of one thousand dollars approved by the president of the board of city commissioners, such bond

to run to the city for the use and benefit of the city and its inhabitants, and shall be conditioned, among other things, that the party asking for the license will pay any and all damages which, by reason of the granting of the license or the moving of any house or building thereunder, may be caused to any property, either public or private, within the city, whether such damage or injury shall be inflicted by such part or his agent, employees or workmen and conditioned also that the party will indemnify and keep harmless the city against all liability, judgments, costs and expenses which may accrue against the city in consequence of granting of such license and that the party will in all things comply with the conditions of such license or of any permit issued to him. Upon the execution of the required bond and the payment of the license fee, the license applied for under this section shall be issued by the city auditor. (Ord. No. 1071, § 6.)

### **Section 7.120 Fee**

The fee to be paid for the annual license provided for in this section shall be on file in the office of the city auditor in the city fee schedule. (Ord. No. 1071, § 6; Ord. No. 1086, § 4.)

### **Section 7.130 Application for moving permit**

The holder of a license granted pursuant to sections 7.100 and 7.110 above shall not move any house, building or other structure without first obtaining a moving permit therefor for each house, building or other structure to be moved. Prior to obtaining such a moving permit, the owner of the structure to be moved or the license holder described herein shall provide the director of inspections, the following:

- (a) The streets over which said house or building is proposed to be moved, a certificate from the director of inspections showing that he has previously inspected the said house or building and that the requirements for construction, alteration and repairs necessary to place said building or house in conformity with the building code and other ordinances of the city.
- (b) Mover shall also agree that he will notify the director of inspections, forty-eight hours in advance of actual removal of a house, building or structure.
- (c) The permit fee for moving a building shall be twenty-five dollars. (Ord. 1071, § 6.)

### **Section 7.140 Building Relocation Permit**

- (a) Moving Permit: A City building relocation permit is required to move a building. Application for a building relocation permit must be obtained from the City before any action is taken to move the structure. Application must be made on a form provided by the City which includes a description of the building to be moved, the location in the City onto which it is to be moved, the name of the mover, proof of liability insurance and other requirements of the form and the applicable fee. A hearing before the Board of Adjustment shall be required before a building relocation permit is granted to a building owner. All persons within 200 feet of the subject property to which a building is proposed to be moved will be notified of a proposed building relocation and the date of the hearing before the City's Board of Adjustment. Any decision of the Board of Adjustment may be appealed to the City Commission by the applicant or a petition signed by at least 51 percent of the property owners within 200 feet of the proposed location. Before a building relocation permit is issued, all affected utilities must sign a petition

verifying that they are aware of the proposed move and have worked out arrangements with mover.

- (b) City Inspection: Prior to the hearing before the Board of Adjustment and before a building is moved into or within the City's jurisdiction the building must first be inspected by a City building inspector to determine compliance with building related codes. The building inspector may also require building improvements including, but not limited to: painting of exterior; new windows and/or doors; reshingling; new roof; site work to control drainage; setbacks; and such other improvements as determined by the building inspector.
- (c) Code and Order Compliance: The building must meet all applicable codes and other orders of the building inspector before it is occupied in the new location. All mandated work must be completed within one year of placement of the building on the foundation in the new location. If the owner of the house fails to complete the work proposed and required within the one-year time frame, that person will be subject to a fine of \$50 with each day after the expiration of the one year time frame being considered a separate violation. A building permit and other permits and fees must be obtained and paid before the building is moved. The building must be moved by a city licensed mover.
- (d) Limitations: No permit shall be issued to relocate any building, or structure which is considered by a City building inspector in such a condition as to be dangerous or unsafe or if to be used for human habitation, considered unfit for human habitation, or which is dilapidated or defective or in such a state of deterioration that its relocation to the proposed site would create a safety hazard.
- (e) Costs: The cost of all fees and charges related to this section shall be declared and maintained in the City Fee Schedule.  
(Ord. 1071, § 6; Ord. No. 1270 § 1.)

### **Section 7.150 Director of inspections**

The department of building inspection is hereby created and the executive official in charge thereof shall be known as the director of inspections. (Ord. 1071, § 6.)

### **Section 7.160 Appointment**

The director of inspections shall be appointed by the board of city commissioners from a list certified by the Civil Service Commission. (Ord. 1071, § 6.)

### **Section 7.170 Permit fees**

Fees shall be based on valuation and shall be as follows:

Valuation of \$1.00 to \$1,000.00	\$15.00 permit fee
Valuation in excess of \$1,000.00	\$15.00 for the first \$1,000.00, plus \$3.00 for each additional \$1,000.00 or fraction thereof.

Plan reviews will be minimum of \$20.00.

(Ord. No. 1071, § 6; Ord. No. 1109, § 5.)

## **Section 7.180 Violation--Penalties**

Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of: (1) for the first conviction, an infraction punishable by a fine of at least fifty dollars but not more than five hundred dollars; (2) Any person who has previously been convicted under this section may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars, or by imprisonment, not exceeding thirty days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. (Ord. 1071 § 6; Ord. No. 1150 § 1; Ord. No. 1157 § 1.)