

## ARTICLE I. - IN GENERAL

### Sec. 14-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

*HUD-code manufactured home* means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g).

*Mobile home* means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

(Ord. No. 2002-15, § 1, 10-16-2002)

**Cross reference**— Definitions generally, § 1-2.

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 5221f, § 3.

### Sec. 14-2. - Adoption of Codes and Standards.

There are adopted by the city for the purpose of establishing rules and regulations for the construction, maintenance and reconstruction of new and existing buildings and for the installation, maintenance or repair of all plumbing, mechanical, fire prevention and electrical systems, fixture piping, appliances and equipment in the city, including permits and penalties, the following codes as listed:

- (1) International Building Code, 2015 Edition;
- (2) International Residential Code, One- and Two-Family Dwelling, 2015 edition.
- (3) International Mechanical Code, 2015 Edition;
- (4) International Plumbing Code, 2015 Edition;
- (5) International Electrical Code, 2015 Edition;
- (6) International Fire Code, 2015 Edition;
- (7) International Fuel Gas Code, 2015 Edition;

- (8) International Private Sewage Disposal Code, 2015 Edition;
- (9) International Energy Conservation Code, 2015 Edition;
- (10) International Property Maintenance Code, 2015 Edition;
- (11) NEC National Electrical Code, 2014 Edition.

Together with their appendix chapters and any amendments that become an official part of any code, save and except any such portion as may be in conflict with this chapter, a copy of each of which has been and is now filed in the office of the city secretary; and these codes are incorporated as fully as if set out at length in this chapter; and the provisions of such codes shall be controlling within the corporate limits of the city.

(Ord. No. 2002-15, § 1, 10-16-2002; Ord. No. 2003-20, § 1, 12-10-2003; Ord. No. 2007-03, § 1, 1-16-2007; Ord. No. 2014-08, § 1, 5-13-2014; Ord. No. 2016-06, § 1, 3-8-2016)

#### Sec. 14-3. - Powers and duties of building official.

- (a) The building official is authorized and directed to enforce all the provisions of adopted codes listed in section 14-2.
- (b) The building official shall have the power to render interpretations of the codes and to adopt and enforce rules and regulations supplemental to the codes as he may deem necessary in order to clarify the application of the provisions of the codes. Such interpretation, rules and regulations shall be in conformity with the intent and purpose of the codes.
- (c) The building official and/or fire marshal or their authorized representatives shall be available for support and assistance to property owners/occupants or other persons engaged in construction or reconstruction activity, to assist them with their permitting process, and assist with contractor/trades personnel problems and inquiries concerning the interpretation of the intent of the adopted codes.
- (d) Neither the city, its officials, agents, nor assignees, shall be responsible for ensuring that all construction/reconstruction activity is properly permitted and accomplished as prescribed by the adopted codes. That responsibility will remain with the property owners/occupants and/or other persons engaged in the construction/reconstruction activity inclusive of contractor/trades personnel involved in the work.
- (e) The building official and/or fire marshal or their authorized representatives are authorized to use their discretion in applying the adopted codes and the requirements of this article in providing for those exceptions needing to be addressed on an individual basis to further encourage construction/reconstruction and maintenance activity in order to avoid unnecessary delay or hardship situations within the conformity of the intent and purposes of the codes.
- (f) The mayor and city council reserve the right for final appeal to themselves for disputes, request for waivers and exception to the provisions set forth in this article, and shall reserve the right to make waiver and/or exceptions for specially designated districts or economic development purposes to encourage construction or reconstruction activity in one or more areas of the city.

(Ord. No. 2002-15, § 1, 10-16-2002)

Sec. 14-4. - Licensed construction/trade personnel.

- (a) All property owners/occupants or other persons engaged in maintenance, construction or reconstruction activity shall be responsible for ensuring that the activity is accomplished by licensed maintenance and construction/trades personnel qualified for such work using approved materials and performing in accordance with the adopted codes and state and federal laws regulating such activity.
- (b) All homeowners when engaged in construction or reconstruction activity on their own homestead (where they or their family live) and are performing the work themselves are exempt from needing to be licensed by the city.
- (c) When state law or local ordinance does not regulate licensing, the contractor and/or trade personnel shall provide the city with a permit and license bond in the amount of \$10,000.00 as licensing.
- (d) When the application fee for a permit is required by the provisions of this article and/or adopted code, the applicant shall pay to the city a fee so stated in the adopted code in addition to a permit issuance fee in accordance with the fee schedule adopted by the council.
- (e) Ordinary minor construction, alteration or repairs may be made without a permit upon the approval of the building official provided that no inspection is required and the total valuation of such construction, alteration or repair is less than \$2,000.00, and provided further that such construction, alteration or repair shall not violate any other provisions of any adopted code or this Code.
- (f) In the case of metal-clad buildings, the owner shall submit a certificate bearing the signature of a registered professional engineer stating that every part of the proposed structure has been designed in accordance with the design load, stresses and other requirements of state law or statute and this Code.

(Ord. No. 2002-15, § 1, 10-16-2002)

Sec. 14-5. - Penalty.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in an amount as provided for in section 1-7 of the city's Code of Ordinances. Each day of a violation shall constitute a separate offense.

(Ord. No. 2002-15, § 1, 10-16-2002; Ord. No. 2003-20, § 2, 12-10-2003; Ord. No. 2014-08, § 2, 5-13-2014)

Sec. 14-6. - Application.

- (a) The provisions of this chapter shall supersede ordinances, codes or regulations to the extent such ordinances, codes or regulations are inconsistent with this chapter; however, nothing contained in this chapter shall be construed to prevent the adoption and enforcement of an ordinance or regulation which is more restrictive or establishes a higher standard than provided in this chapter, and such more restrictive requirements or higher standard shall govern during the period it is in effect.

(b) In case a provision of this chapter is found to be in conflict with a provision of a zoning, mechanical, electrical, plumbing, fire, safety, health, water supply or sewage disposal ordinance or regulation adopted pursuant to such ordinance, or other ordinances, codes or regulations, the provision or requirement which is more restrictive or establishes the higher standard shall prevail.

(Ord. No. 2002-15, § 1, 10-16-2002)

Sec. 14-7. - Conformity with other codes and regulations.

(a) Installation, alteration and repair of residential premises, HUD-code manufactured homes, mobile homes, mobile homes, mobile home courts, businesses and commercial premises and materials, assemblies and equipment utilized in connection with such uses shall be reasonably safe to persons and property and in conformity with applicable ordinances of the city and orders, rules and regulations issued by the authority of the city.

(b) Except as otherwise provided in this chapter, conformity of installations, alterations and repairs of residential premises, mobile home court buildings and their accessory structures, and of materials, assemblies and equipment utilized in connection with such building and structures, and with the applicable requirements of the International Residential Code, shall be prima facie evidence that such work, material, assembly or equipment is reasonably safe to persons and property.

(Ord. No. 2002-15, § 1, 10-16-2002)

Sec. 14-8. - Relief.

It is not the intent of this chapter to declare, and it does not so declare, anything to be a nuisance which is not such in fact. Any person to whom any order is directed or against whose property is taken or proposed to be taken under the terms and provisions of this chapter shall have the right to appeal such order or action to the city council or any court having jurisdiction.

(Ord. No. 2002-15, § 1, 10-16-2002)

Sec. 14-9. - Fire districts.

(a) For the purpose of administering this chapter, there is established one fire district, which shall be known as the first fire district.

(b) There is created a fire district map. Such map shall delineate the boundaries of the fire district; such map is and shall be considered a part of this chapter. The fire district map shall be kept in the office of the building official.

(c) It shall be the duty of the building official to keep current the fire district map and the copies of the map by entering on such maps all changes which the city council may order by amendment to this chapter.

(d)

The city secretary, upon adoption of this chapter, shall affix a certificate to the map identifying the map as the official fire district map of the city. All amendments to this chapter shall be made immediately after their enactment, and the date of the change shall be noted on the certificate.

- (e) Any person who shall violate any of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-7.

(Ord. No. 2002-15, § 1, 10-16-2002)

**Cross reference**— Fire prevention and protection, ch.34.

Sec. 14-10. - Violation.

Violation of any of the terms or provisions of this chapter by any corporation or association shall subject the officers of such corporation or association to the penalty provided in this article.

(Ord. No. 2002-15, § 1, 10-16-2002)

Sec. 14-11. - Conviction.

Conviction under the provisions of this chapter shall be deemed just cause for the revocation of any license which such person may have and/or hold under the provisions of this chapter.

(Ord. No. 2002-15, § 1, 10-16-2002)

Sec. 14-12. - City attorney action.

In addition to the penal remedy in this article, the city attorney may, in appropriate cases, institute any proper legal action or proceeding, including actions for injunction to prevent, restrain, correct or abate any act, conduct, work, business practice or use which is a violation and illegal under this chapter.

(Ord. No. 2002-15, § 1, 10-16-2002)

Sec. 14-13. - Conflicting standards.

Whenever the adopted code standards and specifications in this chapter conflict with those contained in another ordinance or with each other, the more stringent or restrictive provision shall govern.

(Ord. No. 2002-15, § 1, 10-16-2002)

Secs. 14-14—14-45. - Reserved.