

CITY OF DUNCOMBE, IOWA
421 Main Street

First Consideration: November 9, 2011.
Second Consideration: December 14, 2011.
Third Consideration: January 11, 2012.

ORDINANCE NO. 11-11BP

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DUNCOMBE, IOWA, BY AMENDING TITLE VI, CHAPTER 11, "BUILDING PERMITS".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCOMBE, IOWA:

SECTION 1. That Title VI, Chapter 11 is repealed and the following adopted in lieu thereof:

**TITLE VI SPECIAL ORDINANCES
CHAPTER 11 BUILDING PERMITS**

6- 11 -1 PURPOSE. The purpose of this Chapter is to provide the City Council notice of the type of structure:, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures, except for general maintenance and upkeep under the cost of \$500.00.

6-11-2 BUILDING OFFICIAL. The mayor shall be the building official and be responsible for the administration and enforcement of this chapter.

6- 11-3 STRUCTURE DEFINED. Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

6- 11-4 PERMIT REQUIRED. No structure shall be erected, reconstructed, altered or added to, with a cost of over \$500.00, without first securing a permit from the City Council.

6- 1 1-5 APPLICATION. All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit. Permits may also be obtained from the City Works Supervisor.

6- 1 1-6 FEES. A fee of twenty-five dollars (\$25.00) shall accompany an application for building a shed of no more than 120 square feet or deck, adding driveways and sidewalks, and asphalt or

cement work. A fee of fifty dollars (\$50.00) shall accompany any residential permit of an unattached garage or accessory building over 120 square feet. A fee of one hundred dollars (\$100.00) shall accompany an application for a one family residential structure. A fee of two hundred fifty dollars (\$250.00) shall accompany a permit for residential, multi-family structures. A fee of two hundred fifty dollars (\$250.00) shall accompany an application for commercial or industrial construction under one hundred thousand dollars (\$100,000.00), including underground and above ground storage tanks. A fee of five hundred dollars (\$500.00) shall accompany an application for commercial or industrial construction over one hundred thousand dollars (\$100,000.00). Estimated cost of the project must be included in the application.

6-1 1-7 PLANS REQUIRED. Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-11-8 LOCATION OF STRUCTURE. A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-11-9 FRONT YARD REQUIREMENTS. There shall be a front yard or not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or

2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.

3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

6-11-10 SIDE YARD REQUIREMENTS. No building shall be erected closer than five (5) feet to either side lot line.

6-11-11 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.

6-11-12 SPECIAL REQUIREMENTS FOR RESIDENCES. Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,000 square feet of livable space on the main floor.

2. All residences shall have a permanent perimeter foundation constructed of cement, concrete blocks with mortar or other permanent material approved by the City Council. All foundations shall have footings that extend below the frost line.

6-11-13 VARIANCES. The city council may grant a variance to sections 6-11-9, 6-10, and 6-11-11 where the setback requirements would cause a hardship on the property owner.

6-11-14 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-11-15 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-11-16 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-11-17 PERMIT ISSUED. Permits under twenty-five dollars (\$25.00) shall be issued by the City Works Superintendent or Mayor, one copy for the applicant, one copy for the county assessor and one copy to be retained in the City records.

6-11-18 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance. If construction is not completed a new application and fee must be submitted.

6-11-19 COMPLETION OF EXISTING BUILDINGS. Nothing contained in this chapter shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the date of the ordinance adopting the 1994 Code of Ordinances; provided, however, construction under such permit or approval shall have been started within six (6) months; any sheds and garages shall have been completed within six (6) months; the ground story framework, including structural parts of the second floor, shall have been completed within one year; and the entire building completed within two (2) years after such date.

6-11-20 APPLICATION APPROVED. It shall be the duty of the building official to examine applications for permits within a reasonable time after filing. If, after examination, the building official finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the building official shall forward findings to the Council for its approval or disapproval. The Mayor and the City Works Superintendent shall be able to approve building permits in the fee category of twenty-five dollars (\$25.00).

6-11-21 EROSION CONTROL. When a land disturbing activity, as defined by the Code of Iowa, is to occur as a part of a project for which a permit hereunder is sought, no permit shall be issued unless there is on file with the City a soil erosion control plan which covers the proposed project and is approved by the Soil Conservation District Commissioners.

6- 11-21 ACTION BY COUNCIL. After receiving the findings of the building official, the Council shall, within a reasonable time, either approve or disapprove the application over twenty-five dollars (\$25.00). If disapproved, the Council shall state its reasons for disapproval and notify the applicant of same. If approved, the Council shall instruct the Clerk to issue the building permit to the applicant. Said permit shall be issued in triplicate, one copy for the applicant, one copy for the County Assessor and one copy to be retained in the City records.

6-11-23 RESTRICTIONS. No permit for the erection, alteration, use of occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, repair, use of occupancy shall not cause or be the source of the following:

1. Noise. Any undue noise.
2. Electrical interference. Any undue radio or television interference.
3. Odors. Any offensive odors.
4. Refuse. Any offensive or unsightly refuse.
5. Smoke. Any offensive or undue smoke.
6. Fire Hazard. Any fire hazard.
7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.

6-11-24 CONDITION OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to, it shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

6-11-25 REVOCATION. The building official may revoke a permit or approval issue under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

6-11-26 PERMIT VOID. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect.

6-11-27 DEMOLITION. No structure shall be demolished without first securing a permit from the City Clerk or the City Works Superintendent. All demolition must be completed within thirty (30) days of the permit date. Permit fees are: Residential structures under 120 square feet-no charge; Residential structures over 120 square feet: fifty dollars (\$50.00); Commercial structures: one hundred dollars (\$100.00). If new construction is developed upon the site of a demolition, the amount of the demolition permit will be deducted from the amount of the new building permit. Said building permit shall be applied for within one year of the date of the demolition permit.

6-11-28 FAILURE TO PROCURE A PERMIT. Failure to procure a permit from the City will result in a fine double the original permit fee, and may be associated with a charge of a municipal infraction.

Section 2. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 3. This ordinance shall take effect January 20, 2012 upon publication.

Passed, approved and adopted this 11th day of January, 2012.