

## ORDINANCE NO. 02-08

### AN ORDINANCE PROVIDING FOR A CITY BUILDING CODE AND A BUILDING DIVISION WITHIN THE PUBLIC WORKS DEPARTMENT

1. The following Chapter 157 Building Code is hereby created:

157.1 Purpose. This Chapter is created to ensure the protection of property values of City property owners and to provide for the administration of City ordinances concerning building and property regulations.

157.2 State Building Code. Pursuant to Iowa Code Section 103A.10, the City of Spirit Lake hereby accepts the application of the State Building Code within its municipal boundaries.

157.3 Building Division. The Building Division within the Public Works Department is charged with enforcing the provisions of the City Code concerning Building and Property Regulations, including the City Zoning Ordinance and Subdivision Ordinance. The City Administrator is charged with the appointment of the Building Official. The City Administrator may provide for the Public Works Director to supervise the Building Division. The Public Works Director and City Administrator may from time to time assume the duties of the Building Official. A City Official designated as having responsibility to conduct inspections is deemed qualified to perform such inspections.

157.4 Building Permit. A Building Permit is required before any person shall proceed to erect, construct, enlarge, alter, remodel, convert, remove, move or demolish any building or structure in the City or cause the same to be done, when the cost of such activity shall exceed \$5,000, without first making application for and receiving a permit on a form furnished by the Building Division. A permit is also required for all activity of less this amount if it is subject to non-compliance with the Zoning Ordinance. Failure to obtain a permit as required under this Section shall be a violation of this Code. In addition to any other penalties which may be imposed, the permit fee established for the action under Section 157.6 shall be doubled in the case of any permitted activity which occurs prior to the issuance of the permit.

The application for a building permit shall be accompanied with a scale drawing of the building or structure on the site. The location of adjoining public property, site property lines, structure, and other pertinent information must be included. The Building Official may require additional information to ensure compliance with the City Code. The applicant shall

be solely responsible for providing accurate information with the permit application.

A Building Permit shall not be issued until all required information is submitted and approved by the Building Official and all fees have been paid.

157.5a Inspections. The Building Official is empowered to inspect sites subject to regulation by City ordinances. Inspections may be performed to ensure compliance with City Code, including but not limited to storm water management, silt fences, zoning and subdivision regulations.

157.5b Electrical Inspections. The Building Official is authorized to conduct electrical inspections as required by State Law and the Spirit Lake Electrical Code, Chapter 159. The Building Official will coordinate his/her work with the electric utility serving the area.

157.6 Plan Review Fee. A Plan Review Fee is imposed for the cost of reviewing site plans and other information required for a Building Permit. This fee also covers the cost of on-site inspections as may be performed. The City Council shall set the fees for Plan Review services. The Plan Review Fee is in addition to any other fee that is imposed and enforced by the City.

157.7 Building Contractor's Bond. Before any permit for regulated work is issued to a building contractor for work performed within the city limits of Spirit Lake, Iowa, the individual, partner, or officer of the firm, corporation or other association of the building contractor performing work shall execute and deposit with the City Clerk a bond in the sum of fifteen thousand dollars (\$15,000.00) with sureties approved by the Clerk. This bond is to be held as surety that the permit holder will fulfill the following conditions:

(a) That the permit holder will pay all fines and penalties properly imposed upon him/her for violation of the ordinances of the City.

157.8 Contractor's Insurance. Before any permit for regulated work is issued to a building contractor in the City of Spirit Lake, Iowa, he/she shall execute and file with the City Clerk a Certificate of Insurance written by a company authorized to transact business in the State of Iowa, in limits of not less than two hundred fifty thousand dollars (\$250,000.00) liability to any person and five hundred thousand dollars (\$500,000.00) liability to more than one person on account of any one occurrence, and one hundred thousand dollars (\$100,000.00) property damage or five hundred thousand dollars (\$500,000.00) combined single limit; said certificate shall be written on a standard form and carry endorsement naming the City of

Spirit Lake, Iowa, and its employees as additional insured as their interest may apply and conditioned upon the faithful performance of all duties required of such building contractor by this chapter, or by the rules and regulations of the City of Spirit Lake, Iowa. It shall be a further condition of said Certificate of Insurance that the obligator shall hold the City harmless from any and all damages sustained by reason of neglect or incompetence on the part of such building contractor, his/her agents or employees in the performance of the work done, or any negligent guarding of hazardous areas, or by reason of any other cause growing out of the negligence or carelessness of such building contractor, his or her agents or employees or the issuance of such license or permit. Said Certificate of Insurance shall be for one year and shall expire no sooner than December 31 of each year, and shall be re-filed on or before said date for each subsequent year. Each active contractor shall furnish the City his or her State contractors' registration number before the permit will be issued.

2. Effective Date. This Ordinance shall be effective April 15, 2008 after its final passage and publication as provided by law.