

## ORDINANCE NO. 179

AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, PROVIDING FOR ADOPTION OF THE *INTERNATIONAL BUILDING CODE, 2006 EDITION, INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, INTERNATIONAL MECHANICAL CODE, 2006 EDITION, INTERNATIONAL PLUMBING CODE, 2006 EDITION, INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION, INTERNATIONAL FIRE CODE, 2006 EDITION, INTERNATIONAL FUEL GAS CODE, 2006 EDITION, AND NATIONAL ELECTRICAL CODE, 2005 EDITION*; PROVIDING DEFINITIONS; ADOPTING CONSTRUCTION REGULATIONS REGARDING BUILDINGS AND PLUMBING, FUEL GAS, ELECTRICAL, AND MECHANICAL FIXTURES AND IMPROVEMENTS; ADOPTING REGULATIONS REGARDING FIRE PROTECTION; ADOPTING PROVISIONS REGARDING THE ABATEMENT OF UNSAFE BUILDINGS; ADOPTING ADMINISTRATIVE PROVISIONS; PROVIDING FOR LICENSING, PERMITS, AND INSPECTIONS; PROVIDING FOR A BUILDING TRADES BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR AN ELECTRICAL BOARD; PROVIDING FOR FEES; ADOPTING ENFORCEMENTS PROVISIONS; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS

### "BUILDINGS AND BUILDING REGULATIONS

#### ARTICLE I. IN GENERAL

##### Sec. 1-101. 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.

#### **Sec. 1-102. 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, 2006 Edition;*
2. *International Residential Code, 2006 Edition;*
3. *International Mechanical Code, 2006 Edition;*
4. *International Plumbing Code, 2006 Edition;*
5. *International Property Maintenance Code, 2006 Edition;*
6. *International Fire Code, 2006 Edition;*
7. *International Fuel Gas Code, 2006 Edition;*
8. *National Electrical Code, 2005 Edition;*

Together with their appendix chapters and any amendments which become an official part of any code, save and except such portion as are in conflict with this chapter, of which one copy of each has been and is now filed in the office of the building official; and the 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.

#### **Sec. 1-103 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 1.

(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.

#### **Sec. 1-104 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 with 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 \$1,000.00, 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.

#### **Sec. 1-105. Penalty.**

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.00 nor more than \$500.00 for each violation. In addition to such fine, such person who shall violate the provisions of this chapter may be enjoined from continuing such violations.

#### **Sec. 1-106. 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.

#### **Sec. 1-107. 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.

#### **Sec. 1-108. 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.

#### **Sec. 1-109. 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.

#### **Sec. 1-110. 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.

**Sec. 1-111. 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.

**Sec. 1-112. 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.

**Sec. 1-113. 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.

**ARTICLE II. BUILDING TRADES BOARD OF ADJUSTMENT  
AND APPEALS**

**Sec. 2-201. Established.**

There is established a board to be called the building trades board of adjustment and appeals, which shall consist of five members and two alternate members. The board shall be appointed by the mayor, approved by the city council, and shall act as a building trades board of adjustment and appeals, under oath of office, for all codes as listed in section 1-102.

**Sec. 2-202. Term of office of members, alternates.**

(a) All regular terms of members of the building trades board of adjustment and appeals shall be for two years and shall end in the month of May, of respective odd and even years of appointment. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Three unexcused absences of any member from regular meetings of the board shall, at the discretion of the city council, render any such member liable for immediate removal from office.

(b) Alternate members will serve only if an original member is unable to attend a meeting or is unable to fulfill his term of office.

#### **Sec. 2-203. Responsibilities.**

The building trades board of adjustment and appeals shall be responsible for making recommendations to the city council on any changes and shall be responsible for the study of any code changes brought before them dealing with the most recent adopted edition of the codes adopted in this chapter and/or any ordinance regulating such codes. If there is need for an in-depth study of one particular code or standard, the board may appoint subcommittees to study and make their recommendations for any changes. All construction code changes shall be put before the building trades board of adjustment and appeals for their recommendation before action can be taken by the city council.

#### **Sec. 2-204. Officers; meetings.**

(a) The building trades board of adjustment and appeals shall establish a chairman, other officers it may deem necessary, and rules and regulations for its own procedures, not inconsistent with the rules and procedures approved by the council.

(b) The building official and/or fire marshal shall act as secretary of this board and shall keep detailed records of all proceedings, set forth reasons for decisions, the vote of each member, the absence of any member, and any failure of a member to vote.

(c) The board shall meet as necessary, but not less than once a year to review new editions of adopted codes, new codes, recommend code changes, recommend to the mayor and city council structures/buildings for condemnations, and approve or disapprove applications for electrical licenses; in any event, the board shall meet within ten days after notice of appeal has been received.

(d) Any three members of the board shall constitute a quorum. In varying an application of any provision of the most recent adopted edition of the codes adopted by this chapter, and/or any ordinance regulating such codes, or in modifying an order of the building official or fire marshal, affirmative votes of the majority present, but not less than four affirmative votes shall be required. A board member shall not act in a case in which he has a personal interest, pursuant to V.T.C.A., Local Government Code ch. 171.

(e) All meetings shall be held in accordance with state law.

#### **Sec. 2-205. Appeals authorized.**

(a) Any person aggrieved by any interpretation or decision by the building official or fire marshal under any of the adopted codes, or when it is claimed that the provisions of the code in question do not apply or that any equally good or more desirable form, method or material can be employed in any specific case, or when it is claimed that the true intent and meaning of a code or

any of the regulations in a code have been misconstrued or wrongly interpreted shall appeal to the building trades board of adjustment and appeals. Notice of appeal shall be in writing and filed within ten days after the decision is rendered by the building official or fire marshal.

(b) In case of an unsafe or dangerous situation created by the contractor on any of the codes, the building official or fire marshal may in his order limit the time for such appeal to a shorter period.

#### **Sec. 2-206. Decisions.**

(a) A decision of the building trades board of adjustment and appeals to vary the application of any provision of any code within its authority or to modify an order of the building official or fire marshal shall specify in what manner such variation or modification is made and the conditions upon which it is made and the reasons for the decision, and all variations and modification or conditions made by the board shall meet the minimum code requirements.

(b) The building trades board of adjustment and appeals, when so appealed to and after a public hearing, may appeal to city council for consideration to vary the application of any provision of the codes adopted by this chapter and/or any ordinance regulating such codes, in any particular case, when, in its opinion, the enforcement of such codes would do manifest injustice, and would be contrary to the spirit and purpose of a code or the public, or when, in its opinion, the interpretation of the building official or fire marshal should be modified or reserved.

(c) Every decision of the building trades board of adjustment and appeals shall be final, subject however, to such remedy as any aggrieved party might have on appeal to the city council. The decision of the board shall be in writing and shall indicate the vote of its members. Every decision shall be promptly filed in the office of the building official and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the building official for two weeks after filing.

(d) The building trades board of adjustment and appeals shall, in every case, reach a decision without reasonable or unnecessary delay.

(e) If a decision of the building trades board of adjustment and appeals reverses or modifies a refusal, order or disallowance of the building official or fire marshal, or varies the application of any provision of the codes affected by this article, the building official or fire marshal shall immediately take action in accordance with such decision, subject however, to such appeal to the city council.

### **ARTICLE III. PLUMBING, FUEL, GAS AND MECHANICAL CODE**

#### **Sec. 3-301. Restrictions on employees.**

No employee of the city who is charged with the enforcement of this article shall be financially interested in the furnishing of labor, materials or equipment for the installation, alteration or maintenance of plumbing, gas and mechanical piping, fixtures or equipment or in the making of plans or specifications for such work, except for a financial interest arising solely out of his ownership of the property on which the installation exists or is planned to take place.

#### **Sec. 3-302. Plumbing and mechanical inspector.**

A plumbing and mechanical inspector shall be appointed by the City Council, and is designated as the person responsible for the administration and enforcement of this article. He shall discharge the duties and the authority provided in this article. The plumbing and mechanical inspector shall be of good moral character; shall be possessed of such executive ability as is requisite of the performance of his duties; and shall have a thorough knowledge of the standard materials and methods used in the installation of plumbing, gas and mechanical work and any order, rules and regulations issued by the authority of such work, and the plumbing, fuel gas and mechanical codes.

#### **Sec. 3-303. Powers and duties of plumbing and mechanical inspector.**

The plumbing and mechanical inspector and his authorized assistants shall have the following powers and duties.

(1) To enforce the provisions of this article and to file complaints in municipal court against persons who violate any of its provisions.

(2) To enter any house or premises during reasonable hours while any plumbing, gas or mechanical piping or installation of plumbing, gas or mechanical fixtures or equipment are in such house or premises, in the performance of his official duties.

(3) To order water, gas and electrical service disconnected where improper or defective wiring, piping and equipment exists or where plumbing, gas or mechanical construction or equipment has been installed without a permit as required by this article.

(4) To order compliance with this article where a change of occupancy occurs in a building which requires changes or alteration to such existing building.

(5) To disconnect water, gas or electrical service in case of emergency where necessary for the safety of persons or property or where plumbing, gas and mechanical equipment may interfere with the work of the fire department.

(6) To attach to plumbing, gas or mechanical equipment or plumbing or gas piping, any official notice or seal which might be necessary to prevent the use of water, gas or electricity; and it shall be unlawful for any person not so authorized to use any such seal or to break, change, destroy, tear, mutilate, cover or otherwise deface or injure any such official notice or seal posted by any plumbing and mechanical inspector.

(7) To order persons to cease or desist doing any work being done without a permit where a permit is required or where such work is otherwise being done in violation of this article.

**Sec. 3-304 Interference with enforcement unlawful.**

It shall be unlawful for any person to interfere with the plumbing and mechanical inspector or his assistants in the discharge of his duties or to in any manner prevent him from carrying out the provisions of this article.

**Sec. 3-305. Controlling provisions in cases of conflict.**

In the event of any conflict between the provisions of this article and the adopted fuel gas, plumbing and mechanical codes of the city by any other ordinance or provision of this article, state law, or city ordinances, rules or regulations, the specific provisions of this article, state law or city ordinance, rule or regulation shall prevail and be controlling.

**Sec. 3-306. Service of notice.**

If the person to whom any order or notice issued pursuant to the provisions of this article cannot be found after reasonable search has been made for him, such order or notice may be served by posting it in a conspicuous place upon the premises occupied by him or upon the premises to which such order or notice relates; and such service shall be deemed equivalent to personal service. An order to comply with the term of such order or notice shall also be sent by owner, lessee or occupancy of the premises to which such order or notice related; and such mailing shall be deemed equivalent to the personal service of such order upon the addressee, or by one publication in the local newspaper.

**Sec. 3-307. Plans required; prior approval; deviation unlawful.**

The plumbing and mechanical inspector shall require plans, specifications and a complete layout of installations of all plumbing, gas or mechanical work concerned. No deviation from such plans, specifications or layouts without the prior written approval of the inspector will be accepted.

**Sec. 3-308. Permits and fees required; general exceptions.**

Except as otherwise specifically provided in this article, it shall be unlawful for any person to install or cause to be installed any plumbing, gas or mechanical piping, fixtures or equipment within or on any building, structure or premises, publicly or privately owned, or to make any additions within the scope of this article, without having procured a permit issued by the plumbing and mechanical inspector. Accessory buildings, tourist cottages or group houses shall not be considered separate buildings when the work is to be installed as one complete project and at any one time, except where separate water and gas meters are installed.

**Sec. 3-309. Only one permit outstanding.**

There shall be only one permit issued or outstanding at the same time for any one installation of plumbing, gas or mechanical piping or equipment.

**Sec. 3-310. Service connections.**

No service piping or equipment shall be connected to the plumbing, gas or mechanical distribution system within the city unless it has been approved and a permit has been obtained and all applicable fees have been paid.

**Sec. 3-311. Application for permits generally.**

Application for permits required by this article shall be made in writing upon forms provided by the city for that purpose. The application shall include a diagram or plan showing clearly the character and kind of plumbing, gas or mechanical piping or installation of fixtures or equipment work to be done. The plan or layout diagram shall show the manner in which the plumbing, gas or mechanical installation is to be made and shall show the point at which the service connection is required, the arrangement of fixtures, piping equipment and the number of units connected to the equipment. The applications shall also contain the following information.

- (1) The date the application is made;
- (2) The name of the person actually offering the application.
- (3) The address where the plumbing, gas or mechanical work is to be done;
- (4) A description of the plumbing, gas or mechanical work to be done; and
- (5) Other pertinent information required by the building official.

**Sec. 3-312. To whom permits issued.**

(a) Permits shall be issued to licensed master plumbers or licensed mechanical contractors qualified to secure permits as determined by state law providing for state licensing of plumbing contractors and mechanical contractors or their duly authorized agents who shall be certified to the plumbing and mechanical inspector by affidavit stating that the plumbing or mechanical contractor assumes all and full responsibility of any permit taken out or applied for by the agent.

(b) Permits shall be issued to a person performing plumbing, gas or mechanical work with his own hands in a single-family dwelling owned by him and claimed as his homestead and where his family lives.

**Sec. 3-313. Permit and inspection fees.**

(a) Before proceeding with the installation or the addition to plumbing, gas or mechanical piping or equipment within the city, the applicant shall first file with the city an application requesting a permit to carry on such work and the necessary inspection and shall pay fees to the city in accordance with the adopted code regulating fees and the following schedule:

(1) *Permit fees.* A permit issuing fee and a fee for safety inspection of existing gas system shall be in accordance with the fee schedule adopted by the council. All fees shall be paid by the person to whom the permit is issued.

(2) *Other plumbing, gas or mechanical work.* When fees are not set up in subsection (a)(1) of this section, the building official shall set fees that are in his opinion consistent with such fees.

(b) When an inspection is made as required by this article and the work, as completed, fails to pass so that an additional inspection is required, a reinspection fee in accordance with the fee schedule adopted by the council shall be charged.

(c) Requested safety inspections of existing buildings shall each require a fee in accordance with the fee schedule adopted by the council.

(d) If work for which a permit is required by this article is done prior to the required permit being issued, a fee in accordance with the fee schedule adopted by the council shall be added to the permit fee, or the fee shall be doubled, whichever is greater. It is specifically provided, however, that this provision shall not apply to work started after permit office hours or on Saturday, Sunday or legal holidays if the required permit is obtained by noon of the first work day following such Saturday, Sunday or legal holiday.

**Sec. 3-314. Permits for part jobs; subsequent permits upon abandonment.**

(a) When a contractor completes the rough work, in whole or in part, on any plumbing, gas or mechanical piping or installation of fixtures or equipment and a second contractor is called upon to complete the work, in whole or in part, a separate permit and payment of the regular fees shall be required for the work to be done. Each contractor shall be held responsible only for the work installed by him. Before the second contractor is issued a permit of the completion of plumbing, gas or mechanical piping or installation of fixtures or equipment, the plumbing and mechanical inspector shall notify the contractor holding the original or first permit, if he can be found, that the second permit is proposed to be issued.

(b) When the permit contractor fails or refuses to complete or shall abandon permitted work, in whole or in part, on any plumbing, gas or mechanical piping or installation of fixtures or equipment, and such failure or refusal shall continue for 15 days, a new permit may be issued upon written request of the owner or person in charge of construction, and fees for the new permit shall be in accordance with the fee schedule adopted by the council, covering all permitted work done or to be done, whether completed or not at the time a subsequent permit is issued. The plumbing and mechanical inspector shall notify the permit contractor failing or refusing to complete the permitted work, if he can be found, that the subsequent permit is proposed to be issued.

(c) The issuance of a second permit under subsection (a) or (b) of this section shall cancel the first permit, and no refund of fees for such canceled permit shall be made.

**Sec. 3-315. Time limitation of permits.**

If plumbing, gas or mechanical piping, fixtures or equipment work authorized under a permit is not started within 90 days after issuance of such permit, or if the work is started and then discontinued, and the work remains discontinued for a period of 90 days, the permit shall become void; and no work shall be done on the premises until a new permit is issued and all necessary fees are paid. No refund shall be made for permits that have become void.

**Sec. 3-316. Revocation of permits.**

The plumbing and mechanical inspector shall have the right to declare a permit null and void if there has been a material misrepresentation of fact on the application. Upon such declaration, no work shall be performed until a new permit is issued and all fees have been paid.

**Sec. 3-317. Refund of permit fees.**

A plumbing, gas or mechanical permit may be canceled by the applicant at any time within 30 days of issuance. If no work has been done under such permit, the plumbing and mechanical inspector shall refund 75 percent of the permit fee paid; however, in no case shall the city retain less than \$25.00 to cover administrative costs.

**Sec. 3-318. Inspections required.**

It shall be unlawful for any person to make connection from a source of water, gas or electrical energy to any plumbing, gas or mechanical piping, devices or equipment on an installation for which a permit is required by this article until it has been approved by the plumbing and mechanical inspector authorizing such connection and the use of such plumbing, gas or mechanical piping or equipment.

**Sec. 3-319. Inspections; rules and procedures.**

(a) When any plumbing, gas or mechanical work for which a permit is required under this article has been installed, before it is concealed or connected for service, as the case maybe, the contractor to whom the permit was issued shall request inspections by notifying the plumbing and mechanical inspector in such manner as the inspector may prescribe. The plumbing and mechanical inspector shall inspect such plumbing, gas or mechanical work as soon as practical and within 24 hours of notification excepting Saturdays, Sundays, and legal holidays.

(b) The plumbing and mechanical inspector shall inspect and approve or disapprove plumbing, gas or mechanical work after rough-in work is completed and requests for inspection are made.

(c) No plumbing, gas or mechanical work for which a permit is required under this article shall be concealed in any manner from access or plain sight until such plumbing, gas or mechanical work has been inspected and approved by the plumbing and mechanical inspector; and no plumbing, gas or mechanical work shall be connected to a source of energy, water or gas until such plumbing, gas or mechanical work is completed and all outlets supplied with approved fixtures, devices or covers, and such plumbing, gas or mechanical work has been finally approved for service.

(d) Whenever the complexity of plumbing, gas or mechanical work may demand it, the plumbing and mechanical inspector may schedule inspections to be made in phases (rough-in and final) of permitted work completed and ready for inspection. It shall be unlawful for any person to fail to request inspection pursuant to such schedule and subsection (b) of this section.

(e) If the plumbing, gas or mechanical work, upon final inspection, meets all the requirements of this article, the plumbing and mechanical inspector

shall immediately make the necessary service records to allow connection of such permitted work to a source of energy, water or gas; provided that should such plumbing, gas or mechanical work fail to meet such requirements, then written notice by the inspector of existing deficiencies shall be given to the permit contractor, and such contractor shall promptly correct the defects and request reinspection.

(f) Whenever a permit contractor is given notice of defects in permitted work, he shall promptly correct the defects. Failure to do so within ten days of notice of defects shall be unlawful and a violation of this article; and in addition to any other penalties, the plumbing and mechanical inspector shall refuse to issue any further permits for permitted work to such contractor until existing defects are corrected and approved in accordance with the provisions of this article.

(g) After final inspection, a written certificate of approval shall be issued to a permit contractor to cover any permitted work done by him and approved by the plumbing and mechanical inspector.

(h) When a permit contractor does not have the contract for finishing the permitted work covered by his permit, he shall request, in writing, an inspection of the permitted work completed by him, specifying in the request the extent of his obligation to install plumbing, gas or mechanical work.

(i) When any permit contractor refuses to request a final inspection on substantially completed work covered by his permit, the owner or person in control of the premises where the permitted work has been performed may request inspection. Notice of such request shall be given to the permit contractor by the plumbing and mechanical inspector.

### **Sec. 3-320. Inspection after fire.**

An inspection shall be conducted by the fire official whenever any building or structure has been damaged by fire.

### **Sec. 3-321. Interferences.**

It shall be unlawful for any authorized person to in any manner change or alter plumbing, gas or mechanical piping fixtures, or equipment in or on any building. If in the course of erection of a building or structure, plumbing, gas or mechanical piping, fixtures or equipment previously installed in such position as to interfere with the erection or completion of the structure, notice shall be immediately given to the authorized person or firm using the plumbing, gas or mechanical piping, fixtures or equipment, and he shall be required to accomplish any necessary alteration, in accordance with this article.

**Sec. 3-322. Periodic general inspection; authority to order repairs and disconnect.**

(a) The plumbing and mechanical inspector shall inaugurate thorough yearly inspections of installations of all plumbing, gas and mechanical piping, fixtures and equipment installed or that may hereafter be installed within the scope of this article.

(b) When any plumbing, gas or mechanical equipment is found by the plumbing and mechanical inspector to be dangerous to persons or to property because it is defective or defectively installed or to constitute an interference with the work of the fire department, the person responsible for the plumbing, gas or mechanical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the plumbing and mechanical inspector to place such equipment in safe and noninterfering condition. If such work is not completed within a reasonable time, the plumbing and mechanical inspector shall have the authority to disconnect or order the discontinuance of the water, gas and electrical service to such equipment. In case of emergency, where necessary for safety of persons or of property or where plumbing, gas or mechanical equipment may interfere with the work of the fire department, the plumbing and mechanical inspector and fire official shall have the authority to immediately disconnect or cause the discontinuance of any plumbing, gas, mechanical or electrical equipment.

(c) Any persons failing, neglecting or refusing, within a reasonable time to make the necessary repairs or changes required under this section, and have the necessary work completed within a reasonable time after the receipt of the notice, shall be deemed guilty of the violation of this article.

**Sec. 3-323. Connection with gas, water, sewer or electrical system; unauthorized disconnection.**

(a) It shall be unlawful for any water or gas utility operating in the city to furnish service to any new building, tent or structure of any kind, nature or description without first obtaining clearance from the plumbing and mechanical inspector, stating that such plumbing, gas or mechanical work is approved and a permit has been issued for the use of water or gas. Whenever any gas service is disconnected for six months to any building structure for any cause whatsoever (excepting nonpayment of bill), a gas inspection shall be necessary before each building or structure can be reconnected. On all commercial buildings which are vacated, the gas supply agency shall lock the meter until the plumbing and mechanical inspector shall inspect the building and issue a clearance by permit number.

(b) No equipment shall be connected without approval of the plumbing and mechanical inspector. No water or gas meter shall be connected until a certificate of inspection has been issued.

(c) It shall be unlawful for any unauthorized person to disconnect any service, except in case of emergency from the utility.

**Sec. 3-324. License required.**

Except as otherwise provided in this article, it shall be unlawful for any person to do plumbing, gas or mechanical work unless such person is a master or journeyman plumber or mechanical contractor licensed by the state or a person working under the supervision, direction and control of a journeyman or master plumber or licensed mechanical contractor.

**Sec. 3-325. General requirements for licensees.**

Any person holding a valid masters license issued by the state need not procure a lesser license, and any person holding a valid mechanical license need not procure a lesser license. When two or more master plumbers or mechanical contractors are working on the same job, the supervision, direction and control of the permitted work shall be the responsibility of the person to whom the permit is issued. There shall be a minimum of one licensed master or journeyman plumber on any plumbing job site. The following classes of plumbing, gas or mechanical work may be carried out by persons who are not licensed plumbers or licensed mechanical contractors: plumbing, gas or mechanical work on one's own homestead, as reflected by public records, performed only by the person owning such homestead and where one's family lives; provided that such person shall comply with all requirements and provisions of this article.

**Sec. 3-326. Insurance required of master plumbers and mechanical contractors.**

(a) Each licensee requesting plumbing, gas or mechanical permits from the city shall have in force personal liability insurance in the amount of not less than \$100,000.00 for bodily injury sustained by one or more persons as the result of any one occurrence, and \$300,000.00 aggregate with the attachment of the comprehensive general liability form, including products completed operations liability. This insurance coverage (umbrella) with limits in excess of \$100,000.00 bodily injury, \$100,000.00 property damage liability, and \$100,000.00 aggregate is required, provided the licensee has a base coverage that satisfies the excess coverage (umbrella) minimum requirements. The products and completed operations liability covers the public and the contractor from claims arising from an occurrence after the job is completed for one year.

(b) A license holder shall furnish the city with a certificate of insurance evidencing the required insurance coverage.

(c) The city may reduce or waive the insurance requirements for licensees who do not contract with the general public. All requests to waive or reduce the insurance requirements shall be submitted in writing to the building trades board of adjustment and appeals and shall contain a detailed explanation of the condition on which the license holder is requesting the reduction or waiver. All licensees who contract with the general public shall meet the insurance requirements.

### **Sec. 3-327. Certain acts prohibited.**

It shall be unlawful for any person to:

(1) Display or cause or permit to be displayed or to have in one's possession any instrument purporting to be any license for the doing of any plumbing or mechanical work, knowing such instrument to be fictitious or to have been canceled.

(2) Lend or knowingly permit the use of any license for the doing of any plumbing or mechanical work when such license has not been lawfully issued to the person so displaying the license.

(3) Display or to represent as one's own any license for the doing of any plumbing or mechanical work when such license has not been lawfully issued to the person so displaying the license.

(4) Use a false or fictitious name or address in any application for any permit provided for in this article or any renewal or duplicate of such permit, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application.

(5) Perform any character of plumbing, gas or mechanical work for which a license is required without the license required by this Code or while such license is suspended or canceled.

### **Sec. 3-328. Local requirements.**

Due to conditions prevailing in and about the Wallis area, certain special rules covering plumbing, gas and mechanical piping, fixtures and equipment installations are set forth in this section, and certain exceptions are taken to the rules and regulations of plumbing, gas and mechanical materials and equipment as follows:

(1) No sewer connection shall be made to any premises not connected with the water system.

- (2) No connection to the water or sewer system shall be made to any premises unless the plumbing in and on the premises to which such connection is desired shall have first been inspected and approved by the plumbing and mechanical inspector.
- (3) The plumbing and mechanical inspector shall have access to the premises connected on its water and sewer system, or either of them, at all reasonable times for the purpose of inspecting, repairing, removing or exchanging all appliances belonging to the city and used in connection with the water and sewer system, or either of them.
- (4) All the material used in the work of plumbing and drainage must be of good quality and free of defects. All work must be done in a thorough and workmanlike manner. When the soil, waste and vent pipes within the buildings are in place, before being covered or concealed, they shall be filled with water. If leaks are indicated, they shall be corrected by the plumber and retested.
- (5) No connection for basement drain shall be allowed until the owner of the building has executed and signed a written release to the city for any damages that may result from the basement's being flooded by the stoppage of sewers, which release and agreement shall be refiled with the city.
- (6) No rainwater or downspout pipe, steam boiler pipe or other pipe to convey or used to convey water or other substance of like character, except as necessary to the plumbing system, shall be connected to any sanitary sewers of the city except on the order of the city.
- (7) Each building shall be provided with at least one four-inch waste and vent stack, with the exception that three-inch waste and vent stacks are acceptable for single-family residences or apartments. All vents shall be the full size of the trap outlets.
- (8) All drains from two feet outside the building to the main sewer shall be a minimum of four-inch schedule 40 PVC pipe or piping approved by building official.
- (9) All piping for water closets shall be four inches or of a size approved by the building official.
- (10) All solder joints between copper and copper must be plumbers wipe joints. All solder and pipe shall meet state, local and federal laws on the amount of lead content in the solder and pipe.
- (11) The city shall at all times have the right to close up or disconnect from the public sewerage system, any private sewer constructed or connected in violation of any of the codes governing the laying of all sewers.

(12) It is a nuisance and unlawful for any person to use or maintain, or permit to be used or maintained on any premises situated on the line of the sewer, or within 200 feet of the line and owned, rented, leased or controlled by such person any privy, cesspool, septic tank, lavatory, water closet, urinal basin, slop sink, slop drain, bathtub or wastewater drain from any residence, laundry, meat market, garage, soda fountain, or other place, structure of business house of any name or description whatsoever, for receiving or removing fecal matter, night soil, wastewater, fluid, urine, material, substance or any other foul matter or sewage of any kind, unless connected with the sanitary sewerage system of the city in the manner provided by this article.

(13) Where it is established that a public sewerage system will be available in less than four years and groundwater conditions are favorable to septic tanks, septic tanks may be installed for single-family dwellings or for other limited uses when first approved by the plumbing and mechanical inspector and following other local, state and federal laws governing such installations.

(14) It shall be unlawful for any person to obstruct or in any way injure any of the pipes, drains, works or machinery belonging to or connected with any of the sanitary sewerage systems owned, used or operated in the city or to take any action which may obstruct or injure the system.

(15) The city council shall have the right and the power to summarily abate and remove all nuisances created in violation in this article, and this right of removal and abatement shall be cumulative of the fines and penalties provided.

(16) Copper water piping under slabs shall be encased in black polyethylene plastic tubing of utility grade 80 PSI-73F or equal or polybutylene tubing of SDR11-180F 100 PSI or equal.

(17) There shall be a distance of not less than three feet between all gas meters/gas piping and any electrical service or electrical equipment.

### **Sec. 3-329. Abandoned facilities.**

(a) Every abandoned building (house) sewer or part shall be plugged and capped in an approved manner at the property line.

(b) Every cesspool, septic tank and seepage pit which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected shall have the sewage removed and be completely filled with earth, sand, gravel, concrete or other approved material.

(c) The top cover or arch over the cesspool, septic tank or seepage pit shall be removed before filling; and the filling shall not extend above the top of the vertical portions of the sidewalks or above the level of any outlet pipe until

inspection has been made, following which the cesspool, septic tank or seepage pit shall be filled to the level of the top of the ground.

(d) No person owning or controlling any cesspool, septic tank or seepage pit on his premises or in any abutting portion of a public street, alley or other public property shall fail, refuse or neglect to comply with the provisions of this article.

(e) Where disposal facilities are abandoned consequent to connecting any premises with the public sewer, the permittee making the connection shall fill abandoned facilities as required by the plumbing and mechanical inspector within 30 days from the time of connection to the public sewer.

### **Sec. 3-330. Cross connection.**

(a) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws, regulations, codes, and this article. Service of water to a consumer found to be in violation of this article shall be discontinued by the city after due process of written notification of violation and an appropriate time sequence for voluntary compliance, if:

(1) A backflow prevention assembly required by this article for control of backflow and cross connection is not installed, tested and maintained;

(2) It is found that a backflow prevention assembly has been removed or bypassed;

(3) An unprotected cross connection exists on the premises; or

(4) The periodic system survey has not been conducted.

Service will not be restored until such conditions or defects are corrected.

(b) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violation of this article, exist and to audit the results of the required survey.

(c) Whenever the city deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system immediately after the meter at the customer's expense.

(d) The type of protective assembly required shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect) applicable to local and state requirements or resulting from the required survey.

(e) All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described in this section at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements, be excluded from the requirements of this section so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than the minimum maintenance or when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.

(f) It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the city deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the city to see that these tests are made according to the standards set forth by the state department of health.

(g) All backflow prevention assemblies shall be tested within ten working days of initial installation.

(h) No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, pits or above ceiling level.

(i) If violations of this article exist or if there has not been any corrective action taken by the consumer within ten days of the written notification of deficiencies noted within the survey, the city shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with state law and city codes relating to plumbing, safe drinking water supplies and the regulations adopted pursuant to such law or code.

**Sec. 3-331. Plumbing, gas or mechanical equipment; use of unapproved appliances and piping prohibited.**

It shall be unlawful for any person within the city to use any appliances which have not been endorsed by the Underwriters' Laboratories, Inc., or other nationally recognized standards association without first obtaining approval from the plumbing and mechanical inspector in the absence of such evidence of safety approval.

**Sec. 3-332. Approval given.**

The plumbing and mechanical inspector shall approve for such use plumbing, gas or mechanical equipment, material, conductors, apparatus or appliances as are reasonably safe to person and property. Conformity of such equipment and material with the standards of the Underwriters' Laboratories, Inc., shall be prima facie evidence that such equipment is reasonably safe to person and property.

**Sec. 3-333. Special approval.**

(a) Should any material or equipment which is not listed as approved by the Underwriters' Laboratories, Inc., be submitted for approval, the building trades board of adjustment and appeals shall, in writing and within ten days of receipt of a written request for special approval, approve, provisionally approve or disapprove such plumbing, gas or mechanical material or equipment.

(b) Approval shall be based on safety to person and property, and material and equipment shall be considered as adequate for approval if standards of the Underwriters' Laboratories, Inc., and/or provisions of this article are met. When material or equipment is approved by the building trades board of adjustment and appeals, such approval shall continue in effect until the material or workmanship is changed, in which case the article shall be reexamined and approved prior to use.

(c) All potable water piping shall be a minimum of schedule 40 on new installation not including galvanized and copper piping. Galvanized piping shall be a minimum of schedule 40, and copper shall be a minimum of type L.

**Sec. 3-334. Vents.**

All fixtures and gas appliances equipped for vents shall be vented through the roof; gas vents shall be double wall vent pipe.

**Sec. 3-335. Elbows.**

Elbows shall be used in all meter connections. Any unnecessary tee or other fitting in the yard service or house line shall not be approved.

**Sec. 3-336. Gas meter loops.**

Standard gas meter loops are to be at least 30 inches above finished ground, to have a six-inch inside spread and an overall spread of not more than 14 inches and allow three inches between two four-inch nipples for placement of the gas regulator.

**Sec. 3-337. Yard lines.**

(a) All new or replacement yard lines shall be approved yellow polyethylene SDR-11 and shall include an anodeless riser with a galvanized lock wing stop.

(b) Yard service lines shall not be located in the same ditch with other yard service lines.

(c) All connections shall be made by heat fusion.

(d) A #10 solid copper tracer wire shall be placed in yard service ditch within two inches of the service line.

**Sec. 3-338. Gas meter loop material.**

The permittee shall leave the following material at the location of new meter which shall be installed by the gas company when the meter is set as follows:

- (1) Two one-inch by four-inch nipples.
- (2) Four one-inch ells.
- (3) Two one-inch short nipples.
- (4) One one-inch lock wing gas stop.

**Sec. 3-339. House lines.**

All house lines shall be securely strapped every four feet.

**Sec. 3-340. Rubber hose line.**

No appliance shall be connected by a rubber hose line. No rubber hose lines shall be allowed in the gas system.

**Sec. 3-341. Test gauges.**

A mercury gauge or an approved diaphragm test gauge to test low pressure gas lines.

**Sec. 3-342. Gas meter location.**

(a) All gas meter locations shall be approved by the gas company before any permit is issued for a meter.

(b) The permittee shall be held responsible for any changes in meter installed in a location not authorized by the gas company.

(c) There shall be a distance of not less than three feet between all gas meters/gas piping and any electrical service or electrical equipment.

**Sec. 3-343. Gas outlet location.**

No gas outlet shall be in the same wall cavity with any electric switch or convenience outlet.

**Sec. 3-344. Responsibility for safe work; liability for damages.**

This article shall not be construed to affect the relationship or liability of any party owning, operating, controlling or installing any plumbing, gas or mechanical equipment for damages to person or property caused by any defect in such equipment or its installation; nor shall the city or any officer or employee of the city be held as assuming any liability by reason of the enforcement of this article.

**Sec. 3-345. Appeals authorized.**

(a) Any person aggrieved by any interpretation of the plumbing, gas or mechanical code, or by a decision or ruling by the building official under any such codes, or when it is claimed that the provision of the code in question does not apply, or that an equally good or more desirable form of method or material can be employed in any specific case, or when it is claimed that the true intent and meaning of a code or any of the regulations under such code have been misconstrued or wrongly interpreted shall appeal to the building trades board of adjustment and appeals. Notice of the appeal shall be in writing and filed within ten days after the decision is rendered by the building official.

(b) In case of an unsafe or dangerous situation created by the contractor on any of the codes, the building official may, in his order, limit the time for such appeal to a shorter period.

**Sec. 3-346. Acts prohibited.**

It shall be unlawful for any person, as owner, agent lessee, renter or otherwise, to violate, disobey or refuse to comply with the provisions of this article; and it shall be unlawful for any person to occupy or maintain any building or structure in which the plumbing, gas or mechanical work, fixtures or appliances are in violation of this article. Any person who commits any act declared to be unlawful or fails to perform any act required by this article shall be subject to the penalty provisions of this article.

**Sec. 3-347. Injunction.**

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 article.

**Sec. 3-348. Violation of article by association or corporation.**

Violation of any of the terms or provisions of this article by any corporation or association shall subject the officers and agents actively in charge of the business of such corporation or association to the penalty provided in this article.

**Sec. 3-349. Conviction.**

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

**Sec. 3-350. Penalty for violation of article.**

Any person who violates any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.00 per day or not more than \$500.00 per day per violation.

**ARTICLE IV. ELECTRICAL CODE\***

**DIVISION 1. GENERALLY**

**Sec. 4-401. Application to existing electrical systems and equipment.**

(a) *Additions, alterations or repairs.*

(1) Additions, alterations or repairs may be made to any electrical system and equipment without requiring the existing electrical system and equipment to comply with all the requirements of this article, provided the additions, alteration or repair conforms to that required for a new electrical system and equipment and provided further that no hazard to life, health or safety will be created by such additions, alterations or repairs.

(2) Minor additions, alterations and repairs to existing electrical systems and equipment may be made in accordance with the law in effect at the time the original installation was made, when approved by the building official, if he finds that no hazard to life health or safety will be created by such additions, alterations or repairs.

(b) *Existing installations.* Electrical systems and equipment lawfully in existence on March 10, 1993, may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original

design and no hazard to life, health or property has been created by such electrical system and equipment.

(c) *Changes in building occupancy.* Electrical systems and equipment which are part of any building or structure undergoing a change in use or occupancy, as defined in the building codes adopted by this chapter, shall comply with all requirements of this article which may be applicable to the new use or occupancy.

(d) *Maintenance.* All electrical systems and equipment, both existing and new, and all parts of such systems and equipment shall be maintained in a proper operating condition in accordance with the original design and in a safe and hazard-free condition. All devices or safeguards which are required by this article shall be maintained in conformance with this article. The owner shall be responsible for the maintenance of the electrical system. To determine compliance with this subsection, the building official may cause any electrical system to be reinspected whenever he has reason to believe that the system is not being maintained in accordance with this section.

(e) *Moved building.* Electrical systems and equipment which are a part of buildings or structures moved into or within the city shall comply with the provisions of this article for new installations.

#### **Sec. 4-402. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used.

*Apprentice electrician* means a person undertaking electrical work under the direct, personal supervision and control of either a licensed master electrician, line master electrician, sign master electrician, journeyman electrician, journeyman lineman, sign journeyman electrician or maintenance electrician.

*Approved*, as to materials, equipment and method of construction, means approval by the building official as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

*Approved agency* means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official after finding that the agency provides reliable testing or inspection services.

*Building code* means the city building codes adopted by this chapter.

*Building official* means the director of the building inspection department or his duly authorized representative.

*Chief electrical inspector* means the person designated by the building official to be the chief electrical inspector.

*Code enforcement agency* means the building inspection division of the building department under the administration and operation control of the building official.

*Electrical board* means the building trades board of adjustment and appeals.

*Electrical code* is the *National Electrical Code* promulgated by the National Fire Protection Association, as adopted by the city.

*Electrical contractor* means a person engaged in the business of installing, maintaining or altering electrical systems or equipment.

*Electrical maintenance work* means the keeping in safe repair of any and all electrical installations, apparatus and equipment. The term 'electrical maintenance work' shall include the repair or replacement of fixed motors, transformers or fixed appliances of the same type and rating in the same location. The installation of additional electrical work, electrical equipment or electrical apparatus is not included.

*Electrical work* means the installing, maintaining, altering, repairing or erecting of any wiring apparatus, devices, appliances, fixtures or equipment for which a permit is required under the terms and provisions of this article, except poles and guy anchors installed by a telephone, telegraph, signal and/or public services company as part of its distribution system.

*Firewall* means the same as an area separation wall as used in the building code.

*Journeyman electrician* means a person undertaking electrical work under the supervision, direction and control of a licensed master electrician.

*Journeyman lineman* means a person undertaking outside electrical work under the supervision, direction and control of a licensed master or line master electrician.

*Line master electrician* means a person who is the holder of a line master electrician license.

*Listed and listing* means equipment and materials which are shown in a list published by an approved agency, which listing states that the equipment complies with recognized safety standards.

*Maintenance electrician* means a person regularly employed on a permanent basis at one or more facilities under common ownership or control when there is a current annual maintenance permit for the facilities on which he works, who performs electrical maintenance work only on the premises under the ownership or control of his employer.

*Master electrician* means a person who is the holder of a master electrician license.

*Multiple-occupancy building* means a building having more than one tenant and may be of single- or mixed-use groups as classified by the building official.

*Occupancy* means the purpose for which a building or part of a building is used or intended to be used.

*Outside electrical work* means the assembly, maintenance, installation and erection of all electrical equipment and appurtenances which are part of an outside distribution system generally located outside of any building. Work performed under this term shall include but is not limited to the installation of substations, street lighting, pole line work, underground duct banks, electrical decorations, and parking lot lighting.

*Sign electrical work* means the business of manufacture or installation, or both, of electric signs, conductors and equipment for signs, outline lighting, and inside lighting with high-voltage gas tubes as defined in the electrical code.

*Sign journeyman electrician* means a person undertaking sign electrical work under the supervision, direction and control of a master or a sign master electrician.

*Sign master electrician* means a person who is the holder of a sign master electrician license.

#### **Sec. 4-403. Conflicting provisions.**

Where, in any specific case, different sections of this article specify different materials, methods of construction or other requirements, the most restrictive shall govern.

#### **Sec. 4-404. Alternate materials and methods of construction.**

(a) The provisions of this article are not intended to prevent the use of any material or method of construction not specifically prescribed by this article provided any alternate has been approved and its use authorized by the building official.

(b) The building official shall approve any alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of this article and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this article in suitability, strength, effectiveness, fire resistance, durability and safety.

(c) The building official shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the use of alternates. The details of any action granting approval of an alternate shall be recorded and entered in the files of the building official.

#### **Sec. 4-405. Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this article, the building official may grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of this article technically impractical and the modifications do not lessen health, life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the files of the building official.

#### **Sec. 4-406. Hearing procedures.**

(a) Whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

(b) If the notice is being given to an applicant for a license or to a licensee, the notice may be mailed to the address set out in the application for the license unless the applicant has given the chief electrical inspector written notice of his change of address, under which circumstances any notice concerning a hearing shall be sent to the most recent address shown on the notice. If any notice mailed to an applicant for a license or to a licensee is returned without delivery, notice shall be effective if posted where the public may observe it in the permit office of the building department.

(c) If the notice related to work being performed under a permit issued under this article, the notice shall be given to the master electrician, line master electrician or sign master electrician who obtained the permit, as well as the owner.

(d) If notice is being given to a building owner or to a tenant in the building, and the code enforcement agency is unable to determine the name or

address of such person after checking the records of the inspection division, the records of the county appraisal district, and the records of the electrical utility company, notice shall be mailed to the building address of the building as shown on the records of the electrical company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

**Sec. 4-407. Appeals.**

(a) Any person aggrieved by any interpretation of the electrical code, or by decision or ruling by the building official under any provision of the code, or when it is claimed that the provision of the code in question does not apply or that an equally good or more desirable form of method or material can be employed in any specific case, or when it is claimed that the true intent and meaning of the code or any of the regulations under the code have been misconstrued or wrongly interpreted shall appeal to the building trades board of adjustment and appeals. Notice of appeals shall be in writing and filed within 30 days after the decision is rendered by the building official.

(b) In case of an unsafe or dangerous situation created by the contractor on any of the codes, the building official may, in his order, limit the time for such appeal to a shorter period.

**Sec. 4-408. Penalty for violation of article.**

Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00 or less than \$100.00 unless otherwise specified in this article; however, if such person is convicted of an offense under this article which offense is also a violation of the penal laws of the state, such person shall be subject to the penalties set out in the penal laws of the state for the offense.

**Sec. 4-409. Violation of article by corporation or association.**

Violation of any of the terms or provisions of this article by any corporation or association shall subject the officers and agents actively in charge of the business of such corporation or association to the penalty provided in this article.

**Sec. 4-410. Conviction.**

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

#### **Sec. 4-411. Injunction.**

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 article.

### **DIVISION 2. ORGANIZATION; ENFORCEMENT**

#### **Sec. 4-412. Powers and duties of building official.**

(a) *Generally.* The building official is authorized to enforce all the provisions of this article.

(b) *Deputies.* In accordance with prescribed procedures and with the approval of authority, the *building* official may appoint a chief electrical inspector and other related technical officers and inspectors and other such employees as shall be authorized from time to time.

(c) *Right of entry.*

(1) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building official or his authorized representative has reasonable cause to believe that there exists any condition or violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative 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 this article; provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(2) When, due to an emergency, immediate entry is necessary to protect life or property, or when the building official or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made, to promptly permit entry by the building official or his authorized representative for the purpose of inspection and examination pursuant to this article.

(d) *Stop order.* Whenever any work is being done contrary to the provisions of this article, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; and any such persons shall forthwith stop such work until

authorized by the building official to proceed with the work. At the time such a stop order is issued, the person doing the work and the permit holder shall be given notice of a right to a hearing pursuant to section 4-436. Upon request, such hearing shall be held within three business days unless the permit holder or the person doing the work requests an extension of time. Any stop order that has been issued shall remain in effect pending any hearing that has been requested unless the stop order is withdrawn by the building official.

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(e) Authority to disconnect utilities in emergencies. The building official or his authorized representative shall have the authority to have the utility company disconnect any electrical power or energy service supplied to a building, or electrical system or equipment regulated by this article in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility and the owner and occupant of the building (or user of the electrical system or equipment if it is not located in a building) of the decision to disconnect prior to taking such action, and shall notify such persons in writing of such disconnection immediately thereafter. The notice shall also inform the owner and occupant of the building (or the user if the electrical system or equipment is not within a building) of a right to a hearing pursuant to section 4-407 on request, such a hearing shall be conducted within three business days unless the owner requests an extension of time.

(f) Authority to condemn electrical system and equipment.

(1) Whenever the building official ascertains that any electrical system or equipment regulated in this article has become hazardous to life, health or property, he shall order in writing that such electrical system or equipment either be removed or restored to a safe condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order and shall inform the owner and occupant of the right to a hearing pursuant to section 4-407. No person shall use or maintain a defective electrical system or equipment after receiving such notice.

(2) When such equipment or installation is to be disconnected, a written notice of such disconnection and its causes shall be given within 24 hours to the serving utility and to the owner and occupant of such building, structure or premises. Such a notice shall inform the owner and occupant of the right to a hearing pursuant to section 4-407. Upon request, such a hearing shall be conducted within three business days unless the owner requests an extension.

(3) When any electrical system or equipment is maintained in violation of this article and in violation of a notice issued pursuant to this section, the building official or his authorized representative shall institute any appropriate action to prevent, restrain, correct or abate the violation.

(g) *Connection after order to disconnect.* No person shall either make connections from any energy source or power supply or supply power to any electrical system or equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be disconnected by the building official until the building official authorizes the reconnection and use of such electrical system or equipment.

(h) *Liability.* Except as otherwise provided by law, the building official shall not be personally liable in damages for any act or omission arising out of any official action taken to implement and enforce the provisions of this article. Additionally, except as otherwise provided by law, the building official shall not be personally liable in damages for any act or omission taken in the course and scope of his employment. Any suit brought against the building official or employee because of such act or omission performed by him in the enforcement of any provision of this article shall be defended by the city until final termination of such proceedings, to the extent the city attorney finds, in the exercise of this professional judgment, that the employee is immune from liability as a matter of law and that there is not conflict of interest in representation of both the city and the employee.

(i) *Cooperation of other officials and officers.* The building official may request, and shall receive so far as is *required* in the discharge of his duties, the assistance and cooperation of other officials of the city.

#### **Sec. 4-413 Unsafe electrical systems or equipment.**

(a) All electrical systems or equipment regulated by this article which are unsafe, or which constitute a fire hazard, have sustained disaster damage or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of electrical systems or equipment regulated by this article constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment is, for the purpose of this section, an unsafe use.

(b) All such unsafe electrical systems or equipment shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth by law for the abatement of dangerous buildings. As an alternative, the building official or other employee or official of the city as designated by the city council may institute any other appropriate action to prevent, restrain, correct or abate the violation.

#### **Sec. 4-414 Electrical board.**

(a) *Appointment.* There is created an electrical board consisting of members appointed by the mayor and confirmed by the city council. All

members shall continue in office until their respective successors shall have been appointed.

(b) *Legal counsel.* Each board meeting and hearing may be attended by an attorney from the city's legal staff. His sole duty shall be to advise the board members of legal matters which may arise.

(c) *Duties of the board.* The duties and responsibilities of the electrical board shall include the following:

- (1) Hear all cases involving revocation of a license under this article;
- (2) Approve all requests for such licenses;
- (3) Conduct those hearings and appeals which are provided in this article to be conducted by the electrical board; and
- (4) Hear appeals from decisions of the building official concerning interpretations of this article and the use of alternate materials and wiring methods; however, the board shall not have jurisdiction to hear any matter which is the subject of any case pending before the municipal courts.

(d) *Appeals.*

(1) Any interested person dissatisfied with a decision of the building official concerning interpretations of this article or the use of alternate materials and wiring methods shall have the right to appeal to the electrical board pursuant to the following procedures. Petitions for hearings before the electrical board shall be in writing and filed with the secretary of the electrical board. A hearing on the matter shall be held by the board within 30 days of the date the petition was filed. The electrical board shall affirm, modify or reverse the action or decision of the building official and shall render all decisions and findings in writing to the building official with a duplicate copy to the applicant.

(2) Any interested person aggrieved by a decision of the board may appeal to the city council, provided that written notice to the city council of such appeal is delivered to the city secretary within ten days from the date of the decision of the board.

#### **Sec. 4-415 Failure to correct work.**

If any electrical contractor or his registered master fails to correct any defect, error or deficiency in any of his work installed under the authority of an electrical permit within ten calendar days after written notification, the building official may serve the master with notice that a hearing will be held by the electrical board, at which time he will seek either the suspension or revocation of his license. In the notice the building official shall specify the grounds on which

he will rely in seeking the suspension or revocation of the license. This section shall be cumulative of all other remedies and penalties provided for under the laws of the state and ordinances of this city.

**Sec. 4-416. Tampering.**

It shall be unlawful for any person to bridge, tamper with or change from its original installation (except upon the approval of the building official), any fuse or plug, cartridge or link type, installed in panelboards, main switches or switchboards, or to alter or change any circuit breaker so that such fuse or circuit breaker will not function properly.

**Sec. 4-417. Identification of contractors' vehicles.**

Each person engaged in electrical or sign contracting shall identify all vehicles use by employees to transport material, or that are equipped with fixed tools of the trade, such as pipe vises, conduit and ladder racks, by displaying a sign upon such vehicles that shall identify the master electricians license number under which electrical work is performed. Such required information shall be set out on each side of the vehicle in legible and proportionally spaced letters at least two inches in height with a brushstroke width of at least three-eighths inch that are in full view at all times. The required information may be painted on a sign which is permanently attached to the vehicle. The letters shall be in a color which contrasts with the color of the vehicle and with any background color on the decal or sign.

**DIVISION 3. PERMITS; INSPECTIONS**

**Sec. 4-418. Permits.**

(a) *Required.* It shall be unlawful for any person to install, alter, repair, replace or remodel any electrical system or equipment regulated by this article, except as specified in subsection (b) of this section, or cause such work to be done unless such person has a current permit for the work or is working under the supervision of a person having such a permit.

(b) *Exempt work.* An electrical permit shall not be required on the following;

- (1) Motors, office furnishings (as defined by NFPA 70-2002, article 605) or other appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when the cord or cable is permitted by this article. Note: This exception does not apply to manufactured wiring systems as defined in NFPA 70-2002, article 604).

- (2) Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
- (3) Temporary decorative lighting, which shall not be in place more than 90 days.
- (4) Repair or replacement of current-carrying parts of a switch, contactor or control device.
- (5) Reinstallation of attachment plug receptacles, but not their outlets.
- (6) Repair or replacement of any overcurrent device of the same capacity in the same location.
- (7) Installation of temporary wiring, apparatus or equipment use by a recognized electrical training school or college for the purpose of training, which shall not be in place more than 90 days.
- (8) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 50 volts and not capable of supplying or controlling more than 50 watts of energy.
- (9) Sound equipment, private or public telephone system, thermostat wiring or burglar alarm system; however, a permit shall be required to wire any such system to the source of electricity.
- (10) Installation and maintenance of railway crossing signal devices, when such is performed by due authority of the railroad and in accordance with the standards of the American Railroad Association, and in collaboration with and with the approval of the director of the department of traffic and transportation of the city.
- (11) The installation, maintenance or alteration of electrical wiring, apparatus, devices, appliances or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's premises other than wiring which is a part of the company's distribution system, which distribution system shall be construed to include metering equipment wherever located and transformer vaults in which company's transformers are located; nor shall any of its employees do any work other than that done for the company by virtue of this exception.
- (12) Erection, assembly, installation, repair, maintenance or servicing of X-ray equipment and medical electronic equipment, other than

for the power wiring connection of the first component, provided that the components of such equipment can be rendered safe from fire and shock hazards during operation by disconnection from electrical power sources. It is further provided that the installation of raceways between components is not exempt from permit requirements.

(13) Removal of electrical wiring.

Exemption from the permit requirements of this article shall not be deemed to grant authorization for any work to be done in violation of the provisions of this article or any other laws or ordinances of the city.

(c) *Franchised work.* No person or public service company that does not operate under a franchise granted by the city shall have the right to install any electrical conduit, wires, ducts, poles or equipment of any character for the transmission, distribution or utilization of electric energy, or for the operation of signals or the transmission of intelligence on, over or under streets in the city, without first obtaining from the city council a franchise right or grant for the particular installation so desired to be made; and any such installation so made under such franchise grant shall be in strict conformity with all pertinent rules, regulations and ordinances of the city; and compliance with this provision shall not be construed to excuse compliance with any other provision of the ordinances of the city.

(d) *Annual maintenance permit.*

(1) Upon making written application and payment of all applicable fees, a person having ownership or control over property may obtain an annual permit for the keeping in safe repair of any and all electrical installations, apparatus and equipment in the building and on the property on which the building is located if he employs a master electrician, a journeyman electrician or maintenance electrician as a full-time employee who will actually perform the maintenance electrical work. A full-time employee shall mean an employee who works for such person at least 36 hours per week. A permit for maintenance electrical work shall be valid for only one premises.

(2) The fee of the annual permit shall be in accordance with the fee schedule adopted by the council and shall expire on December 31 of each year and shall be paid to the city.

(3) No person shall employ any other person to do any electrical maintenance work unless the employer obtains the required annual permit for the buildings or tract of land on which the employee works, and the proposed employee is the holder of a valid master's license, or maintenance electrical license.

(e) *Permits issued to licensed contractor.* No permits shall be issued under any master electrician's license unless the master electrician is in compliance with the requirements of section 4-427, or he is employed by an electrical contractor who is in compliance with that section and that electrician has given the city written permission to issue a permit to such person requesting a permit.

**Sec. 4-419. Application for electrical permit.**

(a) Required; contents. To obtain an electrical permit, the applicant shall first file an application in writing on a form furnished by the building inspection division for that purpose. Every such application shall:

(1) Identify and describe the work to be covered by the permit for which the application is made.

(2) Describe the land on which the proposed work is to be done by the legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

(3) Indicate the use or occupancy for which the proposed work is intended.

(4) Be accompanied by plans, diagrams, computations and other data as required in subsection (b) of this section.

(5) Be signed by the properly licensed master.

(6) Give such other data and information as may be required by the building official.

(7) Include the name of the electrician who has contracted for the work.

A master electrician may apply for a permit for any electrical work. A line master electrician may apply for a permit relating to outside electrical work. A sign master electrician may apply only for a permit relating to sign electrical work.

(b) *Plans and specifications.*

(1) Plans, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by a registered professional engineer, licensed by the state, or a master electrician licensed by the city.

(2) As an exception, the building official may waive the submission of plans, calculation, etc., if he finds that the nature of the work is such that review of plans by the city is not necessary to obtain compliance with this article.

(c) *Information on plans.*

(1) Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this article and all relevant laws, ordinances, rules and regulations.

(2) Plans for buildings more than two stories in height of other than groups R, division 3 and M occupancies shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical and communication conduits, pipes, and similar systems.

**Sec. 4-420. Permit issuance.**

(a) *Review procedure.*

(1) The application, plans and specifications and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may be reviewed by other departments of the city to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in a application for a permit and plans, specifications and other data filed with the application conform to the requirements of this article and other pertinent laws and ordinances, and that all applicable fees have been paid, he shall issue a permit to the applicant.

(2) When the building official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications 'APPROVED.' Such approved plans and specifications shall not be changed, modified or altered without authorization from the building official; and all work shall be done in accordance with the approved plans.

(3) The building official may issue a permit for the construction of part of an electrical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this article. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

(b) *Retention of plans.* One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized by the permit is in progress. One set of approved plans, specifications and computations shall be retained by the building official until final approval of the work.

(c) *Validity of permit.*

(1) The issuance 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 this article or of any other applicable law. No permit presuming to give authority to violate or cancel the provisions of law shall be valid.

(2) The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in such plans, specifications and other data, or from preventing building operations being carried on under such plans, specifications and other data when in violation of this article or any other applicable law.

(d) *Expiration.*

(1) Every permit issued by the building official under the provisions of this article shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 90 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee under the new permit shall be half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year.

(2) Any permittee holding an unexpired permit may apply for an extension of time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that unforeseen circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

(e) *Validity.* A permit shall be valid only for work done under the supervision of the master who signed the application. A new permit must be obtained if the master who signed the application ceases to supervise the work.

(f) *Suspension or revocation.* The building official may, in writing, suspend or revoke a permit and may revoke approval of any plans issued under the provisions of this article whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or law.

#### **Sec. 4-421. Fees.**

(a) *Permit fees.* The fee for each permit shall be as follows: Additions to existing work shall be charged for at the same rate as new work. The moving and relocation of electrical equipment for which a permit inspection fee is not otherwise provided for will be charged a minimum fee.

(b) *Expiration of plan review.* Applications for which no permit is issued within 30 days following the date of application shall expire by limitation, and plans and other data submitted for review 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 90 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant must resubmit plans.

(c) *Investigation fees; work without a permit.*

(1) *Investigation.* Whenever any work for which a permit is required by this article has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work.

(2) *Fee.* An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this article if a permit fee were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this article or from any criminal penalty prescribed by law.

(d) *Fee refunds.*

(1) The building official may authorize the refunding of any fee paid under this section, which was erroneously paid or collected if such fee has been paid or collected due to an error by one or more city

employees. This provision shall not be applicable if their error occurred due to incorrect information provided by the applicant.

(2) The building official shall not authorize the refunding of any fee paid except upon written application by the original permittee not later than 30 days after fee payment.

(e) *License fees.* The fee for each license shall be set forth in section 4-440

(f) *License suspension.*

(1) When the building official has permitted work to begin prior to the issuance of a permit due to an emergency situation, any failure on the part of the master to pay all applicable permit fees within three days of the date the building official has authorized the work to begin shall be grounds for the suspension of the master's license. (The city shall not authorize any representative to permit work to begin prior to the issuance of a permit except the building official or the chief electrical inspector.) At least ten days prior to such a suspension, the building official shall give the master notice of the date his license will be suspended if such fees are not paid and inform him that he may have a hearing before the electrical board if he submits a written request to the secretary of the board at least three days prior to the date the suspension will become effective. If the master submits such a request, the suspension shall not become effective until the board has heard the matter and rendered its decision as to whether all applicable permit fees have been paid. If the board finds that all applicable permit fees have not been paid, the master's license shall be suspended until they have been paid. If the license remains suspended for six months, it shall automatically be revoked.

(2) The schedule of the permit and inspection fees required by the electrical code shall be in accordance with the fee schedule adopted by the council.

#### **Sec. 4-422. Inspections.**

(a) *Generally.* All electrical systems and equipment for which a permit is required by this article shall be subject to inspection by the building official. No portion of any electrical system intended to be concealed shall be concealed until inspected and approved. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. When the installation of the electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this article shall not be connected to the energy source until authorized by the building official.

(b) *Operation of electrical equipment.* The requirements of this section shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. After the request for inspection of such equipment has been received by the building inspection division. That division will be allowed three city work days to view this work. After the three city work days, this installation may be concealed by any permanent portion of the building unless the work has been rejected by the inspection authority.

(c) *Inspection results.* It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection.

(d) *Other inspections.* In addition to the called inspections required by this article, the building official may make or require other inspections of any work to ascertain compliance with the provisions of this article and other applicable laws. If a permit has not been issued for the work and the inspectors are refused permission to inspect, they shall obtain any search warrant required by law to make such inspection.

(e) *Additions.* Additions to old work shall be charged for at the same rate as new work. The moving and relocating of electrical equipment for which a permit inspection fee is not otherwise provided for will be charged at the minimum fee.

(f) *Reinspection.*

(1) A reinspection fee in the amount specified shall be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

(2) This provision is not to be interpreted as required reinspection fees the first time a job is rejected for failure to comply with the requirements of this article, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

#### **Sec. 4-423. Connection approval.**

(a) *Energy connections.* Any electrical system or equipment regulated by this article and for which a permit is required shall not be connected to a source of energy or power until approved by the building official.

(b) *Temporary connections.*

(1) The building official may authorize the temporary connection, with proper permits, of the electrical systems or equipment to

the source of energy or power for the purpose of testing the equipment, or for the use under a temporary certificate of occupancy.

(2) No permit for temporary use shall be for a longer period than 90 days after the permit was approved by the building official. He shall issue written instructions to the electric public service company or other person having control of the supply of energy to the installation, to disconnect service to the temporary installation, unless a permanent approval or an additional temporary approval shall have been given by the building official. At least ten days prior to the proposed date of disconnection, the building official shall give written notice to the public service company or other person having control of the supply of power to the temporary installation and to the owner of the building of the date that the electricity will be disconnected unless permanent approval of the connection has been obtained or an additional permit for temporary use has been issued. Such notice shall be posted on or in view of each principal entrance to the building for the information of all persons who occupy the building. Any person affected by the proposed disconnection of electricity may request a hearing on the matter. Such a request shall be in writing, delivered to the office of the chief electrical inspector at least three city work days prior to the proposed date of disconnection. Upon such a request, a hearing date shall be set by the building official; and the hearing shall be held prior to the disconnection of the electricity unless the person asking for the hearing requests a delay in that hearing.

(c) *Connection with electric service; unauthorized disconnection.* It shall be unlawful for any electrical utility operating in the city to furnish current to any new building, tent, structure or outdoor wiring of any kind, nature or description without first obtaining a clearance from the chief electrical inspector stating that such wiring is approved and a permit has been issued for the use of current. Whenever any service is disconnected to any building or structure for any cause whatsoever (excepting nonpayment of a bill), a clearance will be necessary before each building or structure can be reconnected. On all commercial buildings which are vacated, the electrical supply agency shall not remove the meter until the chief electrical inspector has inspected the building and issued a safety permit.

(d) Wiring, equipment connections; meter installations. No wiring or equipment shall be connected without approval of the chief electrical inspector. No meter shall be installed until a certificate of inspection has been issued.

(e) Disconnections limited. It shall be unlawful for any unauthorized person, firm or corporation to disconnect any service, except in cases of emergency.

## **DIVISION 4. BUILDING STANDARDS**

### **Sec. 4-424. Wiring systems.**

(a) *Generally.*

(1) Any type of wiring or wiring systems may be used in the city limits as approved in the National Electrical Code adopted in section 14-302, except where specifically provided in this section.

(2) All installations of electrical wiring, materials and equipment shall be reasonably safe to persons and property and in conformity with this article and all applicable ordinances, rules and regulations issued by the authority of this article.

(b) *Public service company.*

(1) All changes in the service standards and are practices which are promulgated by the electric service company shall be submitted to the electrical board for review and comment at least 30 days prior to enactment.

(2) For the purposes of this article, the distribution system of any electric, telephone, telegraph, signal and/or public service company shall not extend to any electrical apparatus or equipment which the company does not own or control.

(3) If a licensed electrical contractor needs access to metering and service equipment under control of an electric service company to perform certain electrical work, the electric public service company must unlock and/or make accessible all metering and service equipment within four hours of the time the contractor requests such action, if possible.

### **Sec. 4-425. Adopted standards.**

The following codes, pamphlets and specifications are adopted, authentic copies of which are filed with the city secretary, as part of this article, and shall govern and be observed and followed in all electrical wiring, and in the construction, installation, repair, alteration operation and maintenance of electrical wiring, apparatus or fixtures.

(1) The 2005 National Electrical Code.

In case of conflict between the provisions of these standards and the provisions of this article, the provisions of this article shall prevail.

#### Sec. 4-426. Wiring color codes.

The following color codes shall be adhered to for services, feeders and branch circuit wiring for all power and lighting where dual-system voltages exist, except when using manufactured cable assemblies. Colored tapes may be used in lieu of insulation colors.

<i>System Voltage</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>Neutral</i>
120/208 volt 3ph/4w	Black	Red	Blue	White
120/240 volt 3ph/4w	Black	Orange	Blue	White
277/480 volt 3ph/4w	Brown	Purple	Yellow	Gray
480 volt 3ph/4w	Brown	Orange	Yellow	N/A

#### Sec. 4-427. Meters.

(a) *Generally.* The meter cabinets and electrical metering equipment through which service is rendered by the electric public service company to domestic establishments and buildings combining domestic establishments with commercial or industrial usage shall be installed where readily accessible to the exterior of the building. Fireproof meter cabinets or meter sockets shall be approved by the electric public company and installed by the master electrician performing the work. Such meter cabinets are to be located so that the center of the opening of the meter dial shall be not less than five feet nor more than six feet above mean ground level, and to be readily accessible to the electric public service company to service. On apartment buildings, where space limitations will not permit placing all meters at the same height, they may be arranged in two tiers, with the openings for the meter dials in lower tiers as near as practicable to five feet above the mean ground level and second tier placed as near as practicable above the first. Where space limitations will not permit placing of meter cabinets as outlined above, the electric public service company, subject to the approval of the building official, may determine the arrangement to be used. All service outlets shall be located so as to permit placing the electric public service company's service wires on the wall of the building next to the supply. Locations may also be modified with the approval of the building official for occupancies intended primarily for handicapped persons.

(b) *Location of meters.* Meters will be located on a building to be accessible as determined by the public service company.

(c) *Relocation of meters.* Where meters are installed in inaccessible places in houses or buildings and the electric public service company desires to relocate the meter loops for convenience in the rendering of its service, it may, upon request to the building official, have a licensed electrical contractor reinstall meter loops to a point where they would be located if the house or building were having a new system of wiring installed; and all such work so done at the request of the electric public service company shall be performed without cost to the

owner unless the relocation is the result of the wiring having been condemned by the building official for practices in violation of the provisions of this article or any applicable ordinance of the city.

(d) *Separate meters.* No permit, certificate or other authorization issued by the city under the provisions of this article for the construction or occupancy of a new apartment house or conversion to a condominium shall be issued unless the construction plan submitted by the applicant as part of the process for the approval of the permit, certificate or other authorization for the construction or occupancy of a new apartment house or conversion to a condominium provides for individual metering by the utility company.

#### **Sec. 4-428. Services.**

(a) *Generally.* All services, feeders and underground branch circuits shall be installed in raceways, busways or rigid PVC pipe, schedule 40 approved by this article.

(b) *Service disconnect.* Service disconnecting means shall be located so that the height to the center of the operating handle shall be not less than four feet and not more than six feet above the floor or finish grade, except as installed in freestanding or building-type switch gear built to the National Electrical Manufacturers Association's specifications. When necessary to install tiered metering on multifamily dwellings, it shall be permissible to vary the heights of the disconnecting means within 2.5 feet to 7.5 feet above finished grade.

(c) *Service disconnect location.* Main service disconnecting means shall be located within 24 inches of the service metering device and on the exterior of the structure.

#### **Sec. 4-429. Electrical material.**

(a) No electrical materials, apparatus, devices, appliances, fixtures or equipment shall be sold or installed in the city unless they are in conformity with the provisions of this article, the statutes of the state, and any applicable rules and regulations issued under authority of the state statutes.

(b) The maker's name, trademark or other identification symbol shall be placed on all electrical materials, apparatus, devices, appliances, fixtures and equipment used or installed under the provisions of this article.

(c) All electrical materials and equipment shall be listed and labeled for its intended use and included in a list published by an approved agency.

**Sec. 4-430. Nonmetallic sheathed cable.**

(a) *Generally.* Nonmetallic sheathed cable shall be used only for temporary work or in single-family or multifamily residential dwellings of two stories or less. In buildings, nonmetallic sheath cable and armored cable shall be run through holes bored in joist, except in that portion of the attic where the vertical clearance is less than 36 inches or where the cables are secured to guard strips one inch high. If there is less than 36 inches at the highest part of the attic area, there shall be left a portion of the attic at least 42 inches wide, free from any cable on top of joist for the access of crawl space.

(b) *UF cable.* Type UF cable shall be used only for residential properties, and when used on residential properties may be used only for branch circuit wiring. Where installed underground, the cable shall be buried at least 18 inches. The cable shall be protected by rigid conduit on exterior walls and at the points where it enters and leaves the ground.

**Sec. 4-431. Light fixtures, receptacles and wall switches in bathrooms.**

Lighting fixtures and lighting outlets located over spas, hot tubs, hydro massage, or regular tubs or within five feet from the inside walls of the spas, hot tubs, hydromassage or regular tubs shall be a minimum of six feet above the maximum water level and shall be protected by a ground-fault circuit interrupter. Lighting fixtures and lighting outlets located 12 feet or more above the maximum water level shall not require protection by a ground-fault circuit interrupter.

**Sec. 4-432. Floor boxes.**

Floor boxes may be installed flush with the floor on those floors above ground level if a fire-resistant or fire-retardant material is applied in the area below the box so as to ensure that the required fire rating of the floor is not compromised. Floor boxes installed in contact with earth shall be of cast iron with threaded hubs or PVC type.

**Sec. 4-433. Conduit.**

Electrical metallic tubing (EMT) shall not be buried in ground nor embedded in concrete supported by earth. Flexible metallic conduit and liquidtight flexible metallic conduit may be used only for temporary work during actual construction of the area in which the conduit is being used and for permanent connections to vibrating, rotating and moveable equipment and fixtures. Flexible conduit in permanent work shall be limited to six feet maximum for light fixtures and four feet maximum for all other applications where such use of flexible conduit is permitted under this section. Other requirements shall be in accordance with the 2005 National Electrical Code.

#### **Sec. 4-434. Busways.**

Totally enclosed feeder busways may be installed within accessible ceiling plenums used for return-air handling purposes.

#### **Sec. 4-435. Cold storage vaults.**

In cold storage vaults, all wiring shall be encased in rigid galvanized conduit, intermediate metal conduit, electrical metallic tubing, or ACL. All conduits shall be sealed at the point where they enter or leave the vault. This sealing may be done by the use of duct-sealing compound in an accessible fitting. Receptacles shall be of the grounding type. Light fixtures shall be controlled by a wall switch. Lamp and fluorescent tubes within eight feet of the floor shall be protected by substantial grounds and shields. One-third hp or less blower motors may be connected with rubber cord and grounding receptacle.

#### **Sec. 4-436. Temporary saw poles.**

Temporary saw poles shall be constructed of weatherproof electrical materials consisting of a circuit breaker panel and grounded receptacle mounted on at least a solid four-inch by four-inch timber or equivalent wood structure. Service conductors shall be No. 6 AWG or larger installed in three-fourths-inch conduit with No. 6 or larger armored ground wire connected to one or more driven electrodes. A ground fault circuit interrupter will not be required on the power pole.

#### **Sec. 4-437. Underground wiring.**

(a) Ampacities for one or more single insulated conductors in underground electrical ducts shall be permitted to be determined to be determined from table 310-16 of NFPA 70-2005 and its accompanying notes where all of the following conditions are met:

(1) Load calculations have been made in accordance with article 220 of the 2005 National Electrical Code;

(2) A minimum two-inch spacing between raceways is maintained;

(3) Fill medium is compacted to eliminate air pockets and to assure uniform heat dissipation; and

(4) The minimum cover of underground piping under streets, highways, road, alleys, driveways, and parking lots shall be not less than 18 inches.

(b) Where such underground conductors supply loads, which are expected to have a connected load, which exceeds 70 percent of the installed circuit capacity, conductor sizes shall be increase one size as per table 310-16 of the NFPA 70-2002.

**Sec. 4-438. Wiring generally.**

(a) Electrical metallic tubing shall not be installed in any exposed outside location, or in underground installations subject to continuous moisture exposure.

(b) The use of crimp type and set screw connectors and couplings used with electrical metallic tubing shall be prohibited when such tubing is to be used as a grounding means.

(c) Service entrance conductors and feeders shall run in conduits or raceways.

(d) The following additional requirements shall be met for all new construction:

(1) All circuits shall have conductors sized in accordance with article 310 of the 2005 National Electrical Code, and/or minimum current capacity of circuit conductors of 20 amps.

(2) For each panel a spare one-inch raceway shall be installed from the panel to an accessible location in the attic or crawlspace.

(3) Main service disconnect shall be accessible without entering any structure.

(4) Electrodes of pipe shall be of brass or copper or other approved materials.

(5) Rod electrodes shall be of brass, copper or copper clad steel and shall be at least one-half inch by eight feet.

(6) All foundation and exterior wall openings around electrical cables and conduits shall be protected against the passage of rats by closing such openings with cement mortar, concrete masonry or noncorrodible metal.

(7) All portable signs shall be anchored to the ground.

(8) There shall be a distance of not less than three feet between all gas meters/gas piping and any electrical service or electrical equipment.

(9) A ground fault circuit interceptor (G.F.C.I.) receptacle must be located within sight of all residential and commercial air conditioning condenser units.

**Sec. 4-439. Wiring in commercial buildings.**

(a) All commercial buildings, schools and churches shall be wired in raceways, except as provided in subsection (b) of this section.

(b) The requirements of subsection (a) shall not be applicable with regard to preexisting wiring in buildings which were originally constructed and used as single-family, single-story, residential-use buildings, and which are thereafter converted to commercial usage, provided such preexisting electrical wiring, fixtures and apparatus in such building conforms to all other applicable provisions of this article, including the requirements that the electrical wiring system shall be effectively grounded by including or providing a grounding conductor in such wiring system to which the receptacles, cord connectors, light fixtures, wall switches and other electrical apparatus shall be securely connected. To obtain the benefit of the exemption granted by this subsection, the owner or occupant of the building must obtain an inspection and certificate as required in subsection (d).

(c) Any installation of new electrical wiring, fixtures or apparatus installed in any building which is the subject of the exception stated in subsection (b), or any rewiring of such building, shall be wired in raceways (including flexible metal conduit which may be used in otherwise inaccessible areas) as required by subsection (a).

(d) The exception stated in subsection (b) shall be strictly construed. In order to obtain the benefits of such exception, prior to the time any building is converted to commercial use as specified in subsection (b), and electrical inspection of the electrical wiring, fixtures and apparatus shall be made by the chief electrical inspector for the purpose of determining whether such building conforms to all other applicable provisions of this article at the time such building is converted to commercial use. If the chief electrical inspector determines that such building does not conform to all other applicable provisions of this article, the provisions of subsection (b) shall not be applicable.

## ARTICLE V. UNSAFE BUILDING ABATEMENT CODE

### Sec. 5-501. Remedial.

This article is declared to be remedial and shall be construed to secure beneficial interests and purposes, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

### Sec. 5-502. Scope.

The provisions of this article shall apply to all unsafe buildings or structures and shall apply equally to new and existing conditions.

### Sec. 5-503. Definitions.

For the purpose of this article, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this section. Works not defined in this section shall have the meanings stated in the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, National Electrical Safety Code, National Electrical Code, International Fuel Gas Code, International Property Maintenance Code, or International Fire Code. Words not defined in the standard codes shall have the meanings stated in the Webster's Eighth New Collegiate Dictionary, as revised.

*Applicable governing body* means a city, county, state, state agency or other political government subdivision or entity authorized to administer and enforce the provisions of this article, as adopted or amended.

*Approved* means approved by the building official or other authority having jurisdiction.

*Building* means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, which has enclosing walls for 50 percent of its perimeter. The term 'building' shall be construed as if followed by the word 'or part thereof.' For the purpose of this article, each portion of a building separated from other portions by a fire wall shall be considered a separate building.

*Building official* means the officer or other designated authority charged with the administration and enforcement of this article, or his duly authorized representative.

*Chief appointing authority* means the person designate by the laws of the local governing body as having authority to appoint persons to various boards.

*Department* means the building department or other agency charged with the enforcement of this article.

*Office of the recorder* means the city secretary.

*Owner* means any person having a legal or equitable interest in the property.

*Structure* means that which is built or constructed.

*Unsafe building* means any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

- (1) Any means of egress or portion of a means of egress is not adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
- (2) Any means of egress or portion of a means of egress, such as but not limited to fire doors, closing devices and fire-resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
- (3) The stress in any material, member or portion, due to all imposed loads including dead loads exceeds the stresses allowed in the International Building Code and/or International Residential Code for new buildings.
- (4) The building, structure or portion has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the International Building Code and/or International residential Code for new buildings.
- (5) Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the International Building Code and/or International Residential Code for new buildings.
- (6) If for any reason the building, structure or portion is manifestly unsafe or unsanitary for the purpose for which it is being used.
- (7) The building, structure or portion as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(8) The building, structure or portion has been constructed or maintained in violation of a specific requirement of the codes adopted by this chapter or of city, county or state law.

(9) Any building, structure or portion that is in such a condition as to constitute a public nuisance.

(10) Any building, structure or portion that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

**Sec. 5-504. Alterations, repairs or rehabilitation work.**

(a) Alterations, repairs or rehabilitation work may be made to an existing building without requiring the building to comply with all the requirements of the International Building Code and/or International Residential Code provided that the alteration, repair or rehabilitation work conforms to the requirements of the International Building Code and/or International Building Code and/or International Residential Code for new construction. The building official shall determine, subject to appeal to the building trades board of adjustment and appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of the International Building Code and/or International Residential Code for new construction.

(b) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in section 5-503.

(c) If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the International Building Code and/or International Residential Code for the new occupancy classification as established by the building official.

(d) Repairs and alterations, not otherwise covered by this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; by not more than 25 percent of the roof covering of a building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of the International Building Code and/or International Residential Code for new buildings.

**Sec. 5-506. Enforcement officer.**

The provisions of this article shall be enforced by the building official.

**Sec. 5-507. Restriction on employees.**

An officer or employee connected with the department shall not have an financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

**Sec. 5-508. Special historic buildings and districts.**

The provisions of this article relating to the construction alteration, repair, enlargement, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

**Sec. 5-509. Maintenance.**

All buildings or structures, both existing and new, and all their parts, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the International Property Maintenance Code, International Building Code and/or International Residential Code in a building, when erected, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

**Sec. 5-510. Records.**

The building official shall keep or cause to be kept a record of the business of the department. The records of the department shall be open to public inspection.

**Sec. 5-511. Powers and duties of building official.**

(a) Right of entry.

(1) The building official or his authorized representative may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this article.

(2) When entering a building, structure or premises that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(3) No person, owner or occupant of any building or premises shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the building official or his authorized agent for the purpose of inspections pursuant to this article. Any person violating this section shall be prosecuted within the limits of the laws as established by the proper governing authority.

(b) *Inspection.* The building official, the fire official and other authorized representatives are authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.

(c) *Liability.* Any officer or employee charged with the enforcement of this article, acting for the applicable governing body in the discharge of his duties, shall not thereby render himself liable personally; and he is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this article shall be defended by the legal department of the applicable governing body until the final termination of the proceedings.

(d) *Reports.* The building official shall annually submit a report to the city administrator

#### **Sec. 5-512. Action required.**

The building official shall inspect or cause to be inspected any building, structure or portion which is or may be unsafe. After the building official has inspected or caused to be inspected a building, structure or portion and has determined that such building, structure or portion is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition or combination of such actions.

#### **Sec. 5-513. Notice.**

(a) *Content.*

(1) The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or

structure. The notice shall contain but not be limited to the following information:

- a. The street address and legal description of the building, structure or premises.
- b. A statement indicating that if the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this article.
- c. A statement advising that if the following required action as determined by the building official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed.
  1. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within ten days and continued to completion within such time as the building official determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the International and/or International Residential Code, in accordance with section 5-504.
  2. If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.
  3. If the building or structure is to be demolished, the notice shall require that the premises be vacated within 30 days, that all required permits for demolition be secured, and that the demolition be completed within such time as determined reasonable by the building official.
  4. Provide that a public hearing before the city council shall be held at the time, date and place specified, which shall be at least 30 days following the date of the service of the notice.
- d. A statement advising that any person having any legal interest in the property may appeal the notice by the building official to the city administrator and that such appeal shall be in writing in the form specified in section 5-516 and shall be filed with building official within ten days from the date of the notice.

(2) The notice and all attachments to the notice shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the building official to serve any person required to be served other than the owner of record shall not invalidate any proceedings under this article, nor shall it relieve any other person served from any obligation imposed on him.

(3) The notice shall be served either personally or by certified or registered mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail shall be effective on the date the notice was received as indicated on the return receipt.

(4) Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on the return receipt.

(5) Notice shall be served by having the notice published one time in the official publication of the city if the owner or any person having and interest in the premises, or their heirs, cannot be located after reasonable effort.

(b) *Recording.* If the notice is not complied with nor an appeal filed within the allotted time, the building official shall file in the office of the recorder a certificate describing the property and certifying that the building or structure is unsafe and that the owner of record has been served. This certificate shall remain on file until such time as the conditions rendering the building or structure unsafe have been abated. At such time, the building official shall file a new certificate indicating that corrective action has been taken and the building or structure is no longer unsafe from that condition.

#### **Sec. 5-514. Standards for compliance.**

The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure.

(1) The building shall be ordered repaired in accordance with the International Building Code and/or International Residential Code or demolished at the option of the owner.

- (2) If the building or structure poses an immediate hazard to life or to the safety of the public, it shall be ordered vacated immediately.

**Sec. 5-515. Posting of notice to vacate.**

Every notice to vacate, in addition to complying with section 5-513, shall be posted at each exit and entrance to the building or structure and shall state:

**THIS BUILDING IS UNSAFE AND ITS USE OR  
OCCUPANCY HAS BEEN PROHIBITED BY THE  
BUILDING OFFICIAL**

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person or an agent to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs to or of demolishing the building.

**Sec. 5-516. Right of appeal.**

(a) *Filing.* Any person entitled to service in accordance with the provisions of section 5-512 may appeal any action of the building official under this article to the city administrator. Such appeal must be filed in writing with the building official within ten days from the date of service and must contain at least the following information:

- (1) Identification of the building or structure concerned by street address or legal description.
- (2) A statement identifying the legal interest of each appellant.
- (3) A statement identifying the specific order or section being appealed.
- (4) A statement detailing the issues on which the appellant desires to be heard.
- (5) The legal signature of all appellants and their official mailing address.

(b) *Hearing.* Upon receipt of a requested public hearing of an unsafe building by the building official, the city council shall as soon as practicable fix a date, time and location for the hearing. The hearing date shall not be more than 30 days from the date the request was filed with the city administrator. Written notice of the time and location of the hearing shall be delivered personally or mailed to each appellant by certified or registered mail, postage prepaid and

return receipt requested and by having notice published one time in the official publication of the city.

**Sec. 5-517. Failure to appear.**

Failure of any person to appear at the hearing set in accordance with the provisions of this article shall constitute a waiver of his right to an additional hearing on the notice.

**Sec. 5-518. Scope of hearing.**

The hearing under this article shall offer the appellant reasonable opportunity to be heard on only those specific matters or issues raised by the notice so served. The appellant may appear at the hearing in person or through his attorney or other designated representative.

**Sec. 5-519. Staying of notice under appeal.**

Except for a vacation order issued in accordance with section 5-513, enforcement of any notice issued by the building official under the provisions of this article shall be held in abeyance during the course of an appeal.

**Sec. 5-520. Reporting.**

A permanent record shall be made of all hearings and proceedings using the method of recording designated by the city council. A transcript of the proceedings of all hearings shall, upon payment of the prescribed fees, be made available to any person on request.

**Sec. 5-521. Reasonable dispatch.**

The city council shall proceed with reasonable dispatch to conclude any matter before it, with due regard to the convenience and necessity of the parties involved.

**Sec. 5-522. Form of notice.**

(a) The notice of a hearing under this article shall include but not be limited to the following information:

You are notified that, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock at \_\_\_\_\_, a hearing will be held before the City Council, City of Wallis, to consider the unsafe building notice of the building official regarding property located at \_\_\_\_\_. You may choose to be represented

by counsel. You may present relevant evidence and will be given an opportunity to cross-examine all witnesses. You may request the issuance of subpoenas to compel witnesses to appear and/or for the production of other supporting data or documentation, by filing a written report with the city council.

(b) The public hearing notice shall be served personally or mailed as required in section 5-513 at least 15 days prior to the hearing date.

#### **Sec. 5-523. Subpoenas.**

(a) *Filing.* The city council may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued upon the request of any member of the city council, or upon the written request of any party involved in the hearing. The issuance and service of subpoenas shall be in accordance with established law.

(b) *Failure to appear.* Any person who refuses, without legal excuse, to respond to any subpoena lawfully issued and served may be prosecuted to the extent established by law.

#### **Sec. 5-524. Procedures for hearing.**

(a) *Rules.*

(1) Hearings shall not be required to be conducted in accordance with technical rules relating to evidence and testimony.

(2) The city council may grant continuance for good cause.

(b) *Evidence.*

(1) In any proceedings under this article, any member of the city council shall have the power to administer oaths and affirmations and to certify official acts.

(2) Oral evidence shall be taken only on oath or affirmation.

(3) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.

(4) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule

which might make improper the admission of such evidence over objection in civil courts.

(c) *Inspections.* The city council may inspect any building, structure or premises involved in the hearing during the course of the hearing, provided the following are complied with:

(1) Notice of such inspection is given to the parties prior to making the inspection;

(2) The parties are allowed to be present during the inspection;  
and

(3) The inspector states for the record, upon completion of the inspection, the facts observed and any conclusions drawn from the inspection.

**Sec. 5-525. Decision procedure.**

(a) The final decision of the city council shall be in writing and shall contain all findings of fact and detailed requirements to be complied with. A copy of the decision shall be delivered to the appellant either personally or by certified or registered mail, postage prepaid, return receipt requested.

(b) The effective date of the city council's final decision shall be as stated in the decision.

**Sec. 5-526. Recourse.**

If the appellant is aggrieved by the decision of the city council, nothing in this article shall be construed to deprive him of seeking redress in the civil or other applicable court. The appeal must be filed within 15 days from the effective date of the final decision by the city council.

**Sec. 5-527. Compliance.**

(a) *Failure to respond.* Any person who, after the order of the building official or the decision of the city council becomes final, fails or refuses to respond to the direction of such order shall be prosecuted to the extent provided by law.

(b) *Failure to commence work.*

(1) Whenever the required repair, vacation or demolition is not commenced within 30 days after the effective date of any order, the building, structure or premises shall be posted as follows:

**UNSAFE BUILDING  
DO NOT OCCUPY**

**It shall be punishable by law to occupy this Building or  
remove or deface this notice.**

**Building Official City of Wallis, Texas**

(2) Subsequent to posting the building, the city council may cause the building to be repaired to the extent required to render it safe or if the notice required to render it safe or if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premises. The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.

(3) Any moneys received from the sale of a building or from its demolition over and above the cost incurred shall be paid to the owner of record or other persons lawfully entitled to such moneys.

**Sec. 5-528. Extension of time.**

The building official may approve one or more extensions of time as he may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing, stating the reasons for extension. If the extensions of time, in total, exceed 120 days, they must also be approved by the city council, which may act without further public hearing.

**Sec. 5-529. Interference.**

No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the city council. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by law.

**Sec. 5-530. Performance of work.**

The repair or demolition of an unsafe building as required in the notice by the building official or the final decision by the city council shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this article and all other applicable codes and accepted engineering practice standards.

**Sec. 5-531. Cost procedures.**

Whenever a building or structure is repaired or demolished in accordance with the provisions of this article and the cost of such repair or demolition is borne by the city, county or state, procedures for the budgeting, expenditure and recovery of such funds shall be established.

**Sec. 5-532. Violations and penalties.**

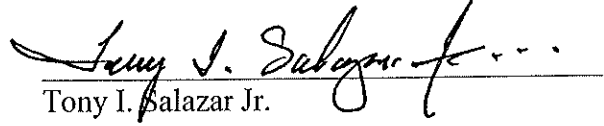
Any person who shall violate a provision of this article, or fail to comply with such provision, or with any of the requirements of this article, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved under this article, shall be prosecuted within the limits provided by state or local law. Each such person shall be deemed guilty of a separate offense for any violation of any of the provisions of this article and upon conviction shall be punished by a fine of not more than \$2,000.00 or not less than \$100.00 unless otherwise specified in this article; however, if such a person is convicted of an offense under this article, which offense is also a violation of the penal laws of the state, such person shall be subject to the penalties set out in the penal laws of the state for the particular offense."

Section 2. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

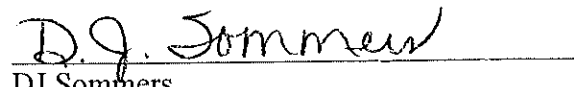
Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wallis, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this \_\_\_\_ day of \_\_\_\_\_.

PASSED, APPROVED, AND ADOPTED on second and final reading this 19<sup>th</sup> day of  
August, 2009.

  
Tony I. Salazar Jr.  
Mayor

ATTEST:

  
DJ Sommers  
City Secretary