

AN ORDINANCE REQUIRING BUILDING PERMITS FOR THE BUILDING OR ALTERATION OF ANY BUILDINGS OR STRUCTURES IN THE CITY OF CARSON, IOWA; PROVIDING FOR APPLICATIONS FOR SUCH PERMITS; SPECIFYING FEES THEREFOR; PLACING LIMITATIONS THEREON; IMPOSING REQUIREMENTS THEREUNDER; PROVIDING FOR REVOCATION OF PERMITS; PROVIDING REMEDIES FOR VIOLATIONS THEREOF; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED by the City Council of the City of Carson, Iowa:

Section 1. New Chapter. The Code of Ordinances of the City of Carson, Iowa is amended to add a new chapter designated as Chapter 162 under the “Building and Property Regulations” Section of the Code of Ordinances of the City of Carson, Iowa which is hereby adopted to read as follows:

162.01 SHORT TITLE. This chapter shall be known as the Building Permit Code and may be cited as such.

162.02 PURPOSE. The purpose of this chapter to safeguard the health, property, and public welfare by controlling the location and use of all buildings and structures through the regulated and orderly development of land and land uses within the incorporated limits of the City.

162.03 SCOPE. The provisions of this chapter shall apply to the construction, addition, alteration, moving, repair, and use of any building, structure or parcel of land within the City, except work located primarily in a public way, public utility towers and poles, and public utilities unless specifically mentioned in this Code. Where, in any specific case, different sections of this Code specify different requirements the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. In fulfilling these purposes, this chapter is intended to benefit the public as a whole and not any specific person or class of persons. Although through the implementation, administration, and enforcement of this chapter, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a by-product of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the City hereby shall not be enforceable in tort. If any portion of this chapter is held invalid for any reason, the remaining herein shall not be affected.

162.04 DEFINITIONS. For the purpose of this Code, certain terms, phrases, words, and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings, within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Addition: An extension or increase in floor area or height of a building or structure.

Alter or alteration: A change or modification in construction.

Building: A structure used or intended for supporting or sheltering a use or occupancy.

Carson Building Inspector: The officer or other designated authority charged with the administration and enforcement of this Code, or a regularly authorized deputy.

Existing Building: A building erected prior to the adoption of this chapter, or one for which a legal building permit has been issued.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.

Permit: An official document or certificate issued by the building official authorizing performance of a specified activity.

Person: A natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Repair: The reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

162.4 PERMIT REQUIRED. No building or structure regulated by the Code of Ordinances, including but not limited to any residential storage shed or the location or installation of any manufactured residential storage shed intended for the type of storage associated with a residential building shall be located, installed, erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building or structure has first been obtained from the Carson Building Inspector. The proposed work must comply with provisions of this Chapter and all other provisions of the Code of Ordinances.

162.5 WORK EXEMPT FROM PERMIT. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in violation of any other laws or ordinances of this jurisdiction.

1. Building Permits. A building permit shall not be required for the following:
 - A. Replacement of wall board and similar coverings.
 - B. Movable cases, counters and partitions not over five feet nine inches high.
 - C. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
 - D. Platforms, walks and driveways not more than thirty (30) inches above grade and not over any basement or story below.
 - E. Floor covering (carpet, vinyl, tile etc.), painting, wallpapering, cabinetwork, furnishings, decorations, shelving and gutters do not require a building permit regardless of the cost of the work.
 - F. Window awnings supported by an exterior wall when projecting not more than fifty-four (54) inches.
 - G. The application of stucco or siding provided such application covers an area not in excess of five hundred (500) square feet.
 - H. The installation of new roof covering, or the recovering, re-roofing or repairing of an existing roof covering, either of which is five hundred (500) square feet or less.

2. Emergency repairs. Where repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

3. Minor repairs. Ordinary minor repairs or installation of replacement parts may be made with the prior approval of the Carson Building Inspector without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety.

162.06 APPLICATION. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the City Clerk for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description and street address 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 a site plan or development plan of the real estate upon which said application for a building permit is made. Said site or development plan shall be drawn to scale showing the following items, both as existing and as proposed:
 - a. Legal or site description of the real estate involved.
 - b. Location of building lines for all new and existing buildings and structures and size of all buildings and structures.
 - c. Width and length of all entrances and exits to and from said real estate.
 - d. Location of all streets and alleys.
 - e. Distances from all new and existing buildings and structures to lot lines to show compliance with setback requirements of the City's Zoning Ordinances.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as may be required by the Carson Building Inspector.
8. Site plans and all other information so furnished to the Carson Building Inspector shall become a permanent record of the City.

The Carson Building Inspector may require that an application for a permit for new construction or a building addition which requires a measurement from a lot line be accompanied by a certificate from a registered surveyor of the State of Iowa, indicating that the property involved has been surveyed, that stakes or monuments have been placed at all corners of the tract, and the date of the survey. Said survey must have been accomplished during the previous twelve (12) months.

162.07 PERMITS ISSUANCE.

1. Issuance. The application, plans and other information data filed by an applicant for permit shall be reviewed by the Carson Building Inspector. Such plans may be reviewed by other departments of the City to verify compliance with any applicable provisions of the Code of Ordinances.

The Carson Building Inspector shall issue the permit to the applicant if the Carson Building Inspector finds that the work described in the application for a permit and the plans, specifications and other information filed therewith form to the requirements of the Code of Ordinances and other pertinent laws and ordinances, and that the fees specified in Section 162.08 have been paid, the Carson Building Inspector shall issue a permit therefore to the applicant.

Within thirty (30) days after receipt of an application for a permit and of all data and information required by this Chapter and such additional information as may be required by the Carson Building Inspector, the Carson Building Inspector must grant or refuse the permit in writing. If the permit is not granted, the Carson Building Inspector must state in writing the grounds for the refusal. If the permit is not granted, the applicant may appeal the refusal to the City Council as provided in Section 162.08 of this Code.

It shall be the duty of the contractor to obtain required permits prior to commencement of construction or if there is no contractor, it shall be the duty of the owner of the property on which the proposed work tot to be done to obtain required permits prior to commencement of construction.

When a permit is issued for work based on descriptions and information provided in the application for a permit, the work as described in the descriptions and information provided in the application for a permit shall not be changed, modified or altered without authorizations from the Carson Building Inspector, and all work shall be done in accordance with the descriptions and information provided in the application for a permit.

The Carson Building Inspector may issue a permit for the construction of part of a building or structure before the entire plans for the whole building or structure have been submitted or approved. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

Before issuing a permit, the Carson Building Inspector is authorized to examine or cause to be examined the buildings, structures and sites for which an application has been filed. Any refusal by an applicant

to allow the Carson Building Inspector to examine or cause to be examined the buildings, structures and sites for which an application has been filed shall be grounds for the refusal of the permit.

2. Validity of Permit. The issuance of a permit or approval of plans shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Code of Ordinances. Permits presuming to give authority to violate or cancel any provisions of the Code of Ordinances shall not be valid.

The issuance of a permit based on plans and other information shall not prevent the Carson Building Inspector from thereafter requiring the correction of errors in said plans, specifications and other information, or from preventing building operations being carried on thereunder when in violation of the Code of Ordinances.

3. Expiration. Every permit issued by the Carson Building Inspector shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) 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 one hundred eighty (180) days or if the building or work authorized by such permit is not completed within three hundred and sixty-five (365) days of the date of such permit. After the expiration of any permit, before such building or work can be commenced or recommenced, a new permit shall be first obtained to so do, and the fee therefore shall be one-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 for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after such suspension or abandonment has not exceeded one year, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee 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 one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

4. Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issuance, ed under the provisions of this chapter when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of the Code of Ordinances.

162.08 APPEAL TO BOARD OF ADJUSTMENT. An appeal of an interpretation by the code official shall be submitted to the Board of Adjustment, who, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered final.

162.09 VARIANCES. The Board of Adjustment may grant variances from the provisions of this chapter or from applicable rules and regulations issued pursuant hereto when they find that there is practical difficulty or unnecessary hardship connected with the performance of any act required pursuant to this chapter, that strict adherence to such provisions would be arbitrary in the case at hand, that extension would not provide an appropriate remedy in the case at hand, and that such variance is in harmony with the general purposes of this chapter.

162.10 FEES

1. General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.

2. Expiration of Applications. Applications for which no permit has been issued within one hundred eighty (180) days following the date of application because the applicant has failed to provide all data and information required by this Chapter and such additional information as may be required by the Carson Building Inspector shall expire by limitation and plans and other information submitted for review may thereafter be returned to the applicant or destroyed by the Carson Building Inspector. The Carson Building Inspector may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days on written request by the applicant showing that circumstances beyond

the control of the applicant have prevented action from being taken. An application shall not be extended more than once.

3. Investigation Fees: Work without a permit.

A. Investigation. Whenever work for which a permit is required by this chapter has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

B. 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 (1) four times the calculated permit fee for individuals who have been issued a stop work order for work without benefit of permits and (2) the investigation fee shall be two times the calculated permit fee when an applicant has commenced construction and subsequently submits plans for a permit. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of the Code of Ordinances nor from the penalty prescribed by law.

4. Fee Refunds. The Carson Building Inspector may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter. If work has commenced, no refund of permit fees are authorized.

The Carson Building Inspector shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

162.9 VIOLATIONS. It shall be unlawful for a person, firm or corporation to begin work to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use occupy or maintain any building or structure, or cause or permit the same to be done unless a building permit has been issued.

162.10. INJUNCTIVE RELIEF. In the event any building or structure is begun to be or is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land is used in violation of this title, the City Council, in addition to other remedies, may institute an action for injunctive relief or any proper action or proceedings in the name of the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any act, conduct, business or use in or about such premises in violation of this chapter.

162.11. NUISANCE DECLARED. Any building erected, raised or converted, or land or premises used in violation of any provisions of this chapter or the requirements thereof, is hereby declared to be a public nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under the Code of Ordinances or the statutes.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. However, any other ordinance provisions shall remain in force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Code of Ordinances, the more restrictive shall apply.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof, not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and Approved by the City Council on the 9th day of May, 2022.
Tim Todd, Mayor ATTEST: Brianne Duede, City Clerk

1st READING 3/21/22 2nd READING 4/11/2022 3rd READING 5/9/22