

## CHAPTER 5.

### BUILDINGS.

*As to sewers and sewage disposal generally, see Chapter 13 of this Code. As to solar rights generally, see Chapter 14. As to streets and sidewalks generally, see Chapter 15. As to trailers and trailer courts generally, see Chapter 16. As to water generally, see Chapter 17. As to zoning generally, see Chapter 18.*

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### **Article I. In General.**

#### **Sec. 5-1. Purpose of chapter.**

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, location and maintenance of all buildings and structures within the town. (Ord. No. 31, § 6.)

#### **Sec. 5-2. Applicability of chapter.**

New buildings and structures erected in the town and buildings and structures moved into or within the town shall conform to the requirements of this chapter. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures. (Ord. No. 31, § 7.)

#### **Sec. 5-3. Building inspector--Office created.**

There is hereby established and created the office of building inspector for the town. (Ord. No. 31, § 1.)

**Sec. 5-4. Same--Enforcement of chapter; issuance of permits.**

The building inspector is hereby authorized and directed to enforce all the provisions of this chapter and to issue permits. (Ord. No. 31, § 8.)

**Sec. 5-5. Building permits--Required.**

Any person who shall plan construction of any building or the moving of any building within the town shall apply to the building inspector for a permit for such construction or moving, as the case may be, and no person shall construct any building within the town or move any building on or across any street or thoroughfare of the town until the permit therefore has been granted by the proper authorities and issued by the building inspector to such person as provided in this chapter. (Ord. No. 31, § 2.)

*As to licenses generally, see chapter 7 of this Code. As to conditional use permits, see §§ 18-93 to 18-99.*

**Sec. 5-6. Same--Application; fees.**

Every application for a build permit shall contain the following information:

- (a) Type of building to be constructed.
- (b) Number of rooms in the plan for such building.
- (c) Type of materials to be used in such construction.
- (d) Approximate total cost of such building.
- (e) Location, street and house number of such building.
- (f) Estimated completion date.

Every application for a permit to move a building shall state the type and size of building to be moved and the streets to be traversed, as well as the approximate time such moving is to be done.

Every application for a building permit or for a permit for moving a building shall be filed with the building inspector, together with such additional information as may be pertinent, and shall be accompanied by a fee, the amount of which is to be determined from time to time by the Town Council. (Ord. No. 31, § 3.)

**Sec. 5-7. Same--Consideration and approval by Town Council prerequisite to issuance; investigation by building inspector; issuance or denial procedures; display; inspections.**

No permit for the construction or the moving of any building within the town

shall be granted unless and until considered and approved by the Town Council. The building inspector, upon receiving an application for any building permit, shall investigate the facts concerning the proposed construction or moving of the building concerned, particularly as to any unsafe, hazardous or unsanitary condition existing or likely to be created by such construction or moving, and shall report such information to the Town Council at the next ensuing regular meeting thereof, at the same time that he submits the application for a building permit to the Town Council for its consideration, and shall make such recommendations concerning such application as he may deem suitable. The Town Council shall then decide whether or not the building permit is to be granted and shall order the building inspector to issue such permit or not, according to the decision of the Town Council. If the permit is not granted, the fee for such permit shall be returned to the person having submitted the application, by the building inspector, together with a statement of the action taken by the Town Council. If the building permit is granted by the Town Council, it shall be the duty of the building inspector to issue such permit and convey the same to the applicant therefore. It shall be the duty of the person receiving such permit to display the same prominently upon the premises where any construction is taking place or upon the building to be moved and to obey all legal orders of the town marshal and other officers of the town concerning the manner of construction, insofar as health, safety and sanitation are concerned, and to permit such inspections by such officers as are customary and necessary to determine whether proper methods are being followed and the orders of such officials obeyed. (Ord. No. 31, § 4.)

**Sec. 5-8. Same--Building inspector to notify town marshal when permit issued for moving of building.**

When any building permit has been approved by the Town Council as herein provided, it shall be the duty of the building inspector to issue such permit, and in the case of a building to be moved, it shall be the duty of the building inspector to notify the town marshal of the time of such moving and the streets to be traversed, in order that the marshal may supervise such moving and take such measures as may be necessary to regulate and protect traffic upon the streets being used or blocked off by such moving and may require the taking of necessary precautions against the breakage or disturbance of electric and telephone wires and other installations. (Ord. No. 31, § 5.)

**Sec. 5-9. Same--Revocation; penalties.**

Any building permit granted under the terms of this article may be revoked when it becomes known that the permittee is, in any manner whatsoever, failing to comply with the terms thereof. In the event of such revocation, any person to whom such permit was granted shall thereafter be in operation without a permit and subject to a fine of not less than twenty-five dollars nor more than seven hundred fifty dollars for each offense. (Ord. No. 61, § 15.)

*As to general penalty for violations of Code, see § 1-6 of this Code. As to actions for penalties or fines, see § 1-7.*

**Sec. 5-10. Fences, hedges and walls.**

(a) Fences, hedges and walls are permitted but not required. They may be constructed of wire, mesh, steel mesh, chain link, louver, stake, masonry and lumber and other similar materials, excluding barbed wire, in accordance with the following limitations:

(1) Where such fence, hedge or wall is located in a required twenty foot front yard, the same shall not exceed forty-eight inches in height. No wall is authorized to be constructed on the front or side yard of a corner lot.

(2) Where such fence, hedge or wall is located in a side and/or rear yard, other than a corner lot, the same shall not exceed six feet in height and must be located at least twenty feet from the front lot line.

(3) Where such fence or hedge is located on a corner lot, no hedge shall exceed twenty-four inches in height on the side lot line along the abutting side street. A chain link fence or other see-through material, not exceeding forty-eight in height, may be constructed within such areas; provided, that such fencing shall not so obstruct visibility at any point of inter section of any two streets or intersection of any street and alley as to create a traffic or pedestrian hazard; provided, further, that the determination by the building inspector as to whether such fence or hedge will so obstruct visibility as to create a traffic or pedestrian hazard shall be conclusive; and provided, further, that no plant, object or thing of any type whatsoever over twenty-four inches in height shall be placed, planted or permitted to grow along such fencing within such areas. A six foot fence or hedge may be permitted on the rear and inside lot line of a corner lot; provided, that such fence or hedge is located at least twenty feet from the front lot line and is located so that there is a required side yard of at least five feet on the side lot line abutting the side street; provided, further, that the determination by the building inspector as to whether such six foot fence or hedges located to provide the required five foot side yard, so as not to create a traffic or pedestrian hazard, shall be conclusive.

(4) No tree shall be permitted to grow at any point of intersection of any two streets, or intersection of any street and alley, which shall obstruct vision or which is a potential vehicular or pedestrian hazard.

(5) No barbed wire or other sharp pointed fence and no electrically charged fence shall be permitted in any area.

(6) The foregoing limitations shall not apply to fencing around public buildings and utilities, where required for public safety and the protection of public property. (Ord. No. 96, § 1.)

*As to prohibition of barbed wire, electric, etc., fences, see § 11-14 of this Code.*

## **Article II. Regulatory Codes.**

### **Sec. 5-11. Uniform building Code--Adopted.**

There is hereby adopted by the Town Council, for the purpose of prescribing regulations for the minimum standards to safe guard life, health, property and public welfare, that certain code known as the Uniform Building Code, published by the International Conference of Building Officials, being particularly the current edition thereof and the whole thereof, save and except such portions as are modified, deleted, added or amended pursuant to the provisions of section 5-12, and the same is hereby incorporated in this section as fully as if set out at length herein, and the provisions thereof shall be controlling within the Town. (Ord. No. 86-6, § 1.)

### **Sec. 5-12. Same--Amendments, modifications, additions, and deletions.**

The code adopted by section 5-11 shall have such amendments, modifications, additions or deletions as the Town Council shall, from time to time, adopt by ordinance.

### **Sec. 5-13. Uniform Plumbing Code--Adopted.**

There is hereby adopted by the Town Council, for the purpose of prescribing regulations for the minimum standards to safeguard life, health, property and public welfare, that certain code known as the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, being particularly the current edition thereof and the whole thereof, save and except such portions as are modified, deleted, added or amended pursuant to the provisions of section 5-14, and the same is hereby incorporated in this section as fully as if set out at length herein, and the provisions thereof shall be controlling within the town. (Ord. No. 86-6, § 2.)

*As to sewers and sewage disposal generally, see Ch. 13 of this Code. As to water generally, see Ch. 17.*

### **Sec. 5-14. Same--Amendments, modifications, additions and deletions.**

The code adopted by section 5-13 shall have such amendments, modifications, additions or deletions as the Town Council shall, from time to time, adopt by ordinance.

### **Sec. 5-15. National Electrical Code-- Adopted.**

There is hereby adopted by the Town Council, for the purpose of prescribing regulations for the minimum standards to safeguard life, health, property and public welfare, that certain suggested code known as the National Electrical Code, sponsored by the National Fire Protection Association, being particularly the current edition thereof, save and except such portions as are modified, deleted, added or amended pursuant to the provisions of section 5-16, and the same is hereby incorporated in this section as fully as if set out at length herein, and the provisions thereof shall be controlling within the town. (Ord. No. 84-6, § 1; Ord. No. 86-6, § 3.)

**Sec. 5-16. Same--Amendments, modifications, additions and deletions.**

The code adopted by section 5-15 shall have such amendments, modifications, additions or deletions as the Town Council shall, from time to time, adopt by ordinance.

**Sec. 5-17. Electrical inspections--Generally.**

All electrical wiring and electrical apparatus is subject to inspection by a licensed electrician, approved by the town building inspector.

**Sec. 5-18. Same--Fees.**

Fees for electrical inspections shall be as set from time to time by the Town Council. (Ord. No. 46, § 2.)

**Sec. 5-19. General supervision of electrical wiring and apparatus; notice concerning unsafe, etc., wiring or apparatus.**

An electrical inspector as appointed by the Town Council, or the building inspector if no electrical inspector is appointed, is hereby authorized, empowered and directed to have general supervision of the placing, stringing and attaching of telephone, telegraph and electric light and other wires and the placing of all poles and appliances, so as to prevent fire or injury to persons or property, and to cause all such wires and electric lights to be so placed and guarded as not to cause a fire or endanger the lives or property of any persons. All such lights and such wires or electrical apparatus shall be subject to such supervision, and whenever the same are deemed unsafe, defective or insecure, the inspector shall notify the owner, in writing, to repair or remove the defective wiring or apparatus within twenty-four hours, or within such time as the inspector may deem necessary. (Ord. No. 46, § 3.)

**Sec. 5-20. Unauthorized electrical work; changing wiring to facilitate completion of buildings.**

It shall be unlawful for any electrical contractor or workman not licensed to do electrical wiring in any manner to interfere with any electrical wiring or metering apparatus in or on any building in any manner whatsoever. If, in any case, the wiring is in such a position as to interfere with the completion of the building as called for by specifications, the wiring contractor must be notified to have it changed. (Ord. No. 46, § 4.)

**Sec. 5-21. Uniform Fire Code--Adopted.**

There is hereby adopted by the Town Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code, recommended by the Western Fire

Chiefs Association and the International Conference of Building Officials, being the current edition thereof and the whole thereof, save and except such portions as are modified, deleted, added or amended pursuant to the provisions of section 5-22, and the same is hereby incorporated in this section as though fully set forth herein, and the provisions thereof shall be in controlling within the town. (Ord. No. 86-6, § 4.)

**Sec. 5-22. Same--Amendments, modifications, additions and deletions.**

The code adopted by section 5-21 shall have such amendments, modifications, additions or deletions as the Town Council shall, from time to time, adopt by ordinance.

**Sec. 5-22.1. Uniform Mechanical Code-Adopted.**

There is hereby adopted by the Town Council for the purpose of prescribing regulations for the minimum standards to safeguard life, health, property and public welfare, that certain code known as the Uniform Mechanical Code, published by the International Association of Plumbing and Mechanical Officials, being particularly the current edition thereof, save and except such portions as are modified, deleted, added or amended pursuant to the provisions of section 5-22.1, and the same is hereby incorporated in this section as fully as if set out at length herein, and the provisions thereof shall be controlling within the town. (Ord. No. 84-6, § 2; Ord. No. 86-6, § 5.)

**Sec. 5-22.2. Same--Amendments, modifications, additions and deletions.**

The code adopted by section 5-22.1 shall have such amendments, modifications, additions or deletions as the Town Council shall, from time to time, adopt by ordinance. (Ord. No. 89-2.)

**Sec. 5-22.3. Uniform Code for the Abatement of Dangerous Buildings--Adopted.**

There is hereby adopted by the Town Council, for the purpose of prescribing regulations governing buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, sponsored by the International Conference of Building Officials, being particularly the current edition thereof and the whole there, save and except such portions as are modified, deleted, added or amended pursuant to the provisions of section 5-22.4, and the same is hereby incorporated in this section as fully as if set out at length here, and the provisions thereof shall be controlling within the town. (Ord. No. 89-2.)

**Sec. 5-22.4. Same--Amendments, modifications, additions and deletions.**

The code adopted by section 5-22.3 shall have such amendments, modifications, additions or deletions as the Town Council shall, from time to time, adopt by ordinance. (Ord. No. 89-2.)

**Sec. 5-23. Testing by gas company; turning on gas.**

In order to protect the town and its inhabitants from danger of fire or asphyxiation or explosion from faulty installations of natural gas, it is hereby ordered that all installations for the use of natural gas, whether done by licensed plumbers or other persons, be tested by an official from the company who holds the natural gas franchise with the town before being put into service. Such test shall be in conformity with the company's policy, and such company shall not approve any installation until the required test has been satisfactorily passed.

When such installation has been approved by the proper representative of the natural gas company holding the franchise with the town, the building inspector for the town shall be contacted of such approval. Upon the authorization of the building inspector and only the building inspector, the gas shall be turned on and put into service. (Ord. No. 42, §§ 1, 2.)

**Sec. 5-24. Penalty.**

Any person failing to comply with the provisions of this article will be fined not less than one hundred dollars nor more than seven hundred fifty dollars. (Ord. No. 42, § 3.)

**Article IV. Awning, Canopies, Advertising Signs,  
Etc., On or Near Highways.**

*As to streets and sidewalks generally, see ch.15 of this Code.*

**Sec. 5-25. Extensions into, over or across state or federal-aid highways; encroachments into state highway department right-of-way; requirement of curb and gutter section; height; etc.**

(a) Generally. No person shall permit, erect or cause to be erected any awnings, canopies, marquees, on-premises advertising signs or similar installations that extend into, over or across any primary, secondary, urban or other classes of state highways or federal-aid highways within the town.

(b) Within central business district. Within the central business district, the erection of awnings, canopies, marquees, boardwalks, sidewalks and on-premises advertising signs may encroach into the state highway department's right-of-way under the following conditions:

(1) Under eight feet from right-of-way line to back of curb. Signs, awnings, canopies, etc., must be supported totally from the face of the building or from supports outside the right-of-way. The farthest protrusion into the right-of-way is to be at least two feet behind the back of the curb. Erection of signs that obstruct or otherwise compromise the usefulness of any traffic control devices in the vicinity will not be permitted.

(2) From eight feet to fourteen feet from right-of-way line to back of curb. Awnings, canopies, etc., may be supported by supports within the right-of-way, provided both the supports and coverings remain a minimum of two feet behind the back of the curb.

If traffic control device supports need to be attached to any canopy or overhanging structure, the state highway department has the right to attach to or to project supports through the overhang.

(3) Greater than fourteen feet from right-of-way line to back of curb. Awning, canopies, etc., may be supported by supports within the right-of-way, provided both the supports and coverings remain a minimum of six feet behind the back of the curb.

(4) Curb and gutter required. In all cases, the street must have a curb and gutter section.

(5) Reconstruction. During times of reconstruction all business and/or landowners adjoining a state highway or federal-aid highway upon which any of the above encroachments have been permitted shall assume the cost of removal if additional street width requires utilizing additional amounts of department right-of-way.

(6) Traffic control devices. Any traffic control devices deemed necessary by the state highway department may be attached to or through any permitted encroachment granted by the town in accordance with this article.

(7) Encroachments constituting traffic hazards, etc. No encroachments shall be permitted if, by reason of color, lighting or placement, or in any other manner, such encroachment detracts from the effectiveness of official traffic control devices, or if it constitutes a traffic hazard, including, but not limited to, blocking sight distances at intersections.

(8) Height. All awnings, canopies, marquees and on-premises advertising signs shall have a minimum clearance of seven feet from the sidewalk to the bottom of the structure. (Ord. No. 29, § 1; Ord. No. 85-2, § 1; Ord. No. 86-3.)

#### **Sec. 5-26. Building permit and agreement with town required.**

Any persons planning the construction of any awning, canopy, marquee, on-premises advertising sign, boardwalk or sidewalk as specified in this article shall apply to the building inspector for a building permit in compliance with article I of this chapter. In addition, a “building exterior, sidewalk and/or landscaping agreement” form must be executed between the town and the property owner. No construction shall start until the building permit and the agreement form have been approved and granted by the appropriate town authorities. (Ord. No. 86-3.)

**Sec. 5-27. Using right-of-way for service of motor vehicles.**

No person shall, at any time, make use of the right-of-way, or any part or portion thereof, for the service of motor vehicles by gasoline stations or otherwise. (Ord. No. 29, § 4; Ord. No. 86-3.)

*As to motor vehicles and traffic generally, see Ch. 8 of this Code.*

**Sec. 5-28. Roadside stands, etc., in right-of-way.**

No person shall, at any time, make use of the right-of-way, or any part portion thereof, for any roadside stand or for any other private installation of any kind or nature whatsoever. (Ord. No. 29, § 5; Ord. No. 86-3.)

**Sec. 5-29. Penalty.**

Any person failing to comply with the provisions of this article will be fined not less than one hundred dollars nor more than seven hundred fifty dollars. (Ord. No. 86-3.)