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CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Buildings and Construction

(Ord. No. 426 10/7/04)

Section 9-101: OFFICIALS DEFINED

Wherever used in this ordinance:

“Code administrator” shall mean the individual holding that office with any agency or municipality with which the city has contracted to provide inspection services for the city. If the city has not contracted with any such agency or municipality, “code administrator" shall mean the individual appointed to that position by the city administrator.

“Electrical inspector” shall mean the individual holding that office with any agency or municipality with which the city has contracted to provide electrical inspection services for the city. If the city has not contracted with any such agency or municipality, “electrical inspector” shall mean the individual appointed to that position by the city administrator.

“Plumbing inspector” shall mean the individual holding that office with any agency or municipality with which the city has contracted to provide plumbing inspection services for the city. If the city has not contracted with any such agency or municipality, “plumbing inspector” shall mean the individual appointed to that position by the city administrator.

Section 9-102: STANDARD CODES; ADOPTED BY REFERENCE; EXCEPTIONS

A. The International Building Code, 2012 edition, published by the International Code Council, Inc., referenced as the “International Building Code” throughout this article and the Municipal Code, shall mean this code; provided, Sections 101.4, 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5, 105.1.1, 105.1.2, 105.2, 107, 112, 113, 115, 3103, and Chapters 27, 28 and 29 of the International Building Code are excluded and are not considered as adopted by this code. Also, the date June 3, 1975, shall be considered as inserted in the blank in Section 3412.2 of the International Building Code.

B. The International Residential Code, 2012 edition, published by the International Code Council, Inc., referenced as the “International Residential Code” throughout this article and the Municipal Code, shall mean this code; provided, Sections 105.2, 107, 112, 113, 309.5, 313, Chapter 2904 Fire Sprinkler System, Chapters 13 through 42, which are plumbing, mechanical and electrical chapters, of the International Residential Code are excluded and are not considered as adopted by this code.

C. The International Building Code and the International Residential Code are described collectively as the “Building Code.” Except for those portions specifically excluded or modified by this section or other sections of this article, the Building Code is hereby adopted by reference and shall be controlling with respect to the constructions of all buildings and structures within the corporate limits and zoning jurisdiction. One copy of each code shall be kept on file at the office of the city clerk.

(Ord. No. 414, 5/3/12)

Section 9-103: standard codeS; definitions

Wherever the following words or terms are used in any of the standard codes comprised in the Building Code, they shall have the following meanings:

"Basic code" shall mean the International Building Code.

"Building official" shall mean the code administrator.

"Corporation counsel" shall mean the city attorney or deputy city attorney.

"Department of building inspection" shall mean the department of planning, building, and development of any agency or municipality which has contracted with the city to provide inspection services. If the city has not contracted with any such agency or municipality, "department of building inspection" shall mean the individual appointed to that position by the city administrator.

"Municipality" shall mean the City of Terrytown.

Section 9-104: PERMIT; FEES REQUIRED

A. No permit required by the Building Code shall be issued until the fee prescribed in this article shall have been paid nor shall an amendment be approved until the additional fee, if any, payable because of an increase in the estimated cost of the building or structure shall have been paid; provided, the code administrator may waive payment of the fee required for a demolition permit in event the building or structure shall have been condemned or ordered demolished. “Estimated cost” shall mean the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided, the cost of excavating or grading and of painting, decorating, or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure shall not be deemed to be a part of such estimated cost.

B. The fees for permits required by the Building Code shall be as set by resolution by the City Council and kept on file at the office of the city clerk.

C. The code administrator annually in January shall determine the average cost per square foot of construction of residential, business, commercial and industrial units and such cost shall be deemed to constitute, during the 12 ensuing calendar months, the cost of construction of such units for purposes of computing the fee for a permit to construct such units, unless the applicant shall submit evidence, satisfactory to the administrator that the actual cost of construction of the unit(s) for which a permit is sought shall be less than the amount determined by the administrator in January of that calendar year.

Section 9-105: PERMIT; APPLICATION FOR SOLID WASTE CONTAINER

In addition to the other requirements prescribed in this article, no permit required by the Building Code shall be issued until the contractor shall have submitted to the code administrator an application for solid waste container(s) in accordance with the requirements in Chapter 19 of the Building Code.

Section 9-106: PERMIT; COMPLETION OF WORK

Except as otherwise provided in this section, all work authorized under a permit granted under the Building Code shall be completed within two years after the work has commenced. Work of the following types shall be completed within the following period of time after the work has commenced:

A. Construction or repair of a single-family residence: one year.

B. Construction or repair of detached private garage: six months.

C. Moving of building from original foundation to new foundation: six months; provided, the building shall be permanently attached to the new foundation within three months after its removal from the original foundation.

D. Demolition of any building or structure: three months.

Section 9-107: PERMIT; adjustment and REFUND; NEW PERMIT

In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made, and the portion of the fee for uncompleted work returned to the permit holder; provided, no refund of a prescribed minimum fee shall be made. If such discontinuance is due to a revocation of permit, a similar adjustment and return may be made; provided, no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new application has been made and a new permit has been issued.

Section 9-108: PERMIT; FAILURE TO REQUEST

In the event the code administrator shall determine that construction for which a prior permit required by this article has occurred without an application therefor having been filed with the administrator in the form required by this article, the administrator shall notify the owner(s) in writing and, if the building or structure is in the possession of or occupied by another, shall also notify the latter of such determination; that such person or persons shall, within 14 days after service of such notice, file with the administrator the required application and pay to the administrator the fee required under preceding sections of this article. Such fee shall be paid in connection with such an application, together with a delinquent fee in the amount provided in this article. The administrator shall cause such notice to be served either personally or by certified mail addressed to the last known residence address of the person(s) upon whom the notice is to be served and service by such mail shall be complete upon deposit of the envelope containing the notice in the U. S. Post Office.

Section 9-109: PERMIT; SUBDIVISION OF LAND

No permit shall be issued for the construction or alteration of a building or structure on a tract of land which has not been subdivided in accordance with state law and applicable subdivision ordinances of the city. No permit shall be issued for the removal of a building or structure from one tract of land to another or to a new location on the same tract of land unless the tract of which the building or structure is proposed to be moved or, in the event of a proposal to remove a building or structure to a new location on the same tract, unless such tract shall have been subdivided in accordance with state law and applicable subdivision ordinances of the city.

Section 9-110: authority to ENTer; issuance of NOTICES or ORDERS

The code administrator or his or her deputy, in the discharge of his or her official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. The administrator shall issue such notices or orders as may be necessary to enforce compliance with law, remove illegal or unsafe conditions, and secure the necessary exit facilities in buildings and structures.

Section 9-111: building code; structures removed or demolished; BOND

No person shall remove or demolish any structure for which a permit is required under the provisions of the International Building Code until an approved bond shall have been filed in the sum of $5,000.00.

Section 9-112: BUILDING CODE; VARIANCES; FEES

A. Any person who is aggrieved by a decision of the code administrator may apply to the City Council for a variation of the application of any provision of the building code to the particular case. The application shall be in writing, specify the variation sought, and be signed by the applicant. The council, upon such application and after a public hearing pursuant to such notice as the council shall specify, may vary the application of any provision of the building code to the particular case when, in its opinion, the enforcement thereof would manifest injustice and would be contrary to the spirit and purpose of the building code or public interest. A decision of the council to vary the application of any provision of the building code shall specify in what manner the variation is made, the conditions upon which it is made, and the reasons therefor.

B. Any person applying for a variation of the application of any provision of the building code shall, at the time of submitting the application to the code administrator, pay to the administrator a fee equal to one-half of the original building permit application filing fee; provided, the minimum fee shall be as set by resolution by the City Council and kept on file in the office of the city clerk; provided further, no such fee shall be payable if the application is made by the city pursuant to a motion of the council.

Article 2 – Electrical Construction

(Am. Ord. No. 355, 10/7/04)

SECTION 9-201: ELECTRICAL CODE; ADOPTED BY REFERENCE; AMENDED

The 2017 Edition of NFPA 70, National Electrical Code, as published by the National Fire Protection Association, is adopted for the purpose of establishing rules and regulations for the construction, alteration, maintenance and removal of all equipment within or on all buildings, private or public, within the area of city jurisdiction. Reference to the “National Electrical Code" or the "Electrical Code" throughout the municipal code and ordinances shall mean this code. Except for those portions specifically excluded or modified by this or other sections of the code, the National Electrical Code is adopted in this section by reference. The construction, alteration, maintenance and removal of all electrical equipment shall comply with the National Electrical Code and with additional requirements as are prescribed in this chapter. One copy of the National Electrical Code shall be on file in the city office. (Ord. No. 426, 8/6/14)

Section 9-202: DEFINITIONS

The following words or phrases, whenever used in this article or the Electrical Code, shall be deemed to mean the following:

"Area of city jurisdiction" shall mean the geographic area within the corporate limits of the city and within the area outside the corporate jurisdiction within which the city has exercised or, as the case may be, shall exercise its zoning jurisdiction.

"Electrical code" shall mean the standard electrical code as adopted in this article.

"Electrical equipment" shall include material, fittings, devices, appliances, fixtures, apparatus, and the like, as a part of or in connection with an electrical installation.

Section 9-203: PERMIT; APPLICATION; FEES

A. No electrical equipment shall be installed and no alteration shall be made in the electrical equipment in any building or on any premises for use in connection with electric power, lights, signs, motors, or heating devices without having secured from the electrical inspector a permit therefor; provided, this section shall not apply to maintenance and repairs on the premises of a person, firm or corporation regularly employing journeyman electricians for that purpose; provided further, the electrical inspector, if he or she finds that the safety of persons or property does not require a permit, may waive the requirement of a permit for repairing or replacing snap switches, fuses, lamp fixtures, taping bare joints and repairing drop cords.

B. An application for a permit to install, replace or alter electrical equipment shall be made in writing upon forms furnished by the electrical inspector. The application shall show the location of the proposed work and shall include a drawing or schematic diagram illustrating and describing the proposed installation of electrical equipment. The electrical inspector shall examine every such application, plan and diagram for compliance with the provisions of this article before issuing a permit to the applicant.

C. The electrical inspector shall collect from the applicant the fees as set by resolution by the City Council and kept on file at the office of the city clerk.

Section 9-204: PERMIT; RENEWAL; REVOCATION; CONFORMANCE

A. The electrical construction permit shall be posted by the person installing the work in a conspicuous place on the building or premises wherein the work is being performed, and shall be maintained by such person in such place until the work has been completed and final approval thereof by the electrical inspector has been obtained.

B. A construction permit issued under provisions of this article shall become null and void if the work is not commenced within six months from date of issuance of the permit or shall be abandoned for a period of 120 days. Renewal of an expired permit for identical work shall be obtained before work is recommenced and the renewal fee therefor shall be the minimum amount required for a new permit.

C. The electrical inspector may, in writing, revoke a permit which has been issued under the provisions of this article whenever the permit has been issued in reliance upon a misrepresentation of work proposed, incorrect information supplied by the applicant, or in violation of the provisions of this article.

D. All work done by the holder of such a permit shall conform to the plans and specifications therefor which are included in the approved application unless the electrical inspector shall consent, in writing, to a deviation from such plans or specification.

Section 9-205: PERMIT; FAILURE TO REQUEST; DELINQUENT FEE

If the electrical inspector becomes aware that a person has failed to file a necessary request for a permit and/or inspection, the electrical inspector shall send to such person a written notification by certified mail to file such request within 14 days. Any person filing a late request for a permit or inspection shall pay to the electrical inspector a delinquent fee as set by resolution by the City Council and kept on file at the office of the city clerk.

Section 9-206: ELECTRICAL INSPECTOR; DUTIES

The electrical inspector is hereby authorized, empowered and directed to interpret, where necessary, and enforce all provisions of this article, to the end that fires and accident or injury to persons or property shall be prevented. The city administrator is authorized to designate an employee of the city as electrical inspector. If no employee is so designated, the functions of the electrical inspector shall be performed by the code administrator.

Section 9-207: ELECTRICAL INSPECTOR; ENTRY

The electrical inspector, upon proper identification and subject to requirements of search warrants, where applicable, shall have the right during reasonable hours to enter any building or premises and, in the discharge of his or her official duties, to inspect and test any electrical equipment or appliances therein contained. The electrical inspector shall have the authority to cause the turning off of electrical power and, in case of an emergency, to cut or disconnect any wire where electrical power is dangerous to life or property.

Section 9-208: ELECTRICAL INSPECTOR; suit; defense

Any suit brought against the electrical inspector or his or her subordinates because of an act performed by him or her, or an omission by him or her, which shall have occurred in the enforcement of any provision of this article shall be defended by the city until final termination of the proceedings.

Section 9-209: ELECTRICIAN; STATE LICENSE; SUPERVISION

A. It shall be unlawful for any person to engage in the installation, repair or alteration of electrical equipment within the area of city jurisdiction without having secured from the State Board of Electrical Examiners a license of the class or type which, by state law, are required to be held by the person engaged in such work. A true copy of the license shall be filed in the office of the electrical inspector before any work for which the license is required shall commence; provided, a license issued in respect of a calendar year will meet the requirement of this section until the next following January 31. This subsection shall not apply to:

1. An apprentice electrician working under the direct supervision of a licensed master electrical or licensed journeyman electrician;

2. Employees of public power districts, public power and irrigation districts, electric membership or cooperative associates, public utility corporations, railroads, petroleum companies, petrochemical companies, pipeline companies, telephone or telegraph systems, or employees of affiliated companies performing manufacturing, installation, and repair work for such employer, while acting within the scope of their employment;

3. The installation, maintenance, repair, or alteration of vertical transportation or passenger conveyors, elevators, or appurtenances thereto;

4. The engaging of any electrical appliance where approved electrical outlets are already installed;

5. An employee, working for a single employer as part of such employer's full-time staff and not holding himself or herself out to the public for hire, while acting within the scope of his or her employment; or

6. An owner of property performing work on such property or farm property which he or she owns, excluding commercial, industrial, or public use buildings.

B. If an electrical contractor employs anyone to make an electrical installation, all work shall be done under the direct supervision of a licensed master electrician or a licensed journeyman electrician.

Section 9-210: ELECTRICAL CONTRACTOR; BOND

No person, firm, or corporation shall engage in the business of installation, repair or alteration of electrical equipment for which a construction permit is required in this article until such person, firm or corporation shall have filed with the city clerk a bond, with two or more sureties or a bond of surety company to be approved by the clerk, in the amount as set by resolution by the City Council and kept on file in the office of the city clerk, conditioned on the principal indemnifying and keeping the city harmless in case of accident or damage arising from negligence or unskillfulness in doing or protecting such work, or from unfinished or inadequate work, and that the principal will restore the public streets, alleys, sidewalks and pavement over all work done and fill all excavations made by the principal so as to leave all streets, sidewalks and pavements in as good of condition as when the work began and will maintain the same to the satisfaction of the city engineer for a period of six months thereafter.

Section 9-211: DANGEROUS EQUIPMENT; NOTICE

Whenever in the judgment of the electrical inspector any electrical equipment has been constructed or placed or is guarded in a manner such as would tend to cause or permit fires or accidents or endanger life or property, the electrical inspector shall at once notify the owner or occupant or his or her agent of such defect and order the repair, rearrangement or removal of the same.

Article 3 – Plumbing and Heating

(Am. Ord. No. 355, 10/7/04)

SECTION 9-301: SCOPE

The provisions of this article shall apply to all installations and repair of plumbing material and fixtures, gas fittings, devices, appliances, fixture and apparatus, drainage or sewer disposal systems, water softeners, oil heating equipment, liquid petroleum dispensers and storage equipment and refrigerating equipment, hereinafter usually referred to as “plumbing,” within or on public or private buildings, structures or premises within the city, or outside the city within the area in respect of which the city has exercised its zoning jurisdiction, for the conveyance of water, waterborne wastes, fuels or gases and their respective disposal systems.

SECTION 9-302: PLUMBING CODE; ADOPTED BY REFERENCE

There is hereby adopted, for the purpose of establishing rules and regulations for the installation and repair of plumbing material and fixtures, appliances and apparatus, drainage or sewer disposal systems, water softeners, dispensers and storage equipment and refrigerating equipment, hereinafter referred to as "plumbing", a certain plumbing code known as the Uniform Plumbing Code, published and recommended by the International Association of Plumbing and Mechanical Officials, being the 2012 edition thereof, hereinafter referred to as the "Plumbing Code." One copy of such code shall be kept on file in the office of the city clerk. Such code is hereby adopted and incorporated in this section by reference as fully as if set out at length herein, except such portions thereof as hereinafter are excluded or are adopted with modifications; provided, Chapter 1 and Sections 604.0 and 720.0 of the Uniform Plumbing Code are hereby excluded from and shall not be deemed to have been adopted by this section. (Ord. No. 414, 5/3/12)

SECTION 9-303: MECHANICAL CODE; ADOPTED BY REFERENCE

There is hereby adopted, for the purpose of establishing rules and regulations for the complete installation, maintenance and repair of heating, ventilating, cooling and refrigeration systems, hereinafter referred to as "mechanical plumbing", a certain mechanical plumbing code known as the Uniform Mechanical Code, published and recommended by the International Association of Plumbing and Mechanical Officials, being the 2012 edition thereof, hereinafter referred to as "Mechanical Code." One copy of such code shall be kept on file in the office of the city clerk. Such code is hereby adopted and incorporated in this section by reference as fully as if set out at length herein, except such portions thereof as hereinafter are excluded, or are adopted with modifications; provided, Chapter 1 of the Uniform Mechanical Code is hereby excluded from and shall not be deemed to have been adopted by this section. (Ord. No. 414, 5/3/12)

SECTION 9-304: solar energy CODE; ADOPTED BY REFERENCE

There is hereby adopted, for the purpose of establishing rules and regulations for the complete erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any solar system, hereinafter referred to as "solar energy system", a certain solar energy code known as the Uniform Solar Energy Code, published and recommended by the International Association of Plumbing and Mechanical Officials, being the 2009 edition thereof, hereinafter referred to as "Solar Code." One copy of such code shall be kept on file in the office of the city clerk. Such code is hereby adopted and incorporated in this section by reference as fully as if set out at length herein, except such portions as hereinafter are excluded, or are adopted with modifications; provided, Section 108 of Chapter 1 of the Uniform Solar Energy Code is hereby adopted, but all other portions of Chapter 1 are excluded from and shall not be deemed to have been adopted by this section. (Ord. No. 414, 5/3/12)

SECTION 9-305: SOLAR ENERGY CODE; PERMIT; FEES

A. The applicant for a permit or permits required under the Solar Code shall pay the fee for each required permit to the code administrator at the time of issuance. Said fees shall be as set by resolution by the City Council and kept on file at the office of the city clerk.

B. Any person who shall commence any work for which a permit is required by the Solar Code, without first having obtained a permit therefor, shall, if subsequently permitted to obtain a permit, pay double the permit fee for such work; provided, this provision shall not apply to emergency work when it shall be proved, to the satisfaction of the code administrator, that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all cases in which failure to procure a permit before commencing work shall be determined by the administrator to be excusable under the foregoing provisions, a permit must be obtained as soon as it is practical to do so and, if there shall be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged and paid.

SECTION 9-306: CONSTRUCTION or alteration; PERMIT required

Every person, prior to beginning or performing any work in the construction, reconstruction or alteration of any plumbing, gas fitting, steam fitting, oil fitting, sheet metal work for heating or appliances, or house drainage system, or systems of pipes for the conveyance of water, waterborne waste, fuel or gases in any building, or installing any water softener, or constructing, altering or repairing any septic tank, sewer or drain for the conveyance or disposal of sewage or waste liquids on any premises, shall first secure from the plumbing inspector a permit therefor; provided, no permit shall be required for the removal of any stoppage in soil or waste pipes, or for replacing broken or damaged fixtures, traps and piping which conform to the requirements of this article and where such replacement fixtures, traps and piping are in good serviceable and sanitary condition, nor for the replacing of traps in soil or waste pipes.

SECTION 9-307: application for PERMIT; inspection fees; posting; DEVIATION PROHIBITED

A. Application for a permit to install, change or alter any plumbing, gas, steam fittings, oil fittings and sheet metal for hearing appliances, or apparatus or sewage disposal systems, shall be made in writing upon forms furnished by the plumbing inspector. The application shall describe the location of the proposed work, with a drawing or diagram thereon or attached thereto. The plumbing inspector shall examine every such application and plans, drawings, or diagrams for compliance with the provisions of this article before issuance of a permit.

B. The plumbing inspector shall, prior to the issuance of each plumbing permit, collect from the plumbing contractor or limited contractor inspection fees as set by resolution by the City Council and kept on file at the office of the city clerk.

C. The permit shall be posted by the person obtaining it in a conspicuous place on the building or premises wherein the work is being done until the completion of the work.

D. No deviation shall be made in the details of the work as shown by the application for permit except with written permission by the plumbing inspector.

SECTION 9-308: PUBLIC SEWER; wye PERMIT; APPLICATION

A. When approved by the plumbing inspector, more than one house or another building situated on the same premises may be connected to the same lateral providing each connection is to a wye (Y). In the event of a subsequent subdivision of the premises into two or more tracts, whether by a recorded plat, a deed or a contract to sell: (1) the permit shall expire on the date of such plat, deed or contract, and the permit shall so state, and (2) all connections in excess of one to the lateral shall be removed and connection(s) of the houses or other buildings to separate lateral(s) shall be installed by the owner(s), upon receiving a permit therefor from the plumbing inspector, within 30 days after the date of the plat, deed or contract.

B. The application for a permit to connect more than one house or other building situated on the same premises to the same lateral shall be in writing and shall include a drawing of the connection(s) existing and proposed and such other information as the plumbing inspector shall require. The application shall be accompanied by:

1. A written agreement with the City of Terrytown in recordable and otherwise in such form as the plumbing inspector shall prescribe, and signed and acknowledged by the owner(s) of record and contract purchasers, if any, of the premises on which the connections are to be made wherein such owner(s) covenant(s), on behalf also of all successors in interest to the premises or any part thereof, that, upon a subdivision of the property, all connections will be removed and reconnected as provided in this article; and

2. The amount of the fee chargeable by the register of deeds for recording the agreement.

C. The plumbing inspector shall cause such agreement to be recorded with the register of deeds forthwith after issuing the permit.

SECTION 9-309: failure to obtain PERMIT; notification; FEE

In the event the plumbing inspector shall determine that construction for which a prior permit or an inspection was required by any provision of this code has occurred without an application therefor, in the manner required by such provisions, having been made, the plumbing inspector shall notify, in writing, the owner(s) and, if the premises are in the possession of or occupied by another, shall also notify the latter of such determination. Such notice shall state that such person(s) shall, within 14 days after service of such notice, file the required application and pay to the plumbing inspector the fee required, under such provisions of this article, to be paid in connection with such an application together with a delinquent fee in the amount set by resolution by the City Council and kept on file at the office of the city clerk. The plumbing inspector shall cause such notice to be served either personally or by certified mail addressed to the last known residence address of the person(s) upon whom the notice is to be served and service by such mail shall be complete upon deposit of the envelope containing the notice in the United States Mail.

SECTION 9-310: PLUMBERS; LICENSE REQUIRED

A. It shall be unlawful for any individual to do any plumbing within the corporate limits of the city or the area outside the city within which the city has exercised its zoning jurisdiction unless such individual: (1) holds a master plumber's license issued by the City of Scottsbluff or the City of Gering and does the actual installation or repair work, or (2) holds a journeyman plumber's license issued by the City of Scottsbluff or the City of Gering and does the actual installation or repair work under the direct supervision of an individual who holds a master plumber's license issued by the City of Scottsbluff or the City of Gering. It shall be unlawful for any individual, partnership, corporation or other firm engaged in the business of plumbing, or in the doing of plumbing for hire, to cause any plumbing to be done, within the corporate limits of the city or the area outside the city within which the city has exercised its zoning jurisdiction, otherwise than in the manner provided in the next preceding sentence.

B. In addition to the requirements and prohibitions prescribed in this article:

1. It shall be unlawful for any individual to engage in the business of plumbing, or to install or repair plumbing for hire, within the corporate limits of the city or the area outside the city within which the city has exercised its zoning jurisdiction, unless such individual holds a plumbing contractor's license as provided in this article or does the work as an employee of an individual, partnership, corporation, or other firm, or as a member of a partnership or otherwise unincorporated firm, which holds such a license; and

2. It shall be unlawful for any partnership, corporation or other firm to engage in the business of plumbing, or to cause any plumbing to be installed or repaired for hire, within the corporate limits of the city or the area outside the city within which the city has exercised its zoning jurisdiction, unless such partnership, corporation or other firm holds a plumbing contractor's license as provided in this article.

SECTION 9-311: APPRENTICE PLUMBER; CERTIFICATE

An apprentice plumber holding a certificate issued by the appropriate authority of the City of Scottsbluff or the City of Gering may assist the holder of a master plumber's license in the installation and repair of plumbing but may not perform the actual installation or repair; provided, not more than one apprentice plumber may be employed to assist one master plumber nor may more than one apprentice plumber per journeyman plumber be employed.

SECTION 9-312: plumbing CONTRACTOR; BOND

A. No individual for hire shall work at the installation, repair or alteration of sheet metal for heating, steam fitting, gas fitting, oil fitting, or water fitting unless he or she is a plumbing contractor or limited contractor or is employed by a plumbing contractor or limited contractor who has a plumbing contractor's license or a limited contractor's license issued by the City of Scottsbluff or the City of Gering.

B. No person, firm or corporation shall engage in the business of installation, repair or alteration of plumbing equipment for which a construction permit is required in this article until such person, firm or corporation shall have filed with the city clerk a bond, with two or more sureties or a bond of surety company to be approved by the city clerk, in the amount as set by resolution by the City Council and kept on file in the office of the city clerk, conditioned on the principal indemnifying and keeping the city harmless in case of accident or damage arising from negligence or unskillfulness in doing or protecting such work, or from unfinished or inadequate work, and that the principal will restore the public streets, alleys, sidewalks and pavement over all work done; fill all excavations made by the principal so as to leave all streets, sidewalks and pavements in as good of condition as when the work began; and will maintain the same to the satisfaction of the City Council for a period of six months thereafter.

SECTION 9-313: HIRING UNLICENSED PERSONS PROHIBITED

It is hereby declared unlawful for any individual contractor or other person to hire any-one not holding the requisite license or certificate for the work involved to supervise the installation of units, water softeners, or other fixtures, devices, or appliances de-

signed for connection to the water supply system but not to the sanitary sewer.

SECTION 9-314: LIMITED CONTRACTOR; QUALIFICATIONS

A limited contractor shall hold, or shall employ the services of at least one employee holding a license either as a sheet metal for heating worker, steam fitter, gas fitter, oil fitter, or water fitter issued by the city.

SECTION 9-315: PLUMBING INSPECTOR; DESIGNATION

The city administrator is authorized to designate an employee of the city as plumbing inspector. If no employee is so designated, the functions of the plumbing inspector as described in this code shall be performed by the code administrator.

SECTION 9-316: PLUMBING INSPECTOR; unfit premises

Whenever, upon inspection, any building, premises or part thereof is found unfit for human habitation by reason of defective plumbing, water piping, gas fitting, or drainage system, the plumbing inspector may order the vacation of such building, premises or part thereof. A written or printed order shall be conspicuously posted on the building or premises and, where practicable, a copy shall be served on the owner, agent or occupant of such premises. It shall be unlawful for any person to fail, neglect or refuse to vacate such premises when so ordered.

SECTION 9-317: WATER AND SEWER MAINS; WATER UTILITY EMPLOYEES

Nothing in this section shall be construed to apply to employees of the water utility acting within the scope of their employment. The construction, repair or replacement of water mains or sanitary sewer mains in the public streets, alleys or other public places of the city pursuant to a contract with the city or authorization granted by the City Council shall not constitute the doing of plumbing, the engaging in the business of plumbing, or the installation or repair of plumbing for hire within the meaning of such section.

SECTION 9-318: STATE LAW; COMPLIANCE

Plumbing installations or other sanitary conveniences shall fully comply with all applicable state laws, rules and regulations now existing or hereafter enacted or adopted.

Article 4 – Mobile Homes

SECTION 9-401: SAFETY STANDARDS

All mobile homes shall comply with all mobile home construction and safety standards adopted by the Nebraska Department of Health under Neb. Rev. Stat. Chapter 71, Article 46, as now existing or hereafter amended. (Am. Ord. No. 355, 10/7/04)

Article 5 ‒ Building Moving

SECTION 9-501: REGULATIONS

A. It shall be unlawful for any person, firm, or corporation to move any building or structure within the city without a written permit to do so. Application may be made to the city clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the City Council may require. The application shall be accompanied by a certificate issued by the county treasurer to the effect that all provi­sions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The city clerk shall re­fer the said application to the City Council for ap­proval of the proposed route over which the said building is to be moved. Upon said approval, the clerk shall then issue the said permit; provided, a good and sufficient corporate surety bond, check, or cash in an amount set by resolution of the council and conditioned upon moving said building without doing damage to any pri­vate or city property is filed with the clerk prior to the granting of any permit.

B. No moving permit shall be required to move a building that is 10 feet wide or less, 20 feet long or less and, when in a position to move, 15 feet high or less.

C. In the event it will be nec­essary for any licensed building mover to interfere with poles, wires, gas mains, pipelines, and other appurtenances, the company or companies owning, using, or operating the said appurtenances shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, gas mains, pipelines, and other appurtenances relative to the building moving operation. All ex­pense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise.

D. Whenever the moving of any building ne­cessitates interference with a water main, sewer main, pipes, or wire belonging to the city, notice in writing of the time and route of the said building moving operation shall be given to the utilities superintendent, who shall proceed on behalf of the city and at the expense of the mover to make such dis­connections and do such work as is necessary.

(Neb. Rev. Stat. §§60-6,288 to 60-6,294, 60-6,296)

SECTION 9-502: COMPLETION OF MOVE

At such time as the building moving has been completed, the building inspector shall inspect the premises and report to the city clerk as to the extent of damages, if any, resulting from the said reloca­tion and whether any city laws have been violated during the said operation. Upon a satisfactory report from the building inspector, the clerk shall return the corporate sure­ty bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not prop­erly filled, covered or in a clean and sanitary condition, the City Council may apply the money deposited for the pur­pose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit, the council may recover such excess expense by civil suit or otherwise as prescribed by law.

Article 6 – Penal Provision

Section 9-601: VIOLATION: PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misde­meanor and upon conviction thereof shall be fined not more than $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.