

ORDINANCE NO. 2024-19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURRAY, IOWA, BY AMENDING PROVISIONS PERTAINING TO BUILDING PERMITS

Be It Enacted by the City Council of the City of Murray, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 155 of the Code of Ordinances of the City of Murray, Iowa, is repealed and the following adopted in lieu thereof:

Building Permit Ordinance

155.01 PURPOSE. The purpose of this chapter is to provide and establish reasonable rules and regulations for the erecting and altering of buildings in the City, as well as the use and occupancy of such buildings.

(Code of Iowa, Sec. 364.1)

155.02 BUILDING OFFICIAL. The City Clerk and Mayor are the Building Officials and are responsible for the administration and enforcement of this chapter. The Clerk Shall:

1. Receive all applications for building permits required by this chapter.
 - A. The City Clerk and Mayor Approve or Deny Applications by:
 - a. Investigate all appropriate facts and conditions of the permit applications as the Code of Ordinance requires.
 - b. Ensure inspection of buildings, structures, and uses of land to determine compliance with the general welfare and safety of the City.
2. Upon positive analysis and confirmed payment of the permit fee by the Building Official, the Building officials may issue the building permit and maintain records thereof.
3. Permits requiring a variance to the Code of Ordinances require Council approval.

155.03 PERMIT REQUIRED. No building or other structure shall be erected, altered or brought within the City without first receiving a permit. A permit is required for work such as new homes, additions, patios, decks, porches, garages, accessory buildings, fences, or for work that would change the outside dimensions of an existing building. A permit is not required for interior remodeling, roofing, window replacement, or siding a building. All building permit applications must have a survey on file with the courthouse and be included with the permit application unless this requirement is waived by the Building Official.

155.04 APPLICATION. Application shall be made in writing, filed with the Building Official and contain the following information:

1. Name. The name and address of the applicant.

2. Location. The street address and full legal description of the property.
3. Proposed Work. The nature of work proposed to be done.
4. Use. The use for which the structure is or will be used.
5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, including such floor plans, sections, elevations and structural details, as the Building Official may require. There shall also be filed a diagram or sketch in a form and size acceptable to the Building Official with all dimensions figured, showing accurately the size and location of the lot to be built upon, and the location and size of the building or structure to be erected or altered.

155.05 FEE. A permit fee of \$50.00 shall be paid to the City prior to issuance of the permit. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work.

155.06 POSTING. Once granted, all building permits shall be clearly posted by the successful applicant and readily visible from the public street abutting the front lot line.

155.07 AMENDMENTS. Nothing shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval of the Building Official, shall be filed with and be deemed a part of the original application.

155.08 COMPLETION OF EXISTING BUILDINGS. Nothing contained in this chapter shall require any change in the plans, construction, or size of a building for which construction was started before the effective date of this chapter; provided, however, construction under such circumstances shall be completed within one year after the effective date of this chapter. Extensions to this time frame may be granted by an affirmative vote of three-fourths of all of the members of the Council.

155.09 APPLICATION APPROVED. It is the duty of the Building Officials to examine applications for permits within a reasonable time after filing. If, after examination, the Building Officials find no objection to the same and it appears that the proposed work will be in

compliance with the laws and ordinances applicable thereto, the Building Officials shall approve the application or amendment to the application themselves or the Building Officials may forward the findings to the Council for its approval or disapproval.

155.10 ACTION BY COUNCIL. After receiving the findings of the Building Official, the Council shall, within a reasonable time, either approve or disapprove the application. If disapproved, the Council shall state its reasons for disapproval and notify the applicant of same. If approved, the Council shall instruct the Building Official to issue the building permit to the applicant. Said permit shall be issued in duplicate, one copy for the applicant and one copy to be retained in the City records.

155.11 APPLICATION DENIED; APPEAL. If the Building Official denies an application for a permit, the reasons for such denial shall be stated and the applicant notified of such denial and of the right to appeal to the Council. The Council upon appeal may affirm, modify, or reverse the determination of the Building Official; provided, however, no application shall be approved and permit issued which would result in an abrogation of the intent and purpose of this chapter.

155.12 RESTRICTIONS. No permit for the erection or alteration of a building or similar structure shall be granted unless it definitely appears that such erection or alteration shall not cause or be the source of the following:

1. Noise. Any undue noise.
2. Electrical Interference. Any undue radio or television interference.
3. Odors. Any offensive odors.
4. Refuse. Any offensive or unsightly refuse.
5. Smoke. Any offensive or undue smoke.
6. Fire Hazard. Any fire hazard.
7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
8. Congestion. Any undue gathering, congregating, parking of cars or undue congestion of people or traffic.
9. Other. Any effect that will be obnoxious, offensive, dangerous, or injurious to

the health, welfare, and safety of citizens or that will result in the violation of applicable city ordinances or applicable state or federal law.

155.13 CONDITION OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plan, or an approved amendment thereof, shall be strictly adhered to. It is unlawful to reduce or diminish the area of a lot or plot of which a plan has been filed and has been used as the basis for a permit, unless a revised plan showing the proposed change in conditions shall have been filed and approved, provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

155.14 REVOCATION. The Building Official may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

155.15 PERMIT VOID. The permit becomes null and void if work or construction authorized is not commenced within 60 days, or if construction or work is suspended or abandoned for a period of 120 days at any time after work is commenced, or if the work is not completed within the time frame specified in the building permit. Extensions to these time frames may be granted by an affirmative vote of three-fourths of all of the members of the Council.

155.16 ABATEMENT OF VIOLATION. Any building or structure erected, altered, used or occupied in violation of this chapter shall be determined a nuisance, and the same may be abated by the City or by any property owner within said district in the manner provided for the abatement of nuisances.

155.17 MUNICIPAL INFRACTION. In the alternative to nuisance abatement, Any building or structure erected, altered, used or occupied in violation of this chapter shall be determined to be a Municipal Infraction and a violation of City Ordinances, and the same may be abated by the City in the manner provided for Municipal Infractions.

SECTION 2. REPEALER. Any ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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 from and after its final passage, approval and publication as provided by law.

PASSED AND ADOPTED by the City Council on the 14th day of August, 2024, and approved this 14th day of August, 2024.



Mayor

ATTEST:



City Clerk

First Reading: 8-14-24

Second Reading: waived 8-14-24

Third Reading: waived 8-14-24

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, _____.

City Clerk

