

## **CHAPTER FIFTEEN**

### **BUILDING CODE**

#### Article 15-1501 – Building Code

- 15-0101. Adoption of State Building Code.
- 15-0102. Modifications of State Building Code.
- 15-0103. Penalty.
- 15-0104. Fee for Copy of Relevant Code Provisions.

#### Article 15-1502 - Dangerous Buildings

- 15-0201. Definitions
- 15-0202. Standards for Repair, Vacation, or Demolition.
- 15-0203. Dangerous Buildings - Nuisances.
- 15-0204. Duties of Building Administrator.
- 15-0205. Duties of City Council.
- 15-0206. Owner Absent from the City.
- 15-0207. Appeal.
- 15-0208. Penalty.

#### Article 15-1503 - Moving Buildings

- 15-0301. Permit Required.
- 15-0302. Permit Application.
- 15-0303. Information Contained for Permit Application.
- 15-0304. Building Permit Required.
- 15-0305. House-Mover's License - Requirements.
- 15-0306. Removal of Overhead Wires and Cables - Notice.
- 15-0307. Removal of Attached Wires, Cables and Pipes.
- 15-0308. Building in Street - Warning Light Required.
- 15-0309. Equipment in Street - Lights Required.

#### Article 15-1504 - Minimum Housing Standards

- 15-0401. Adoption of Housing Code.
- 15-0402. Exceptions to Housing Code.
- 15-0403. Penalty.

## CHAPTER FIFTEEN

### BUILDING CODE

#### ARTICLE 1 – Building Code

##### 15-0101 Adoption of State Building Code

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Galesburg, North Dakota, shall meet with the provisions of the rules and regulations of the State Building Code, a copy of which is on file in the office of the building inspector for the City of Galesburg, with the exception of the sections hereinafter set forth affecting local conditions in the City of Galesburg, which sections shall be substituted for and in lieu of like sections or paragraphs in said State Code; and the City Council of said City of Galesburg, by this section hereby approves and adopts such rules and regulations, as so modified, for use and application in the City of Galesburg, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the State Building Code may be adopted by the City by resolution

##### 15-0102 Modification of State Building Code

The provisions of the State Building Code, which encompass the Uniform Building Code (as proscribed by Section 54-21.3-03 of the North Dakota Century Code), in order to conform to local needs, is hereby changed and amended as follows:

1. Section 107 - Fees is hereby amended to read as follows: 107.2 Permit Fees. The fee for each permit shall be based on the permit fee schedule as adopted by resolution of the City Council for the City of Galesburg. 107.3 Plan Review Fees. When submittal documents are required by Section 106.3.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65% of the building permit fee as indicated in Section 107.2. 5-1-1 the plan review fees specified in this subsection are separate from the permit fees specified in Section 107.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged in an amount equal to 50%, if required, of the building permit fee at the rate indicated in Section 107.2.
2. Whenever a reference is made in said building code regarding the frost line, said frost line shall be determined to be four (4) feet. Four (4) feet should, therefore, be the minimum depth below finish grade to the bottom of footings, excluding detached residential garages.
3. Section 105.1 is hereby changed and amended as follows: Appeals. A person may appeal an order, decision or determination made by the building official relative to the application and interpretation of this code to the Galesburg City Council. The appeal must be filed in writing with the City Auditor of the City of Galesburg within thirty (30) days from the date of the decision, order or determination of the building official.

##### 15-0103 Penalty

Any person violating any provision of the State Building Code adopted by this title or any section of this title shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

##### 15-0104 Fee for Copy of Relevant Code Provisions

Every licensed contractor, pursuant to Chapter 43-07 of the North Dakota Century Code, upon applying for a building permit, shall be provided a copy of the Building Code Ordinances of the City of Galesburg and the relevant portions of the State Building Code adopted by the City which apply to residential construction, or commercial construction, depending on the type of permit sought. The contractor will be charged a fee for such copies in an amount set by the City Council. A contractor will only be provided one copy of the relevant Building

Code sections and pay one fee for residential construction and one fee for commercial construction, no matter how many building permits are requested by that particular contractor. Provided, however, that if the City later adopts another Building Code, the contractor will again be required to pay another fee to get the revised Building Code provisions. Notwithstanding the above provisions, if a contractor shows the Building Official his/her copy of the appropriate Building Code, then the contractor shall just be supplied a copy of the Galesburg Building Code Ordinances and shall not be required to be provided nor pay the charge for obtaining a copy of the relevant Building Code.

## ARTICLE 2 - Dangerous Buildings

### 15-0201 Definitions

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- (a) Those whose interior walls or other vertical structural members lean, list or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (b) Those which, exclusive of the foundation, show thirty-three percent or more of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
- (e) Those which have become, or are, so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause or aggravate sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein.
- (f) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- (g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (i) Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city.
- (j) Those buildings existing in violation of any provision of the Building Code, zoning ordinances, any provision of the Fire Prevention Code or other ordinances of this city.

### 15-0202 Standard for Repair, Vacation, or Demolition

The following standards shall be followed in substance by the Board of City Council in ordering repair, vacation, or demolition:

- (a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- (b) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.
- (c) In any case where a "dangerous building" is fifty percent damaged, decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer be in violation of the terms of this chapter, it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of this city or statute of the state of North Dakota, it shall be demolished.

#### 15-0203 Dangerous Building - Nuisances

All "dangerous buildings" within the terms of Section 5-0201 are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

#### 15-0204 Duties of Building Administrator

The building administrator shall:

- (a) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this chapter.
- (b) Inspect any building, wall, or structure reported (as hereinafter provided for) by any agent of the City as probably existing in violation of the terms of this chapter.
- (c) Notify in writing the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building, as shown by the records in the office of the register of deeds of the county of Cass, of any building found by the building administrator to be a "dangerous building" within the standards set forth in Section 5-0201 of this chapter, that: (1) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this chapter; (2) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession. Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- (d) Set forth in the notice provided for in subsection (c) hereof a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building," and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding thirty days, as is reasonable.
- (e) Report to the City Council any noncompliance with the "notice" provided for in subsections (c) and (d) hereof.
- (f) Appear at all hearings conducted by the City Council and testify as to the condition of "dangerous buildings."
- (g) Place a notice on all "dangerous buildings" reading as follows: "This building has been found to be a 'dangerous building' by the building administrator. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Traill. It is unlawful to remove this notice until such notice is complied with."

#### 15-0205 Duties of City Council

The City Council shall:

- (a) Upon receipt of a report of the building administrator as provided for in Section 5-0204, subsection (e), give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Traill to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building administrator's notice provided for herein in Section 5-0204, subsection (d).
- (b) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the register of deeds of the county of Traill shall offer relative to the "dangerous building".

(c) Make written findings of fact from the testimony offered pursuant to subsection (b) as to whether or not the building in question is a "dangerous building" within the terms of Section 5-0201.

(d) Issue an order based upon findings of fact made pursuant to subsection (c) hereof commanding the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records of the register of deeds of the County of Cass to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this chapter and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building".

(e) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (d) hereof, within thirty days, the City Council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards, hereinbefore provided for in Section 5-0202 of this chapter. The cost to the City of Galesburg of demolishing, repairing or removing any building or structure under this chapter shall be determined by the City Council after written notice to the property owner of a hearing thereon; and shall then be certified to the County Auditor as a special assessment levied upon the described property and to be spread upon the taxes against said property.

(f) Report to the city attorney the names of all persons not complying with the order provided for in subsection (d) of this section.

#### 15-0206 Owner Absent from the City

All notices or orders provided for herein shall be sent by registered mail to such owner, occupant, lessee or mortgagee, and all other persons having an interest in said building, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

#### 15-0207 Appeal

The owner and the occupant shall have thirty (30) days from the date of the order provided for in Section 5-0205 hereof in which to appeal to the Courts from the action of the City Council. The City Council shall not demolish, repair, or remove the building or structure or cause the same to be done during the period of time herein provided for appeal.

#### 15-0208 Penalty

Any person violating any section of this chapter shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

### ARTICLE 3 - Moving Buildings

15-0301. Permit Required No person shall move, remove, raise or support free of its foundation, any building or structure within the limits of the City of Galesburg, or cause or hire said work to be done, or assist in said work, unless a permit for said work has been obtained from the City of Galesburg in accordance with the provisions of this chapter.

15-0302. Permit Application No permit to move, remove, raise or support free of its foundation, any building or structure within the limits of the City of Galesburg shall be issued until written application for permit has been filed with the City Engineer on forms provided by the City of Galesburg, and the application for permit has been approved by the City Auditor. The City Auditor in granting a moving permit may condition the permit upon the

applicant meeting certain conditions such as having a licensed mover move the building, time limits in which the building must be moved, routes that must be followed, posting a bond, and any other similar conditions as deemed advisable by the City Auditor. Any person denied a moving permit or contesting any conditions placed on the permit, may appeal to the City Council, who shall review the permit and its conditions at its next regularly scheduled meeting.

#### 15-0303 Information Contained for Permit

Written application for permit to move, remove, raise or support free of its foundation any building or structure within the limits of the City of Galesburg shall contain the following information concerning the building or structure to be moved, removed, raised or supported:

1. Date of application.
2. Name and address of applicant for permit.
3. Name and address of owner of building.
4. Name and address of person, firm or corporation the applicant for permit will employ to do the moving.
5. Size of building or structure.
6. Age and general description of building or structure.
7. Location of building or structure at time of making application.
8. Proposed new location for building or structure.
9. Route or road along which it is proposed to move the building or structure from present location to proposed new location.
10. Condition of building or structure at time application is made for permit.
11. How long the moving of building or structure is expected to take and when moving is expected to be completed if permit is granted.
12. What changes in condition of building or structure will be made after building or structure is moved to proposed new location, and when these changes will be completed.

#### 15-0304 Building Permit Required

No moving permit shall be granted to a structure being moved into the city limits of the City of Galesburg unless and until the applicant also receives a building permit from the Building Administrator.

#### 15-0305 House – Mover’s License – Required

The City Auditor may require as a condition to the approval of application for permit and issuance of permit under this chapter that the moving be done only by one holding a license for the moving of buildings and structures within the City of Galesburg. No such license shall be granted until the person applying therefor shall have paid to the City Auditor a license fee of Five Dollars (\$5.00), and shall have given a surety bond payable to the City in the sum of Five Thousand Dollars (\$5,000), on a form satisfactory to the City Auditor, and conditioned, among other things, that said party will pay any and all damages which may be caused to any property, either public or private, within the City, whether said damages or injury be inflicted by said party, his employees, agents or workmen; and conditioned also that said party will save and indemnify and keep harmless the said City against all liabilities, judgments, costs and expenses which may in any way accrue against the City in consequence of the granting of such license, and will in all things strictly comply with the provisions of this chapter and with the conditions of any and all permits which may be issued hereunder to said house-mover or one employing him. Upon the execution of such bond, and its acceptance by the City Auditor, the "house-mover's" license for the moving of buildings and structures within the City of Galesburg shall be issued. All such licenses shall expire one (1) year from date of issue.

#### 15-0306 Removal of Overhead Wires & Cables Notice

1. In every case in which a permit shall be issued as herein provided for the removal of any house or structure, when such removal requires the displacement of any overhead electrical or other wire or cable, it shall be the duty of the person, association or corporation owning, operating or controlling such wire or cable to remove or displace the same as far as may be necessary to permit the removal of such house, building or structure.
2. The person to whom a removal permit shall have been issued shall notify the person, association or corporation owning, operating or controlling such wire or cable, to remove or displace the same to facilitate the removal of said house, building or structure and shall exhibit to said person, association or corporation the properly issued permit authorizing the removal of said house, building or structure, and it shall thereupon be the duty of said person,

association or corporation, within a reasonable time, not exceeding twenty-four (24) hours thereafter to remove or displace such wires or cables sufficiently to allow the passage of said house, building or structure

15-0307 Removal of Attached Wires, Cables & Pipes.

The person to whom a removal permit has been issued shall, before raising, moving or removing any building or structure to which electric wires are attached, notify the persons, associations or corporations owning or controlling such electric wiring, cables or piping of the proposed moving of said building or structure. The person, association or corporation so notified shall within a reasonable time, not exceeding twenty-four (24) hours, thereafter, disconnect and make safe all such electric wiring, cables or piping.

15-0308 Building in Street – Warning Light Required

When any building or structure is being moved across or through any street or alley, a warning light must be in operation at each corner of such building or structure, from sunset to sunrise.

15-0309 Equipment in Street – Lights Required

All ropes, blocks, winches, windlasses, or other equipment used in the moving of said building or structure must, when obstructing the free use of a street or alley, be protected by suitable warning lights from sunset to sunrise.

ARTICLE 4 Minimum Housing Standard

15-0401 Adoption of Housing Code

There is hereby adopted by reference by the City Council, for the purpose of prescribing regulations governing standards, relative to housing in the City of Harwood, that certain code known as the Uniform Housing Code, recommended and compiled by the International Conference of Building Officials, being particularly the 1988 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Auditor for the City of Harwood, with the exception of the sections hereinafter set forth affecting local conditions of the City of Harwood, which sections shall be substituted for and in lieu of like sections or paragraphs in said Uniform Housing Code; the City Council of said City of Harwood, by this section hereby approves and adopts such rules and regulations, so modified, for the use and application within the city limits of Harwood, North Dakota. Provided, that any amendments of the 1988 edition of the Code may be adopted by the City by resolution.

15-0402 Exception to Housing Code

When any provisions of the Uniform Housing Code are in conflict with the Building Code, Mechanical Code, zoning provisions or other ordinances of the City of Harwood, those other ordinances shall prevail and supersede the provisions of the Uniform Housing Code.

15-0403 Penalty

A violation of the regulations contained in this chapter shall be deemed an offense and shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500). Each day that a violation is permitted to exist shall constitute a separate offense. The provisions of Section 1-0211 shall also apply.