

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 15 BUILDING AND LAND USE REGULATIONS- BUILDING REGULATIONS

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**6-15-1 PURPOSE.** The purpose of this chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, as well as the use and occupancy of such buildings to promote the health, safety, and general welfare of the city.

**6-15-2 BUILDING OFFICIAL.** The council and city clerk shall be the building officials and be responsible for the administration and enforcement of this chapter.

**6-15-3 PERMIT REQUIRED.** No building or other structure shall be erected, altered, repaired, used, or occupied within the city without first receiving a permit therefor.

**6-15-4 APPLICATION.** Application shall be made in writing, filed with the city clerk, 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, drawn to scale, including such floor plans, sections, elevations, and structural details, as the building official may require.
6. Plot Diagram. There shall also be filed a plot diagram drawn to scale, with all dimensions figured, showing accurately the size and exact location of proposed new construction, or in the case of demolition, or such construction as it to be demolished and all existing buildings.

**6-15-5 FEES.** All applicable fees as established by the city council by resolution shall be paid prior to the work to be done.

Fence or retaining wall.....	\$25.00
Sheds, garages, and comparable structures Of 160 square feet or less.....	\$30.00
All alterations to existing structures, and building of sheds, garages, and comparable structures of 161 square feet or more.....	\$45.00
New single family dwellings.....	\$120.00
New multi-family dwellings and other commercial structures.....	\$170.00

**6-15-6 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.

**6-15-7 APPLICATION APPROVED.** It shall be the duty of the city clerk to examine applications to permits within seven (7) days after filing. If, after examination, the city clerk finds the proposed work will be in compliance with the laws and ordinances applicable thereto, the clerk shall forward findings to the council for their approval or disapproval.

**6-15-8 ACTION BY COUNCIL.** After receiving the findings of the city clerk, the council shall 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 city clerk to issue the building permit to the applicant. Said permit shall be issued in triplicate; one copy for the applicant, one copy for the county assessor, and one copy to be retained in the city records.

**6-15-9 APPEAL.** Any person aggrieved by the approval of a building permit shall have thirty (30) days from the date of such approval or disapproval to file an appeal in writing with the City Clerk setting out the objection to the approval and grounds therefore. Upon the filing of an appeal and after notice to the parties, the City Council shall hear evidence both in support of and by way of objection to the building permit and thereupon issue a written decision either affirming or revoking the approval of the building permit.

**6-15-10 RESTRICTIONS.** No permit for the erection, alteration, use, or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, repair, use, or occupancy 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 buildings 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 which will be obnoxious, offensive, dangerous, or injurious to the health, welfare, and safety of citizens, or be a detriment to the value of the adjoining properties.

**6-15-11 PERMIT VOID.** In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect.

**6-15-12 FRONT YARD REQUIREMENTS.** Within the residence district there shall be a front yard of not less than twenty-five (25) feet, except as follows:

1. Between Existing Buildings. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings on the two (2) sides.

**6-15-13 SIDE YARD REQUIREMENTS.** Within the predominantly residential areas, no single dwelling shall be erected closer than four (4) feet to either side lot line and combined side yard measurements shall total not less than ten (10) feet. For corner lots the width of the side yard along the side street shall be no less than twelve and one-half (12 ½) feet. All distances shall be measured from the furthest protruding point. A multi-story dwelling or structure shall be no closer than eight (8) feet from the furthest protruding point to the property line. Taller structures shall be placed back in proportion to these measurements in relation to the height of the building.

**6-15-14 DETACHED GARAGE.** Within the residence district no detached garage or other accessory building not attached to the principal building or closer than ten (10) feet thereof shall be erected closer than two (2) feet to any side or rear yard line.

**6-15-15 FENCES AND RETAINING WALL.** All fences shall be constructed so as to be located entirely within the property lines of the owner with sufficient set back from the property line so as to allow maintenance of the fence on both sides without the necessity of entry onto neighboring property, except that fences can be built on the property line with the approval of all neighboring property owners. In addition, hedges shall be planted and maintained such that at maturity no portion of the hedge hangs over an adjoining property line at a distance at least equal to the height of the retaining wall.

**6-15-16 ABATEMENT OF VIOLATION.** Any building, shed, or structure placed, erected, altered, repaired, 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 adjacent property owner in the manner provided for by the Iowa Code in connection with the abatement of nuisances.

**6-15-17 PENALTY.** Any person who violates the provisions of this ordinance or who hinders, obstructs, or otherwise interferes with the agents or employees of the city while carrying out the provisions of this ordinance upon order of the council made thereunder, shall be deemed guilty of a misdemeanor and upon conviction be fined a sum not to exceed \$100.00 or my imprisonment for a term not to exceed thirty (30) days.

**6-15-18 REPEALER.** Title VI, Chapter 5, of the 1995 Coggon Municipal Code of Ordinances is hereby repealed and the foregoing substituted in lieu thereof.

**6-15-19 SEVERABILITY CLAUSE.** If any section, provision, or part of this chapter shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole or any section, provision, or part thereof adjudged invalid or unconstitutional.