

CHAPTER 7

Buildings

Article I	In General	
	Sec. 7-1	Adoption of <i>International Building Code</i>
	Sec. 7-2	Adoption of <i>International Residential Code</i>
	Sec. 7-3	Adoption of <i>International Existing Building Code</i>
	Sec. 7-4	Reserved
	Sec. 7-5	Adoption of <i>Uniform Code for the Abatement of Dangerous Buildings</i>
	Sec. 7-6	Reserved
	Sec. 7-7	Building Department established
	Sec. 7-8	Designation and duties of Building Official
	Sec. 7-9	Powers of the Building Official
	Sec. 7-10	Determination of value
	Sec. 7-11	Appeals
	Sec. 7-12	Right of entry
	Sec. 7-13	Stop work orders
	Sec. 7-14	Violations
	Sec. 7-15	Penalties
	Sec. 7-16	Amendments, revisions, additions and deletions
Article II	House Moving	
	Sec. 7-17	Written consent required
	Sec. 7-18	Application
	Sec. 7-19	Bond
	Sec. 7-20	Fee
	Sec. 7-21	Moving electric wiring
	Sec. 7-22	Determination of route
	Sec. 7-23	Red lights at night
Article III	Energy Conservation	
	Sec. 7-24	Adoption of International Energy Conservation Code
	Sec. 7-25	Reserved
	Sec. 7-26	Reserved
	Sec. 7-27	Penalties
Article IV	Building Contractors	
	Sec. 7-28	Definitions
	Sec. 7-29	Registration required; fee
	Sec. 7-30	Exhibition upon request
	Sec. 7-31	Contractor's responsibility
	Sec. 7-32	Building permit requires registration
	Sec. 7-33	Registration; suspension; revocation
	Sec. 7-34	Violation; penalty
Article V	Mechanical Code	
	Sec. 7-35	Adoption of <i>International Mechanical Code</i>
	Sec. 7-36	Reserved
	Sec. 7-37	Penalties

ARTICLE I

In General

Sec. 7-1. Adoption of *International Building Code*.

That certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the *International Building Code*, 2003 edition, including Appendix E, Supplementary Accessibility Requirements; Appendix G, Flood-Resistant Construction; Appendix H, Signs; Appendix I, Patio Covers; and Appendix J, Grading, as published by the International Code Council, be and is hereby adopted as the *Building Code* of the City for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Building Code* on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-16. (Ord. 629, §1; Ord. 834, §1; Ord. 920, §1; Ord. 990, §§1, 2 (Part 1))

Sec. 7-2. Adoption of *International Residential Code*.

That certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the *International Residential Code*, 2003 edition, including Appendix A, Sizing and Capacities of Gas Piping; Appendix B, Sizing of Venting Systems; Appendix C, Exit Terminals; Appendix D, Recommended Procedure for Existing Appliance Installation; Appendix E, Manufactured Housing; Appendix G, Swimming Pools, Spas and Hot Tubs; Appendix H, Patio Covers; Appendix J, Existing Buildings and Structures; and Appendix K, Sound Transmission, as published by the International Code Council, be and is hereby adopted as the *Residential Code* of the City for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Residential Code* on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-16. (Ord. 990, §§1, 2 (Part 1))

Sec. 7-3. Adoption of *International Existing Building Code*.

That certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the *International Existing Building Code*, 2003 edition, including Appendix B, Supplementary Accessibility Requirement for Existing Buildings and Facilities; and Resource A, Guideline on Fire Ratings of Archaic Materials and Assemblies, as published by the International Code Council, be and is hereby adopted as the *Existing Building Code* of the City for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Existing Building Code* on file in the office of the City Clerk are hereby referred to, adopted and made a part

hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-16. (Ord. 990, §§1, 2 (Part 1))

Sec. 7-4. Reserved.

Sec. 7-5. Adoption of *Uniform Code for the Abatement of Dangerous Buildings*.

That certain *Code*, a copy of which is on file with the City Clerk and open to public inspection, being marked and designated as the *Uniform Code for the Abatement of Dangerous Buildings*, published by the International Conference of Building Officials, be and is hereby adopted as the *Abatement Code* of the City, providing a just, equitable and practical method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or the occupants of the City, may be required to be repaired, vacated or demolished; and each and all of the regulations, provisions, conditions and terms of such *Uniform Code for the Abatement of Dangerous Building*, 1997 Edition, published by the International Conference of Building Officials, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Article. (Ord. 844, §3; Ord. 922, §1; Ord. 990, §§1, 2 (Part 1))

Sec. 7-6. Reserved.

Sec. 7-7. Building Department established.

There is hereby established a Building Department for the City which shall be under the jurisdiction of the Building Official. (Ord. 368; Ord. 990, §§1, 2 (Part 1))

Sec. 7-8. Designation and duties of Building Official.

(a) All primary and secondary codes as adopted and amended herein and the *Electrical Code* shall be enforced by the Building Official of the City who shall be the Director of Public Works. The Director of Public Works shall serve under the supervision of the City Manager.

(b) The Building Official is in charge of the Building Department and shall be appointed by the City Council.

(c) The Building Official may recommend to the City Council the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. (Ord. 368; Ord. 834, §2; Ord. 990, §§1, 2 (Part 1); Ord. 1058, §2)

Sec. 7-9. Powers of the Building Official.

The Building Official is hereby authorized and directed to enforce all the provisions of all of the construction codes of the City as may be adopted from time to time. For such purpose, he or she shall have the powers of a police officer. (Ord. 368; Ord. 990, §§1, 2 (Part 1))

Sec. 7-10. Determination of value.

The determination of value or valuation under any of the provisions of any construction code of the City shall be made by the Building Official. (Ord. 368; Ord. 990, §§1, 2 (Part 1))

Sec. 7-11. Appeals.

(a) Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the *Building Code* or any other construction code of the City do not apply or that the true intent and meaning of the *Building Code* or any other construction code of the City has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Board of Appeals within thirty (30) days from the date of the decision from which the appeal is taken. There shall be and is hereby created a Board of Appeals consisting of five (5) members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. The Building Official shall be an ex officio member of and shall act as secretary to said Board, but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure.

(b) The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. An application for appeal shall be based on a claim that the true intent of the *Building Code* or any other construction code of the City or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this *Building Code* or any other construction code of the City do not fully apply, or an equally good or better form of construction is proposed. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the *Building Code* or any other construction code of the City, nor shall the Board be empowered to waive requirements of the *Building Code* or any other construction code of the City. (Ord. 834, §§3, 5; Ord. 990, §§1, 2 (Part 1))

Sec. 7-12. Right of entry.

Upon presentation of proper credentials, the Building Official or his or her duly authorized representatives may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon him or her by the *Building Code* or any other construction code of the City. (Ord. 368; Ord. 990, §§1, 2 (Part 1))

Sec. 7-13. Stop work orders.

Whenever any building work is being done contrary to the provisions of the *Building Code* or any other construction code of the City, the Building Official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work. (Ord. 368; Ord. 990, §§1, 2 (Part 1))

Sec. 7-14. Violations.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of the *Building Code* or any other construction code of the City. (Ord. 368; Ord. 990, §§1, 2 (Part 1))

Sec. 7-15. Penalties.

(a) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or

cause or permit the same to be done in violation of the *Building Code* or any other construction code of the City.

(b) Any person, firm or corporation who shall violate any of the provisions of the *Building Code*, as adopted and amended herein, or any other construction code of the City; or who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

(c) The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition. (Ord. No. 629, §3; Ord. 834, §6; Ord. 844, §1; Ord. 920, §3; Ord. 990, §§1, 2 (Part 1))

Sec. 7-16. Amendments, revisions, additions and deletions.

(a) Section 101.1 of the *International Building Code* is revised to read and provide as follows:

"101.1 Title. These regulations shall be known as the *Building Code of the City of Fort Morgan, Colorado*, hereinafter referred to as the '*Building Code*' or '*this Code*.'"

(b) Section 1612.3 of the *International Building Code* is revised to read and provide as follows:

"1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the City Council shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled, "The Flood Insurance Study for the City of Fort Morgan, Colorado," dated February 5, 1986, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section."

(c) Section 3410.2 of the *International Building Code* is revised to read and provide as follows:

"3410.2 Applicability. Structures existing prior to January 1, 2004, in which there is work involving additions, alteration or changes of occupancy shall be made to conform to the requirements of this Section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I."

(d) Section 105.2 of the *International Building Code* is revised to read and provide as follows:

"105.2 Work Exempt from Permit. A building permit shall not be required for the following:

"1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected floor area does not exceed 120 square feet (11.15 m²).

"2. (deleted)

"3. (deleted)

"4. (deleted)

"5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

"6. (deleted)

"7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

"8. Temporary motion picture, television and theater stage sets and scenery.

"9. Prefabricated swimming pools accessory to a Group R-3 occupancy as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.

"10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

"11. Swings and other playground equipment accessory to one- and two-family dwellings.

"12. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.

"13. Movable cases, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

"Electrical:

"Repairs and Maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

"Radio and television transmitting stations: The provisions of this *Code* shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

"Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

"Gas:

"1. Portable heating appliance.

"2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

"Mechanical:

"1. Portable heating appliance.

"2. Portable ventilation equipment.

"3. Portable cooling unit.

"4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this *Code*.

"5. Replacement of any part which does not alter its approval or make it unsafe.

"6. Portable evaporative cooler.

"7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

"Plumbing:

"1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this *Code*.

"2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures."

(e) Section 108.2 of the *International Building Code* is hereby amended to read and provide as follows:

"108.2 Schedule of Permit Fees; Plan Review Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, the fee for each permit shall be in accordance with a schedule of fees and fines for such purpose which shall be promulgated and established from time to time by **Resolution** of the City Council. If plan review is required, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees shall be equal to sixty-five percent (65%) of the total permit fee for a permit to do the work proposed. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate which has been established from time to time by **Resolution** of the City Council.

"The determination of value or valuation under any of the provisions of this *Code* or any other construction code of the City shall be made by the Building Official. The value to be used in

computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment."

(f) Chapter 11, **Accessibility**, of the *International Building Code* is hereby deleted in its entirety.

(g) The *International Building Code*, Section 903.2.10.1, **Stories and basements without openings**, is amended by the addition of the following:

"Exceptions: 1. Basements: Existing structures which would otherwise be required to install automatic fire-extinguishing systems by the terms and provisions of this Section may substitute a continuously monitored (24-hour) smoke/fire alarm system (electronically monitored by a third-party off premises) in those areas otherwise required to be sprinklered, provided the basement area is of 2-hour construction; this means the entire envelope (floors, walls, ceiling and doors) must meet or exceed the requirements for 2-hour fire resistance.

"2. All existing buildings, stories above the basement: Existing structures which would otherwise be required to install automatic fire-extinguishing systems by the terms and provisions of this Section may substitute all of the following items:

"A. A continuously monitored (24-hour) smoke/fire alarm system (electronically monitored by a third-party off premises);

"B. All the exits required by the *International Building Code*; and

"C. All the openings required by the *International Fire Code*.

"When exception is not allowed: The foregoing exceptions shall not apply if any area of the existing structure:

"1. Undergoes a major remodel as determined by the Building Department; or

"2. There is a change in the occupancy, classification, or use of the structure."

(Ord. No. 629, §2; Ord. No. 675; Ord. 834, §4; Ord. 844, §4; Ord. 920, §2; Ord. 990, §§1, 2 (Part 1))

ARTICLE II

House Moving

Sec. 7-17. Written consent required.

No person shall move, or cause to be moved, any building in the streets of the City, without first having obtained written permission therefor from the Mayor. (1949 Comp., §12.0101)

Sec. 7-18. Application.

Any person desiring to move any building in or along any of the streets of the City shall file with the City Clerk an application for permission so to do, which application shall designate the location of such building, its size and the location to which it is proposed to move the same. (1949 Comp., §12.0102)

Sec. 7-19. Bond.

Any person desiring to move a building through the streets of the City shall also file with the application, required by the preceding Section, a bond running to the City, with sureties thereon to the approval of the Mayor, provisioned for the payment to the City of all costs of removing, raising or lowering of electric wires of the City, and all damages that may be occasioned to the City from injury to, or destruction of, any street crossing, culverts, bridges, electric light poles or wires, or any other property belonging to the City, and for any damages that may be recovered against the City on account of injury to the property or person of any private individual or corporation on account of such occupation of the streets. The bond shall be in such penal amount as may be determined by the Mayor. (1949 Comp., §12.0102)

Sec. 7-20. Fee.

No permit shall be issued for the moving of any building in the streets of the City by power, other than horsepower, until there shall have been paid therefor to the City Clerk, by the applicant, the sum of twenty-five dollars (\$25.00), or such sum as the Mayor may determine when horsepower is used alone. (1949 Comp., §12.0103)

Sec. 7-21. Moving electric wiring.

No electric wiring across any street in the City shall be required to be removed or disconnected to allow the passage of any building along any street in the City, except at such times as may be determined by the superintendent of public works, and no electric wires shall be raised or lowered, disconnected or reconnected, on account of the moving of any building along any street of the City, except by a duly authorized employee of the City, under the direction of the superintendent of public works. (1949 Comp., §12.0104)

Sec. 7-22. Determination of route.

The route for the moving of any building in any of the streets of the City from one (1) place to another shall be determined by the superintendent of public works, and not otherwise. (1949 Comp., §12.0105)

Sec. 7-23. Red lights at night.

Every building occupying any street in the City in the nighttime, while in transit from one (1) place to another, shall have red lights placed at or near the same to warn the drivers of vehicles of the danger. (1949 Comp., §12.0106)

ARTICLE III

Energy Conservation

Sec. 7-24. Adoption of *International Energy Conservation Code*.

That certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the *International Energy Conservation Code*, 2003 edition, including the Appendix, as published by the International Code Council, be and is hereby adopted as the *Energy Conservation Code* of the City for regulating and governing energy efficient building envelopes and installation of energy

efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Energy Conservation Code* on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-26. (Ord. No. 564, §1(part); Ord. 990, §§1, 2 (Part 2))

Sec. 7-25. Reserved.

Sec. 7-26. Reserved.

Sec. 7-27. Penalties.

(a) It shall be unlawful for any person to erect, construct, renovate, enlarge, alter, repair, improve, convert, equip, use, occupy or maintain any building or structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the *Energy Conservation Code*.

(b) Any person violating any of the provisions of the *Energy Conservation Code*, or of this Article, shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding one (1) year, or by both fine and imprisonment. Each and every day or portion thereof during which any such violation is committed, continued or permitted shall be considered a separate offense.

(c) The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition. (Ord. No. 564, §1(part); Ord. 990, §§1, 2 (Part 2))

ARTICLE IV

Building Contractors

Sec. 7-28. Definitions.

For the purpose of this Article, the following terms or words shall have the meaning herein ascribed to them unless a different meaning appears from the context:

(1) *Contractor* means any person who, for a fixed or determinable sum of money or other compensation, other than wages, undertakes or agrees to undertake for another the construction, alteration, repair, moving or wrecking of any building or structure or any portion thereof.

(2) *Person* includes any individual, whether acting on his or her own behalf or while in the employ of a firm, partnership or association, who is a contractor as hereinabove defined.

(3) *Wages*, as used in this Article, are defined as compensation paid for services measured solely by the time spent in performance of such service multiplied by the rate of compensation per unit of time. (Ord. No. 612, §1(part); Ord. 986, §1)

Sec. 7-29. Registration required; fee.

It shall be unlawful for any contractor, as defined in Section 7-28, to engage in any work or in the business, trade or calling of contractor in the City without having been previously registered by the City

Council to engage in such business. Any such registration or renewal shall expire on December 31st next following its date of issue. Any such registration or renewal shall be issued only upon advance payment of an annual registration fee in such amount as shall, from time to time, be established by resolution of the City Council, which may also declare certain trades licensed by the State to be exempt from payment of the annual registration fee, but not exempt from registration. (Ord. No. 683, §1; Ord. 986, §2)

Sec. 7-30. Exhibition upon request.

It shall be the duty of every person to exhibit any registration provided for in this Article upon request of the Building Official or a law enforcement officer of the City. (Ord. No. 612, §1(part))

Sec. 7-31. Contractor's responsibility.

(a) A contractor, as hereinbefore defined, shall be responsible for determining that all necessary permits have been secured prior to starting construction, and shall be responsible for all work included in the contract or agreement or covered by an issued permit. A contractor shall be responsible for all funds or property received for prosecution or completion of a specific contract or for a specific purpose. Either before or after the issuance of a registration or renewal, the Building Official may, upon his or her own volition, and shall, upon the verified complaint in writing of any person, require any contractor to appear before the City Council for hearing consistent with and pursuant to the provisions of Section 7-33, and the City Council shall have the power and authority to suspend or permanently revoke or refuse registration of the contractor if it is determined by the City Council as a result of such hearing that the contractor has violated any provisions of this Article or for any one (1) or more of the following acts or omissions:

(1) Intentional departure from or disregard of plans or specifications in any material respect without consent of the owner, or his or her duly authorized representative, and the Building Official.

(2) Willful and deliberate disregard and violation of the zoning, building, electrical, plumbing, gas-fitting or other construction-related adopted Codes of the City, or failure to comply with any lawful order of the Building Official.

(3) Misrepresentation of a material fact in obtaining a permit or registration.

(4) The doing of any willful or fraudulent act by the contractor in consequence of which another is substantially injured.

(5) Carelessness or negligence in providing reasonable safety measures for the protection of the occupant or occupants, the owner and the public.

(6) Failure to obtain a permit for any work as required by other professions of this Code or ordinances of the City.

(b) Should the contractor be discharged or abandon the work, he or she shall notify the Building Official in writing of the fact. No further work shall be done until a new contractor has been selected, who shall notify the Building Official of his or her selection to complete the work. (Ord. No. 612, §1(part))

Sec. 7-32. Building permit requires registration.

No building or construction permit shall be issued to any contractor or owner unless such contractor is properly registered under the provisions of this Article. (Ord. No. 612, §1(part))

Sec. 7-33. Registration; suspension; revocation.

No registration shall be suspended or revoked except by action of the City Council after a full hearing upon a verified complaint by the Building Official or by any person directly affected by any violation, default or wrongdoing by the contractor. The contractor shall be given notice of any such hearing and a copy of such complaint served personally or served by certified mail, mailed to the last known address of such contractor at least ten (10) days prior to such hearing, and he or she shall be permitted to be present and be represented by counsel at all stages of such hearing and to present evidence in his or her own behalf. (Ord. No. 612, §1(part))

Sec. 7-34. Violation; penalty.

In addition to the administrative remedy for suspension or revocation provided in the preceding Sections, any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punished by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment; and provided further, each day or portion thereof during which any violation continues shall constitute a separate offense. (Ord. No. 612, §1(part))

ARTICLE V

Mechanical Code

Sec. 7-35. Adoption of *International Mechanical Code*.

That certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the *International Mechanical Code*, 2003 edition, as published by the International Code Council, be and is hereby adopted as the *Mechanical Code* of the City, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Mechanical Code* on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-36. (Ord. No. 678, §1(part); Ord. 913, §1; Ord. 990, §§1, 2 (Part 3))

Sec. 7-36. Reserved.

Sec. 7-37. Penalties.

(a) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain mechanical systems or equipment or cause or permit the same to be done in violation of the *Mechanical Code*.

(b) Any person, firm or corporation who shall violate any of the provisions of the *Mechanical Code*; who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein, and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction within the required time, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

(c) The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition. (Ord. No. 678, §1(part); Ord. 913, §3; Ord. 990, §§1, 2 (Part 3))