

Date \_\_\_\_\_

## BUILDING PERMIT

Building Permit ☐ \$20.00

Liquefied Petroleum Gas Tank Permit ☐ \$40.00

Gallons \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_ Cell Number \_\_\_\_\_

A permit is required before any structure is erected, reconstructed, altered, or added to.

Fee is \$20.00 for a regular permit or a special permit and \$40.00 for a LP permit.

Maps and specifications, along with a specific written statement of what the building will be used for, must accompany this application and building cannot be used for any other purpose.

A lot plan, giving complete description of the real estate involved and showing the location of the building on the real estate and its relation to the lot lines and any existing structures on the lot must also accompany the application. **Front, side and rear set backs must be shown on the drawing.**

**Any variances to the building code now in effect will require a special permit.**

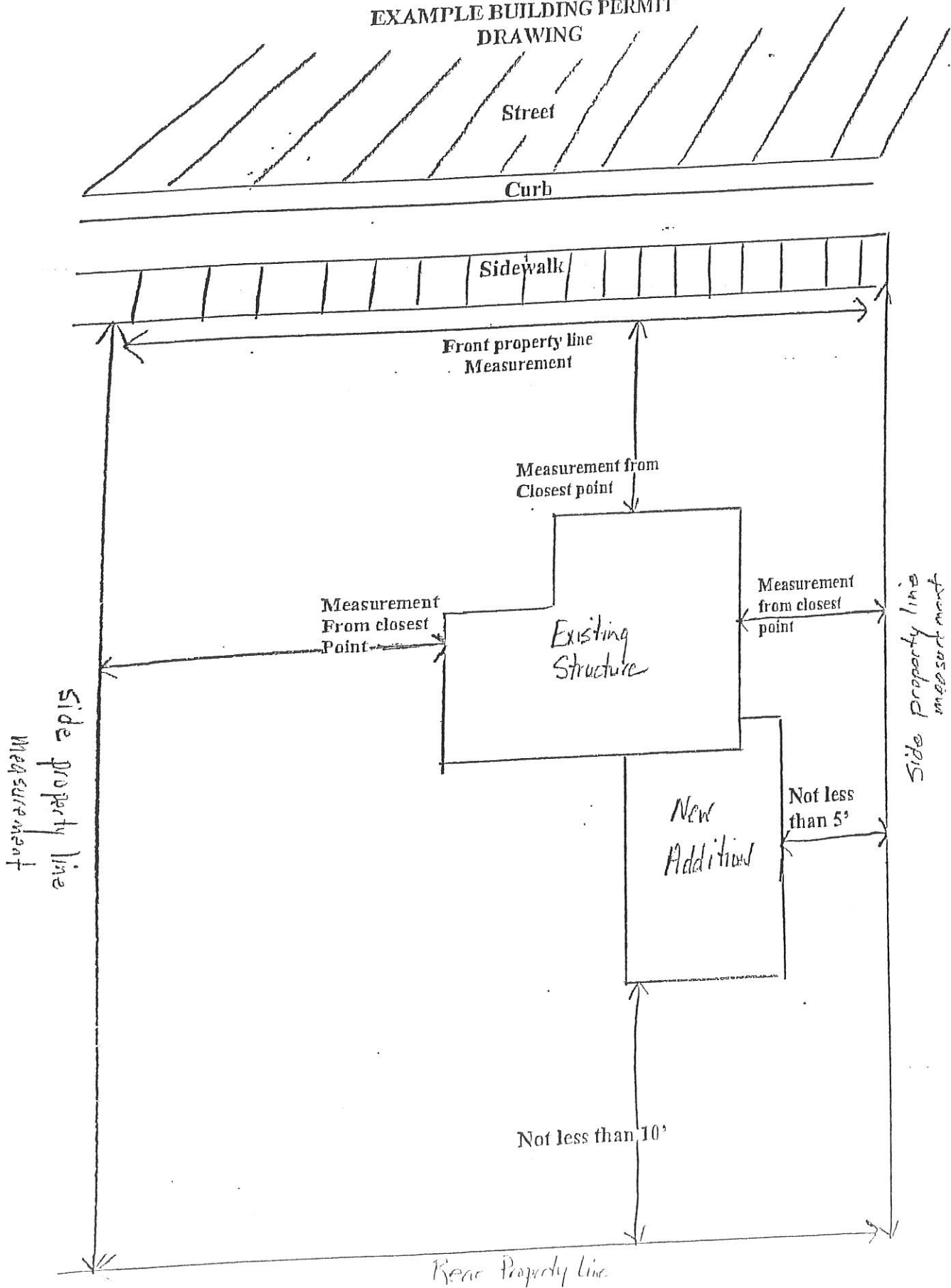
Special permits require application be made to the City Clerk at least seven (7) days prior to the council meeting at which council action is to be taken; and posted at least four (4) days prior to said meeting.  $\frac{3}{4}$  vote of all members of the council is required to grant a special permit.

Any building or structure erected, reconstructed, altered or repaired in violation of the provisions of this ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the District Court and prosecuted in the name of the municipality.

Regular Permit	<input type="checkbox"/>	Preapproved _____
		Approved _____
Special Permit	<input type="checkbox"/>	Preapproved _____
		Approved _____
Liquefied Petroleum Permit	<input type="checkbox"/>	Approved _____

**Note: Should 60% of the resident real estate owners within 200 feet of the proposed building and occupancy object, special permit cannot be granted without unanimous vote of all the members of the council.**

EXAMPLE BUILDING PERMIT  
DRAWING



## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 12 - BUILDING PERMITS**

3-12-1	Purpose	3-12-9	Restrictions
3-12-2	Permit Required	3-12-10	Authority of City Council
3-12-3	Fees	3-12-11	Action to Abate
3-12-4	Plans Required	3-12-12	Permit Void
3-12-5	Plot Plan Filed	3-12-13	Certifying Ordinances
3-12-6	Front Yard Requirements	3-12-14	Permits Issued
3-12-7	Side Yard Requirements	3-12-15	Fences
3-12-8	Rear Yard Requirements		

3-12-1 **PURPOSE.** The purpose of this Chapter is to provide the City Council notice of the type of building, the kind of construction, the location of any building to be erected or added within the City and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of buildings.

3-12-2 **PERMIT REQUIRED.** No buildings or other structures shall be hereafter erected, reconstructed, altered or added to without first securing from the City Council a permit therefor.

3-12-3 **FEES.** There shall be permit fees for the following:

Deck, Balcony and Porch Permits	\$20.00
Fence or Continuous Planting	\$20.00
Garage of Accessory Building	\$20.00
Permanent Structure	\$20.00

(Ord. 9-2002, Passed August 13, 2002)

3-12-4 **PLANS REQUIRED.** Plans and specifications of any proposed building shall be filed with the application for the permit.

3-12-5 **PLOT PLAN FILED.** A complete description of the real estate involved and a plot plan showing the location of the building on the real estate and its relation to lot lines and any existing structures on the lot shall be filed with the application for the permit.

3-12-6 **FRONT YARD REQUIREMENTS.** There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Between Existing Building. 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 sides, or

2. Adjacent to Existing Building. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only within the same block, such may be erected as close to the street as a line drawn from the closest front corner of that building to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed building is to be erected.

3. Double Frontage. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

4. Business District. No front yard shall be required in the business district described as follows:

Properties adjacent to and fronting upon Pearl Street in the 400 and 500 Blocks thereof.

3-12-7 SIDE YARD REQUIREMENTS. No building shall be erected with exterior wall closer than five (5) feet and no overhang closer than three (3) feet to either side lot except in the business district where no side yard is required.

(Ord. 2-94, Passed March 7, 1994)

3-12-8 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each building of not less than ten (10) feet except in the business district where no rear yard is required.

(Ord. 2-94, Passed March 7, 1994)

3-12-9 RESTRICTIONS. No permit for the erection, alteration, use or occupancy of a building or similar structure, except residences, school houses, churches and other similar structures, shall be granted in areas other than within the business district as defined in 3-12-6(4) unless it definitely appears that such erection, alteration, repair, use or occupancy shall not cause or be the source of the following:

(Code of Iowa, 1999, Chapter 414)

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 which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.

3-12-10 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specification submitted.

3-12-11 ACTION TO ABATE. Any building or structure erected, constructed altered or repaired in violation of the provisions of this Chapter shall be deemed unlawful and a nuisance and it shall be abated as described in Section 3-2 of this Code.

(Code of Iowa, 1999, Chapter. 414)

3-12-12 PERMIT VOID. In the event that construction covered by a permit is not initiated and underway within a year from the date of issuance of a permit, such permit shall be deemed void and of no effect.

3-12-13 CERTIFYING ORDINANCES. Within fifteen (15) days of the effective date of the adoption of any amendment establishing or altering set back or yard requirements the City Clerk shall certify such amendment to the County Recorder.

3-12-14 PERMITS ISSUED. Permits shall be issued by the City Clerk in triplicate, one copy for the applicant, one copy for the County Assessor, and one copy to be retained in the City records.

3-12-15 FENCES.

#### Specifications

1. Fences must be erected so that the posts and all other supporting members face to the owner's side. The rough part of the frame shall face the owner's property.

a. Fences shall be oriented in such a manner that the finished side faces the public right of way and adjacent property.

2. The following materials are prohibited for use as a fence: barbed wire, chicken wire, welded wire, woven wire, snow fence, plastic snow fence, plastic safety or barrier fence, and any materials added to an existing fence which would extend the height of the existing fence.

3. Any and all repairs or replacement of existing fences shall comply with the requirements.

~~4. In the Business district properties in 400 and 500 blocks facing Pearl or River Street where someone's back yard is adjacent to someone's front yard all residential fences or continuous plantings shall not exceed (4) four feet in height.~~

5.4. It is the homeowner's responsibility to contact the utility companies and the city of Sabula to locate possible underground lines and cables. The property owner assumes all responsibility for any damage that may occur as a result of construction or placement of the fence. Call Iowa One Call for a location before digging.

#### Residential

1. No residential fence or continuous planting over four (4) feet in height shall be maintained on any front yard.

a. Front yard defined as in building permit ordinance.

b. All lots treated individually as to front yard requirements.

2. No residential fence or continuous planting shall be maintained over (4) four feet in height on corner lot on sides that parallel the streets, at the property intersection facing the street corner the fence or continuous planting shall be set back (5) five feet on each side in order to create a 45 degree angle across the corner facing the street corner for visibility.

3. No residential fences or continuous planting which exceeds seven (7) feet in height will be maintained on any rear yard or side yard.

4. Residential fences may be constructed up to the property line. It is the homeowner's responsibility to determine all property lines.

#### Commercial and Governmental

1. Commercial fences must be set back minimum of 1 foot from the perimeter property lines.

2. Commercial fences shall be chain link with no privacy strips.

3. Commercial fences may extend (7) seven feet in height along perimeter of property.

4. Commercial fences on corner lot must be set back (5) five feet on each side from property intersection in order to create a 45 degree angle facing street corner for visibility.

The City Council will resolve situations not covered in the above ordinance on an individual basis.

City of Sabula

Fence Permit Application

Date \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Address of proposed fence \_\_\_\_\_

Required information:

1. Actual size and shape of lot or property
2. Location, ground area dimensions and identification of all existing buildings, structures, driveways and sidewalks. (Diagram or sketch must be attached.)
  - A. Location of proposed fence, shrub, hedge or wall – must be included on the diagram or sketch.
  - B. Height of fence \_\_\_\_\_
  - C. Type of fence, shrub, hedge or wall \_\_\_\_\_

NOTE: IN GRANTING THIS PERMIT, THE CITY OF SABULA MAKES NO WARRANTY OTHER THAN A PERMIT HAS BEEN REQUESTED AND GRANTED AND THAT THE HEIGHT OF THE FENCE, WALL, SHRUB OR HEDGE (and type of proposed construction) IS IN ACCORDANCE WITH APPLICABLE CITY ORDINANCES AND CODES. THE PERMIT APPLICANT IS SOLEY RESPONSIBLE FOR ENSURING THE CONSTRUCTION IS ON HIS PROPERTY AND DOES NOT CONFLICT WITH ANY CURRENT EASEMENT OR OTHER RESTRICTIONS. FAILURE OF THE APPLICANT TO COMPLY WITH PROPERTY BOUNDARIES OR EASEMENT RESTRICTIONS MAY SUBJECT THE APPLICANT TO CIVIL ACTION OR REMOVAL OF THE CONSTRUCTION AT THE APPLICANT'S EXPENSE.



THE APPLICANT HEREBY DECLARES THE ABOVE HAS BEEN NOTED AND  
COMPLIED WITH.

SIGNATURE OF PROPERTY OWNER \_\_\_\_\_

Application ----- Approved \_\_\_\_\_ Denied \_\_\_\_\_  
(Ord. 3-2005, Passed November 15, 2005)

**ORDINANCE NO. 3-2015**

**AN ORDINANCE TO AMEND TITLE III (COMMUNITY PROTECTION), CHAPTER 12 OF THE CODE OF THE CITY OF SABULA, IOWA ENTITLED BUILDING PERMITS, BY REMOVING THEREFROM THE FOLLOWING SUBSECTION: 3-12-15(4) FOR THE PURPOSE OF ELIMINATING THE HEIGHT REGULATION OF FENCES WITHIN THE 400 AND 500 BLOCKS FACING PEARL OR RIVER STREET WITHIN THE CITY OF SABULA, IOWA.**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SABULA, IOWA:**

SECTION 1. PURPOSE. The purpose of this ordinance is to amend the present Building Permit Ordinance of the City of Sabula to eliminate the height regulation of fences within the 400 and 500 blocks facing Pearl or River Street within the City of Sabula.

SECTION 2. FINDING OF FACTS. The City Council of the City of Sabula, Iowa hereby makes the following findings:

- That unnecessary regulation of residential property within the City of Sabula is detrimental to its citizens.
- That Title III, Chapter 12 (Building Permits) of the City Code of the City of Sabula, Iowa contains a regulation upon residential fence heights within the Business District of the City that is not necessary.


SECTION 3. BUILDING PERMIT ORDINANCE ADOPTED (AS AMENDED). That the attached Building Permits Ordinance is hereby adopted of record as the Building Permits Ordinance for the City of Sabula, Iowa, and shall become effective immediately upon passage.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. 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 adjudicated invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect immediately from and after its date of passage.

Passed by the City Council of the City of Sabula, Iowa on the 26<sup>th</sup> day of October, 2015, and approved this 26<sup>th</sup> day of October, 2015.

  
Mayor Paul Figie

ATTEST:

ORDINANCE NO. 5-2015

AN ORDINANCE TO AMEND TITLE VI (PHYSICAL ENVIRONMENT), CHAPTER 17 OF THE CODE OF THE CITY OF SABULA, IOWA ENTITLED RESTRICTED RESIDENCE DISTRICT, BY ADDING A REQUIREMENT THAT STRUCTURES USED AS GARAGES WHICH ARE IN EXCESS OF 1024 SQUARE FEET OF FLOOR AREA SHALL NOT BE BUILT WITHOUT FIRST HAVING A SPECIAL PERMIT APPROVED FOR SAID CONSTRUCTION.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SABULA, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to require the approval of a special permit prior to the construction of a garage or garages in excess of 1024 square feet of floor area within the Restricted Residence District of the City of Sabula, Iowa.

SECTION 2. FINDING OF FACTS. The City Council of the City of Sabula, Iowa hereby makes the following findings:

- That the ordinance as previously written is unclear, and further clarification is necessary for proper enforcement of the intent of the ordinance.

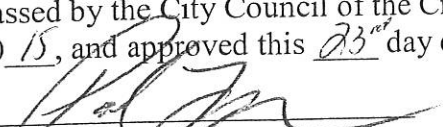
SECTION 3. ORDINANCE ADOPTED (AS AMENDED). That the attached Ordinance is hereby adopted of record as the Restricted Residence District Ordinance for the City of Sabula, Iowa, and shall become effective immediately upon passage.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

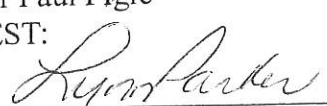
SECTION 5. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect immediately from and after its date of passage.

Passed by the City Council of the City of Sabula, Iowa on the 23<sup>rd</sup> day of November, 20 15, and approved this 23<sup>rd</sup> day of November, 20 15.

  
Mayor Paul Figie

ATTEST:

  
City Clerk Lynn Parker

Adoption Date: \_\_\_\_\_

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 17 - RESTRICTED RESIDENCE DISTRICT

6-17-1	Purpose	6-17-8	Special Permits
6-17-2	Definitions	6-17-9	Protest
6-17-3	District Described	6-17-10	Fees
6-17-4	Buildings Permitted	6-17-11	Action to Abate
6-17-5	Rules and Regulations	6-17-12	Certifying Ordinance
6-17-6	Set Back		
6-17-7	Buildings Requiring Special Permits to Locate Within Restricted Districts		

6-17-1 PURPOSE. The purpose of this Ordinance is to establish a restricted residence district in the City of Sabula, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a special permit is granted in accordance with this Ordinance.

(Code of Iowa, Sec. 414.1 and 414.24)

6-17-2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are exceptions: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating such occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.

2. "School" is a building used for educational purposes, public or private, that is regulated by the state department of public instruction as to curriculum.

3. "Garage" is a structure of no more than 1024 square feet which is used for sheltering motor vehicles or household equipment and/or effects. Structures used for the purpose of sheltering motor vehicles or household equipment and/or effects in excess of 1024 square feet of floor area shall not be considered a residential accessory use, and shall be built only upon approval of a special permit as set forth below, and such structures shall be considered warehouses pursuant to this ordinance.

4. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, a garage, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

(Res. 1027, Passed and Approved July 28, 2014)

5. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-17-3 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established.

The Sabula Restricted Residence District consists of all land area lying within the corporate limits of the City of Sabula.

6-17-4 BUILDINGS PERMITTED. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within such district without first securing from the City Council a special permit therefor after obtaining building permit as provided in Chapter 3-12 of the Sabula Municipal Code.

6-17-5 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted residential districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of special permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said district.

6.17.6 SET BACK. No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty feet, nor shall any construction be required to be built with its front further than thirty (30) feet from said front line. There shall be a rear yard provided for each building of not less than ten (10) feet, except in the business district where no rear yard is required.

(Ord. 1-1994, Passed March 7, 1994)

No residence or other building exempted from the special permit shall be located in the restricted district closer than five (5) feet to the side lot lines, and no accessory building closer than five (5) feet to said side of the compliance of the main foundation with this set back rule. However, any

residence, other building, or accessory building currently located closer than five (5) feet to the side lot lines, may be extended or altered in conformance with lot set back lines. In no case may the residence, other building, or accessory building be located closer to the side lot line than it is currently located.

Any other building granted a permit by the City Council shall be placed at least as far from side lot lines adjacent residential, school, and church-related buildings. All set backs shall be measured from the main foundation line.

6.17.7 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district. Further, the construction and/or placement of a building or structure requiring a special permit that would otherwise violate Section 6-17-6 may be authorized by special permit if it appears that such deviation from set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

6-17-8 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-17-6. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Section 6-17-6. Said application shall be made to the City Clerk at least seven (7) days before the City Council meeting at which City Council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit. Such permit shall require a three-fourths (3/4) vote of all the members of the City Council.

6-17-9 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within two hundred (200) feet of the proposed building and occupancy object thereto, except by a unanimous vote of all the members of the City Council.

(Ord. 5-94, Passed June 6, 1994)

6-17-10 FEES. There shall be no fee required for a special permit under this Ordinance.

6-17-11 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance

and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-17-12 CERTIFYING ORDINANCE. Within fifteen (15) days after this Ordinance becomes effective the City Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.  
(Ord. 3-93, Passed August 2, 1993)



## CHAPTER 5 – BUILDING CONSTRUCTION, DEMOLITION AND MOVING

- 7-5-1 Permit Required
- 7-5-2 Application for Permit
- 7-5-3 Permit Issuance; Generally

- 7-5-4 Special Provisions
- 7-5-5 Insurance Requirements
- 7-5-6 Special Requirements

### 7-5-1 PERMIT REQUIRED.

- A. Activities requiring a permit. It shall be unlawful for any person, firm, or corporation to: 1) demolish a building or portion thereof; or 2) move a building from one location to another across private or public property; or 3) use or occupy the streets or public property for the purpose of erecting, constructing, enlarging, altering, repairing, or remodeling a building or structure; or 4) for storing or using materials, machinery, or equipment in relation thereto; or for engaging in building construction, demolition, or related operations on adjacent streets or public properties, within the city, unless such person obtained a permit therefore in compliance with the provisions of this Chapter and of the Building Code.
- B. Definitions. For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given hereto:
  - a. **BUILDING** Any structure used or intended for supporting or sheltering any use or occupancy, including all public or private garages, barns, shed, residential, commercial, educational, institutional or industrial uses and any accessories thereto.

### 7-5-2 APPLICATION FOR PERMIT.

- A. Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the City. Every such application shall:
  - a. Identify and describe the work to be covered by the permit for which application is made.
  - b. Describe the land on which the proposed work is to be done, by legal description, street address, or similar description that will readily identify and definitely locate the proposed work.
  - c. Indicate the use or occupancy for which the proposed work is intended.



- d. Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection B of this section.
- e. Be signed by the permittee, or the permittee's authorized agent who may be required to submit evidence to indicate such authority.
- f. Be accompanied by proof of insurance as required by this Chapter for the type of permit desired.
- g. Contain a plan for the storage of construction materials and maintenance of the construction site.
- h. Contain a certification from the City of Sabula Public Works Director or the director's designee that all utility services have been properly discontinued, disconnected, and capped under the direction and supervision of said Public Works Director or designee.
- i. Give such other data and information as may be required by the City Council.
- j. Be accompanied by payment of a fee for the issuance of permits under this ordinance in an amount to be established by the City Council.

B. Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in one or more sets with each application for a permit. The Council may require plans, computations, diagrams and specifications to be prepared and designed by an architect or engineer licensed by the State to practice as such. Exception: the City Council by majority vote, may waive the submission of plans, calculations, etc., if the City Council finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Chapter.

C. Information on Plans and Specifications. Plans, specifications and diagrams shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter and all relevant laws, ordinances, rules and regulations. Exception: The City Council may waive the requirements of this subsection if the Council finds that the same are not necessary to obtain compliance with this chapter.

D. Notice to Adjacent Property Owners. The clerk shall direct that the applicant send, not less than ten days after the filing of the application, a notice of the filing of the

application by First Class Mail by all owners of property adjacent to the property to which the permit is issued, describing the demolition and the date when demolition will commence. Prior to the issue of the Permit, the Clerk shall verify with the applicant that the required notice was sent.

7-5-3 PERMIT ISSUANCE. Generally:

A. Issuance.

- a. The application, proof of insurance, plans, specifications, diagrams and other data followed by an applicant for a Permit shall be reviewed by the City Council. Such plans shall also be reviewed by any other departments of the City to verify compliance with any applicable laws or requirements under their jurisdiction. If it is found that the work described in an application for a Permit and the plans, specifications, diagrams and other data filed therewith conform to the requirements of this Chapter and other pertinent laws and ordinances, and that the fees as established by the City Council have been paid, the Mayor shall issue the Permit together with any special conditions which may be attached to and may be a part of the Permit.
- b. Approved plans, specifications and diagrams shall not be changed, modified or altered without authorization from the City Council, and all work shall be done in accordance with the approved plans, specifications and diagrams.

- B. Validity. The issuance or granting of a permit shall not be construed to be a permit for, or a approval of, any violation of any of the provisions of this chapter or of the Sabula Municipal Code of Ordinances. No permit presuming to give authority to violate or cancel the provisions of this chapter or code shall be valid, except insofar as the work or use which it authorized is lawful.

C. Expiration.

- a. Every permit issued by the Mayor in accordance with the provisions of this chapter shall expire by limitation and become null and void if the moving or demolition of the building or structure, or the use of the public property, is not accomplished during

the period of time which is stated on the permit. Such work or use of public property shall cease upon expiration of the permit and shall not be recommenced until a new permit has been obtained by revising or renewing the original application and by payment of a new fee.

- b. Every demolition permit shall expire thirty (30) days from the date of issue, unless the building is part of a demolition project which, because of its complexity or proportions, will require more time, in which instance the original permit may be issued for the approved term of the demolition schedule. Each demolition permit may be renewed for successive additional periods of thirty (30) days; provided, that a fee is paid for each renewal in the same amount as the original demolition permit fee.
- c. Every permit for the use of streets or public property shall expire on the last day for which the permit was issued, as described on said permit, and shall be renewed upon the payment of an additional fee as established by the City Council. Failure to renew the permit for the use of streets or public property shall be considered as due cause for the City Council to order all barricades or fences removed and the public property returned to public availability and use.

D. Suspension or Revocation. The City Council may authorize the Mayor to send a written notice of suspension or revocation of a permit issued under the provisions of this chapter whenever the permit is issued in error, on the basis of incorrect information supplied, failure to comply with permit conditions, or in violation of any ordinance.

#### 7-5-4 SPECIAL PROVISIONS.

A. Transfer of Permits Prohibited. Each moving permit, demolition permit or permit for use of public property shall not be transferrable from one building or building site to another building or building site nor from one person to another.

#### B. Moving Buildings.

- a. A building being moved shall follow the route prescribed on the permit by the City Council. The mover shall coordinate the route with utility companies.

- b. A police escort shall be required for all buildings moved from one location to another within the jurisdictional limits of the city, or moved out of or moved into the jurisdictional limits of the city, utilizing public streets or alleys when in the opinion of the Chief of Police, such escort is necessary to protect the general welfare.
- c. The Chief of Police shall determine the number of personnel for escort service.
- d. The fee established by the City Council shall be paid prior to issuance of a permit to move a building or structure.
- e. The permit applicant shall pay all costs for the trimming of trees and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load.

C. Demolition of Buildings.

- a. All pieces, parts, scraps, debris, combustible material, rubbish or organic material from a building, structure, or portion of a building in the process of being demolished shall be cleaned up and removed from the premises at least once weekly except for streets and public property, which shall be cleaned on a daily basis unless otherwise specified on the permit. Final clean up after the building or structure is demolished shall include the thorough removal of all wood, debris and organic materials, filling of excavations, cisterns, and other depressions with acceptable rubble or earthen fill, and spreading a tillable layer of topsoil over the entire lot to a uniform natural grade consistent with the established adjacent grades.
- b. Demolition work shall include site work as necessary to fill all excavations and to create a smooth and even finish grade capable of supporting vegetation. Materials and specifications for filling and final site work are as follows: only material that will not decompose in the ground shall be used for filling all excavations to within one foot of the top of the surrounding grade. The top one foot of fill material shall be tillable soil, of which the formed aggregate does not exceed one and one half inches. An earthen crown shall be provided at the center of the demolition site to allow for proper site drainage. Final site work shall include the spreading of a grass seed blend

that is suitable for the site and able to provide adequate ground cover and protection from erosion of soil. All mechanical ground work shall be removed from the site of demolition. Foundation walls may be used as solid fill and in all cases shall be removed or collapsed so as to allow burial below grade. Basement and on-grade concrete slabs shall be removed or substantially pulverized to allow adequate drainage. In no case shall excavation fill exceed a volume of two cubic feet.

- c. No pieces, parts, scraps, debris, rubbish, combustible material, organic material or any other material associated with the structure or the demolition thereof shall be burned within the city limits of the City of Sabula, Iowa. If an unlawful burn in accordance with this ordinance is reported and confirmed by any city department, the City Council shall revoke any demolition permit granted here under, and the City Council may assess a fine to the property owner in the amount of \$750 for a first offense, and \$1,000 for all subsequent violations. Such an unlawful burn shall be considered a municipal infraction.
- d. When directed by the City Council, water shall be used to minimize dust when demolishing structures or under any dust producing conditions. As ordered, buildings shall be washed down frequently to keep dust at a minimum.
- e. When an interior wall is exposed because of demolition of an adjoining structure, said wall shall be provided with a weather resistive barrier. No such wall shall be exposed to the weather without the written approval of the Mayor after a majority vote of the Council.
- f. When a demolition project has been abandoned or is found to be unsafe, the City Council may order the unsafe conditions corrected, the building boarded up and the premises barricaded upon failure of the owner or the owner's agent to comply with the order of the Council within seven (7) days, the City Council, after notice and opportunity for hearing, may cause said building or structure to be demolished, the premises cleaned, and suitable drainage grades established. The cost of such demolition, cleaning, and grading shall be assessed to the property as provided by law. This section shall also apply to any site from which a building or structure has been moved.

D. Disconnecting Utility Services. The power in all electric service lines shall be shut off and all such lines cut or disconnected at or outside the moving or demolition area before work is started on the site. Prior to the disconnection of such lines, and prior to obtaining any demolition permit hereunder, the property owner shall notify the Public Works Director or designee, who shall supervise the disconnecting of utility services, which shall be done to the satisfaction of said director or designee, and shall be in compliance with all applicable codes and other requirements. All gas, water, sewer and any other service lines shall be shut off and capped or otherwise controlled at or outside of the moving or demolition area or curb line before moving or demolition work is commenced. In each case, the service company and the Public Works Director shall be notified in advance and their approval obtained by the permittee or property owner in compliance with applicable codes and requirements.

#### 7-5-5 INSURANCE REQUIREMENTS

A. Insurance Required.

- a. Before a permit may be issued for the moving of the building, the applicant therefore shall have filed a Certificate of Comprehensive Public Liability Insurance with coverage limits of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate.
- b. In all other cases where a permit is required by this chapter, a Certificate of Comprehensive Public Liability Insurance shall be provided with coverage limits of not less than \$1,000,000.
- c. The permittee shall not commence work under this chapter until the permittee has obtained all insurance required under this subsection. Certificates of Insurance shall be filed with the City Clerk for approval.
- d. The permittee shall require sub-permittees if any, not protected under the permittee's insurance policies to take out and maintain insurance of the same nature and in the same amounts as required of the permittee for Comprehensive Liability Insurance. The permittee shall not allow any sub-permittee to commence work until all similar

insurance required for the sub-permittee or sub-permittees has been so obtained and approved.

#### 7-5-6 SPECIAL REQUIREMENTS.

- A. Compliance with Regulations Applicable to Moving Buildings. Every person, firm, or corporation obtaining a moving or demolition permit or permit for use of streets or public property shall comply with and faithfully observe and obey all applicable regulations and ordinances of the City now existing or hereafter enacted, and all other applicable laws now existing or hereafter enacted affecting or relating to the moving of houses, buildings, or other structures upon or across public property, or affecting or relating to the demolition of such structures.
- B. Payments of Damages or Loss to City. Every person, firm or corporation obtaining a moving or demolition permit or permit for the use of streets or public property shall pay all damages or loss to the city, that may occur from any act or negligence of said person, firm or corporation, such person's, firm's or corporation's agents or employees, anyone under such person's, firm's or corporation's moving of houses, buildings or other structures upon or across property.

ORDINANCE NO. 7-2015

**AN ORDINANCE PROVIDING FOR DEMOLITION AND MOVING PERMITS;  
APPLICATION PROCEDURES; GUIDELINES FOR PERMIT ISSUANCE; FEES; SPECIAL  
PROVISIONS; PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SABULA, IOWA:**

Section 1. Purpose. The purpose of this Ordinance is to establish demolition and moving permits and to adopt a procedure for the issuance and application of such permits, and for the supervision of demolition and moving within the corporate city limits of Sabula by representatives of the City of Sabula to meet the needs of the City of Sabula, Iowa, and its citizens.

Section 2. Finding of Facts. The City Council of the City of Sabula, Iowa, hereby makes the following findings:

1. That the present City Code of the City of Sabula, Iowa, lacks provisions related to the regulation of structural demolition and the moving of buildings throughout the City, and that such provisions are necessary and appropriate to ensure the safe and orderly demolition and moving of structures within the city limits of the City of Sabula.

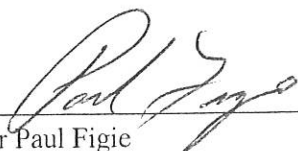
Section 3. Building Construction, Demolition and Moving Ordinance Adopted. That the attached Building Construction, Demolition and Moving Ordinance establishing Title I, Chapter 5, Sections 1 – 6 is hereby adopted as the building construction, demolition and moving ordinance for the City of Sabula, Iowa, and shall become effective on November 1, 2015.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. 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 adjudicated invalid or unconstitutional.

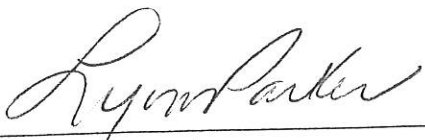
Section 6. When Effective. This ordinance shall be in effect from and after November 1, 2015.

Passed by the City Council of the City of Sabula, Iowa, on the 26<sup>th</sup> day of October, 2015, and approved this 26<sup>th</sup> day of October, 2015.

  
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Mayor Paul Figie



ATTEST:

A handwritten signature in cursive script, appearing to read "Lynn Parker", is written over a horizontal line.

City Clerk – Lynn Parker

Adoption Date: 10-26, 2015.