

## CHAPTER 155

# BUILDING PERMITS

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

*(Code of Iowa, Sec. 364.1)*

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

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

**155.03 PERMIT REQUIRED.** No building or other structure shall be erected, altered or brought within the City without first receiving a permit. A permit is required for work such as new homes, additions, patios, decks, porches, garages, accessory buildings, fences, or for work that would change the outside dimensions of an existing building. A permit is not required for interior remodeling, roofing, window replacement, or siding a building.

*(Section 155.03 – Ord. 2025-1 – Nov. 25 Supp.)*

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

1. Name. The name and address of the applicant.
2. Location. The street address and full legal description of the property.
3. Proposed Work. The nature of work proposed to be done.
4. Use. The use for which the structure is or will be used.

5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, including such floor plans, sections, elevations and structural details, as the Building Official may require. There shall also be filed a diagram or sketch in a form and size acceptable to the Building Official with all dimensions figured, showing accurately the size and location of the lot to be built upon, and the location and size of the building or structure to be erected or altered.

6. Survey. Buildings or structures must be set back fifteen (15) feet from the front property line and five (5) feet from the adjacent property owner(s). If the proposed building or structure will require a variance from the setback requirements, and therefore require Council approval, a property survey must be submitted with the application.

*(Section 155.04 – Ord. 2025-1 – Nov. 25 Supp.)*

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

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

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

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

**155.09 APPLICATOIN APPROVED.** It is the duty of the Building Officials to examine applications for permits within a reasonable time after filing. If, after examination, the Building Officials find no objections to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the Building Officials shall approve the application or amendment to the application themselves or the Building Officials may forward the findings to the Council for its approval or disapproval.

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

**155.11 APPLICATION DENIED; APPEAL.** If the Building Official denies an application for a permit, the reasons for such denial shall be stated and the applicant notified of such denial and of the right to appeal to the Council. The Council upon appeal may affirm, modify, or reverse the determination of the Building Official; provided, however, no application shall be

approved and permit issued which would result in abrogation of the intent and purpose of this chapter.

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

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

**155.12A ACCESSORY STORAGE BUILDING RESTRICTIONS.**

1. Definitions.
  - A. An “accessory storage building” is:
    - (1) A building originally constructed for use as an accessory building for the storage of material and equipment accessory to a primary use located on the property.
    - (2) For purposes of this chapter, shipping containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.
  - B. “Shipping containers” include standardized reusable vessels that were:
    - (1) Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and/or
    - (2) Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers” having a similar appearance to and similar characteristics of shipping containers.
    - (3) No intended to include pre-fabricated garden sheds.

2. Storage on Properties.

A. A Building Permit is required prior to construction of an accessory storage building. The application shall show that the construction of an accessory storage building is accessory to the permitted use of the property and meets the placement criteria for the zone.

B. Only accessory storage buildings defined in Subsection A above shall be permitted as accessory storage buildings on property of the City, or on any property within the City. Accessory storage buildings must be placed in the backyard (area extending between the residential building and the rear of the lot) of the property, and placed not less than five (5) feet from property line. Shipping containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings within the City.

C. Notwithstanding the provisions set forth in Subsection (B) of this section, the temporary placement of shipping containers on residentially zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding one hundred eighty days in any one calendar year without approval for a limited extension from the City's Building Officials. Original permit holder is allowed two placements of the container within the one hundred eighty-day period when listed on the original permit. Denial of any extension by the Building Official can be appealed to the Council.

D. Notwithstanding the provisions set forth in Subsection (B) of this section, all contractors may use shipping containers for the temporary location of an office, equipment and/or materials storage structure during construction which is taking place on the property where the shipping container is located, if the use of the shipping container is authorized pursuant to a City Building Permit. (Exception: with written approval from adjacent lot owner at the time of permit application container may be placed on adjacent property during construction).

E. Shipping containers shall not occupy required off-street parking or City rights-of-way without proper approval and permitting.

F. As a condition of placement, shipping container sites shall be required to meet all applicable building and property maintenance regulations.

G. Material stored within shipping containers are subject to review by Fire Chief. He/she shall conduct such investigation or inspection and make such recommendations that he/she consider necessary. Failure to timely eliminate any fire hazards as recommended by the Fire Chief shall constitute a municipal infraction.

This section shall not apply to pre-fabricated garden sheds or similar structures specifically designed and intended for use on properties for storage purposes and which comply with all City ordinances applicable to detached accessory structures.

3. Nonconforming Uses.

A. All non-conforming shipping containers already within City limits as of March 12, 2025 will be grandfathered in; owners have 60 days to obtain approved Building Permits from the Building Officials or they will be required to be removed immediately, a municipal infraction will incur if the ordinance is not followed.

*(Section 155.12A – Ord. 2025-1 – Nov. 25 Supp.)*

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

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

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

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

**155.17 MUNICIPAL INFRACTION.** In the alternative to nuisance abatement, any building or structure erected, altered, used or occupied in violation of this chapter shall be determined to be a municipal infraction and a violation of City ordinances, and the same may be abated by the City in the manner provided for municipal infractions.

*(Chapter 155 – Ord. 2024-19 – Aug. 24 Supp.)*

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