

# Building Code Administrative Provisions



**CITY OF NETTLETON, MS**



**Building Code  
Administrative Provisions**

Compiled and Prepared  
by

Davis Inspection Services, Inc.

PO Box 7084  
Tupelo, MS 38802

# TABLE OF CONTENTS

<b>SECTION 101 GENERAL</b>	
101.1	Title
101.2	Scope
101.3	Intent
101.4	Referenced Codes

<b>SECTION 102 APPLICABILITY</b>	
102.1	General
102.2	Other Laws
102.3	Application of References
102.4	Referenced Codes and Standards
102.5	Partial Invalidity
102.6	Existing Structures
102.7	Maintenance
102.8	Additions, Alterations and Repairs
102.9	Change in Occupancy
102.10	Moved Buildings
102.11	Appendixes
102.12	Subjects Not Regulated by this Code

<b>SECTION 103 BUILDING DEPARTMENT</b>	
103.1	Creation of Enforcement Agency
103.2	Appointment
103.3	Deputies

<b>SECTION 104 DUTIES AND POWERS OF THE BUILDING OFFICIAL</b>	
104.1	General
104.2	Application and Permits
104.3	Notices and Orders
104.4	Inspections
104.5	Identification
104.6	Right of Entry

104.7	Department Records
104.8	Liability
104.9	Approved Materials and Equipment
104.10	Modifications
104.11	Alternative Materials, Design and Methods of Construction and Equipment

<b>SECTION 105</b>	<b>PERMITS</b>
--------------------	----------------

105.1	Required
105.2	Work Exempt from Permit
105.3	Application for Permit
105.4	Validity of Permit
105.5	Expiration
105.6	Suspension or Revocation
105.7	Placement of Permit

<b>SECTION 106</b>	<b>SUBMITTAL DOCUMENTS</b>
--------------------	----------------------------

106.1	General
106.2	Construction Documents
106.3	Examination of Documents
106.4	Amended Construction Documents
106.5	Retention of Construction Drawings

<b>SECTION 107</b>	<b>FEEES</b>
--------------------	--------------

107.1	Payment of Fees
107.2	Schedule of Permit Fees
107.3	Work Commencing Before Permit Issuance
107.4	Related Fees
107.5	Refunds

<b>SECTION 108</b>	<b>TEMPORARY STRUCTURES AND USES</b>
--------------------	--------------------------------------

108.1	General
108.2	Conformance
108.3	Temporary Power
108.4	Termination of Approval

<b>SECTION 109 INSPECTIONS</b>	
109.1	General
109.2	Preliminary Inspection
109.3	Required Inspections
109.4	Inspection Agencies
109.5	Inspection Requests
109.6	Approval Required

<b>SECTION 110 TRUSS CONSTRUCTION</b>	
110.1	Truss Construction Posted
110.2	Issuance of Certificate of Occupancy

<b>SECTION 111 CERTIFICATE OF OCCUPANCY</b>	
111.1	Use and Occupancy
111.2	Certificate Issued
111.3	Temporary Occupancy
111.4	Revocation

<b>SECTION 112 SERVICE UTILITIES</b>	
112.1	Connection of Service Utilities
112.2	Temporary Connection
112.3	Authority to Disconnect Service Utilities

<b>SECTION 113 APPEALS OF ADMINISTRATIVE DECISIONS</b>	
113.1	General
113.2	Application
113.3	Limitations on Authority

<b>SECTION 114 STOP WORK ORDER</b>	
114.1	Authority
114.2	Issuance
114.3	Unlawful Continuance

<b>SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT</b>	
115.1	General

<b>SECTION 116 VIOLATIONS</b>	
116.1	Unlawful Acts
116.2	Notice of Violation
116.3	Prosecution of Violation
116.4	Violation Penalties

<b>APPENDIXES</b>	
Appendix A	Building Permit Application
Appendix B	Submittal Document Checklist
Appendix C	Building Permit
Appendix D	Temporary Use Permit
Appendix E	Certificate of Occupancy

## SECTION 101 GENERAL

### 101.1 Title.

These regulations shall be known as the *Building Code – Administrative Provisions of Nettleton* and shall be cited as such, and shall be referred herein as “this code.”

### 101.2 Scope.

This code shall regulate the design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of structural, plumbing, electrical, fuel gas and mechanical systems and equipment.

### 101.3 Intent.

The purpose of this code is to establish the minimum standards to safeguard the public health, safety and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

### 101.4 Referenced codes.

The other codes listed in this section and subsections and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

#### 101.4.1 Building.

The provisions of the *International Building Code* shall apply to the construction, *alteration*, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such buildings or structures.

**Exception:** Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three stories above *grade plane* in height with a separate *means of egress* and their accessory structures shall comply with the *International Residential Code*.

#### 101.4.2 Gas.

The provisions of the *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

#### 101.4.3 Mechanical.

The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

#### 101.4.4 Plumbing.

The provisions of the *International Plumbing Code* shall apply to the installation, *alteration*, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

#### 101.4.5 Electrical.

The provisions of the *National Electrical Code* shall apply to the installation, *alteration*, repair and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances.



## **SECTION 102 APPLICABILITY**

### **102.1 General.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

### **102.2 Other laws.**

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

### **102.3 Application of references.**

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

### **102.4 Referenced codes and standards.**

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

#### **102.4.1 Conflicts.**

Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

#### **102.4.2 Provisions in referenced codes and standards.**

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the International Codes listed in Section 101.4, the provisions of this code or the International Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

### **102.5 Partial invalidity.**

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

### **102.6 Existing structures.**

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *Property Maintenance Code* or the *International Fire Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

### **102.7 Maintenance.**

Structural, Plumbing, Mechanical, and Electrical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required by this code shall be maintained in compliance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the systems and equipment. To determine compliance with this provision, the code official shall have the authority to require that the structures, systems and equipment be reinspected.

### **102.8 Additions, alteration and repairs.**

Additions, alterations, renovations and repairs to structural, plumbing, mechanical and electrical systems and equipment shall conform to that required for new systems and equipment without requiring that the existing systems or equipment comply with all of the requirements of this code. Additions, alterations and repairs shall not cause existing systems or equipment to become unsafe, hazardous, overloaded or unsanitary. Minor additions, alterations, renovations and repairs to existing systems and equipment shall meet the provisions for new construction, except where such work is performed in the same manner and arrangement as was in the

existing system, is not hazardous and is approved.

#### **102.9 Change in occupancy.**

It shall be unlawful to make a change in the occupancy of any structure that will subject the structure to any special provision of this code applicable to the new occupancy without approval. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to public health, safety or welfare.

#### **102.10 Moved buildings.**

Structural, plumbing, mechanical and electrical systems and equipment that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

#### **102.11 Appendices.**

Provisions in the appendices of the referenced codes shall not apply unless specifically adopted.

#### **102.12 Subjects not regulated by this code.**

Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of nationally recognized standards as are approved shall be deemed as *prima facie* evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

### **SECTION 103 BUILDING DEPARTMENT**

#### **103.1 Creation of enforcement agency.**

The Building Department is hereby created and the official in charge thereof shall be known as the *building official*.

#### **103.2 Appointment.**

The *building official* shall be the Mayor of the jurisdiction.

#### **103.3 Deputies.**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. The municipality may also retain *approved agencies* to serve as the deputy building official, the related technical officers, inspectors, plan examiners, and similar positions as approved by the governing authority. Such employees, or *approved agencies*, shall have powers as delegated by the *building official*.

### **SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL**

#### **104.1 General.**

The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

#### **104.2 Applications and permits.**

The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

### **104.3 Notices and orders.**

The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

### **104.4 Inspections.**

The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

### **104.5 Identification.**

The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

### **104.6 Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

### **104.7 Department records.**

The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

### **104.8 Liability.**

The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

### **104.9 Approved materials and equipment.**

Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

#### **104.9.1 Used materials and equipment.**

The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

### **104.10 Modifications.**

Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter

of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Department.

#### **104.10.1 Flood hazard areas.**

The *building official* shall only grant modifications in *flood hazard areas* in accordance with the relevant sections of the *Flood Damage Prevention Ordinance*.

#### **104.11 Alternative materials, design and methods of construction and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

##### **104.11.1 Research reports.**

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

##### **104.11.2 Tests.**

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

## **SECTION 105 PERMITS**

### **105.1 Required.**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

### **105.2 Work exempt from permit.**

Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

#### **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet.
2. Pre-fabricated detached accessory structures used as tool and storage sheds, playhouses, carports, and similar uses, provided the floor area is not greater than 240 square feet.
2. Fences not over 7 feet high.
3. Oil derricks.

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, counter tops 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 that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwelling*s.
12. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Decks not exceeding 200 square feet in area, that are not more than 30 inches above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section 311.4 of the *International Residential Code*, 2012 Edition.
15. Farm Structures, including, but not limited to, barns, sheds and poultry houses, but not public livestock houses. Conversion of a Farm Structure into a use not specifically exempted by this section would require a permit.

**Electrical:**

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.
2. 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 a power supply and the installations of towers and antennas.
3. 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.
4. *Listed* cord-and-plug connected temporary decorative lighting.
5. Reinstallation of attachment plug receptacles but not the outlets thereof.
6. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
7. Electrical wiring, devices, *appliances*, apparatus or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

**Fuel Gas:**

1. Portable heating, cooking or clothes drying *appliances*.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are connected to a fixed piping system and are not interconnected to a power grid.

**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 that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.
8. Portable-fuel-cell appliances that are connected to a fixed piping system and are not interconnected to a power grid.

**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.

**105.2.1 Emergency repairs.**

Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

**105.2.2 Ordinary or Non-Emergency Repairs.**

Application or notice to the *building official* is not required for ordinary repairs to structures, re-shingling roofs, or similar. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**105.2.3 Public service agencies.**

A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public

service agencies by established right.

### **105.3 Application for permit.**

To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the Building Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.
2. 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 building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information, as required in Section 106.
5. State the valuation of the proposed work, if available.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

#### **105.3.1 Action on application.**

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable.

#### **105.3.2 Time limitation of application.**

An application for a *permit* for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

### **105.4 Validity of permit.**

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

### **105.5 Expiration.**

Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 30 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 90 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. At the option of the *building official*, requests for extensions to a *permit* may be referred to the board of aldermen for final determination.

### **105.6 Suspension or revocation.**

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code

wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or if the issuance of such *permit* was in violation of any ordinance or regulation or any of the provisions of this code.

#### **105.7 Placement of permit.**

The building *permit* or copy shall be kept at the site of work and shall be available upon demand to the *building official* or any duly authorized representative.

### **SECTION 106 SUBMITTAL DOCUMENTS**

#### **106.1 General.**

Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical reports and other data shall be submitted in two or more sets with each *permit* application for non-residential construction projects. The *construction documents* for all non-residential projects of 5,000 square feet or greater in size shall be prepared by a *registered design professional*, or when otherwise required by state statute. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

**Exception:** The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

#### **106.2 Construction documents.**

*Construction documents* shall be in accordance with Sections 106.2.1 through 106.2.6.

##### **106.2.1 Information on construction documents.**

*Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *building official*. *Construction documents* 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 code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

##### **106.2.2 Fire protection system shop drawings.**

Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in the *International Fire Code – Chapter 9*.

##### **106.2.3 Means of egress.**

The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

##### **106.2.4 Exterior wall envelope.**

*Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.



The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system which was tested, where applicable, as well as the test procedure used.

#### **106.2.5 Energy Efficiency Details.**

The *construction documents* submitted with the application for *permit* for commercial construction shall show all pertinent data and features of the building equipment, and systems in sufficient detail for the determination of compliance by the *building official* with ANSI/ASHRAE/IES 90.1-2010. This documentation may be supplemented with calculations, worksheets, compliance forms, vendor literature or other data.

#### **106.2.6 Site plan.**

The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, *design flood* elevations, and other requirements as specified in the *Zoning Ordinance*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

##### **106.2.6.1 Design flood elevations.**

Where *design flood* elevations are not specified, they shall be established in accordance with the *Flood Damage Prevention Ordinance*.

#### **106.3 Examination of documents.**

The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

##### **106.3.1 Approval of construction documents.**

When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

##### **106.3.2 Previous approvals.**

This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

##### **106.3.3 Phased approval.**

The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

#### **106.3.4 Design professional in responsible charge.**

When it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the owner to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

##### **106.3.4.1 Deferred submittals.**

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official* within a specified period.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

#### **106.4 Amended construction documents.**

Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

#### **106.5 Retention of construction documents.**

One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

### **SECTION 107 FEES**

#### **107.1 Payment of fees.**

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

#### **107.2 Schedule of permit fees.**

On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

#### **107.3 Work commencing before permit issuance.**

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a penalty equal to 100% of the actual permit fee, not to exceed \$1,000. This penalty shall be in addition to the required *permit* fees. The building official, at his discretion, and with just cause given may waive this penalty.

#### **107.4 Related fees.**

The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

#### **107.5 Refunds.**

Once a permit has been issued, requests for refunds can be submitted within 10 days of the date of issuance. The permit applicant must submit a written request to the *building official* for a refund. Refunds will not be made if work has already commenced or inspections made under the authority of the permit. The amount refunded will be equal to the permit fee, less any administrative or processing fees charged by the jurisdiction.

### **SECTION 108 TEMPORARY STRUCTURES AND USES**

#### **108.1 General.**

The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause, not to exceed 30 days. Extensions for greater than 30 days may only be granted with the approval of the Board of Aldermen. No such approval shall be granted in violation of the *Zoning Ordinance*.

#### **108.2 Conformance.**

Temporary structures and uses shall conform to the structural strength, fire safety, *means of egress*, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

#### **108.3 Temporary power.**

The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

#### **108.4 Termination of approval.**

Should a temporary structure or use come to be in noncompliance with these regulations, or any other ordinances, statutes or applicable codes at any time during the time authorized by the *permit*, the *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

### **SECTION 109 INSPECTIONS**

#### **109.1 General.**

Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

#### **109.2 Preliminary inspection.**

Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

### **109.3 Required inspections.**

The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

#### **109.3.1 Footing and foundation inspection.**

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

#### **109.3.2 Plumbing, mechanical, gas and electrical systems inspection.**

Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or *appliances* are set or installed, and prior to framing inspection.

**Exception:** Backfilling of ground-source heat pump loop systems tested in accordance with Section 2105.1 of the *Mechanical Code* prior to inspection shall be permitted.

#### **109.3.3 Concrete slab and under-floor inspection.**

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

#### **109.3.4 Lowest floor elevation.**

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 of the *Building Code* shall be submitted to the *building official*.

#### **109.3.5 Frame inspection.**

Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

#### **109.3.6 Energy Efficiency inspection.**

Energy Efficiency inspections shall be made after all wall, roof/ceiling, floor/slab insulation, glazing fenestration, continuous air barriers and applicable vapor retarders are in place. Such insulation, fenestration and retarders shall not be concealed until *approved*.

#### **109.3.7 Fire- and smoke-resistant penetrations.**

Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

#### **109.3.8 Other inspections.**

In addition to the inspections specified in Section 110.3, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Department.

#### **109.3.9 Special inspections.**

For *special inspections*, see Chapter 17 of the Building Code.

#### **109.3.10 Final inspection.**

The final inspection shall be made after all work required by the building *permit* is completed.

##### **109.3.10.1 Flood hazard documentation.**

If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in Section 1612.5 of the *Building Code* shall be submitted to the *building official* prior to the

final inspection.

#### **109.4 Inspection agencies.**

The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

#### **109.5 Inspection requests.**

It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

#### **109.6 Approval required.**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

### **SECTION 110 TRUSS CONSTRUCTION**

#### **110.1 Truss construction posted.**

For any new structure subject to the provisions of the building code with a floor or ceiling constructed with truss construction an emblem shall be affixed to the exterior of the structure identifying the presence of truss construction.

##### **110.1.1 Truss emblem specifications.**

The truss construction emblem referred to in Section 110.1 shall be affixed to the left of the main entrance door at a height between four (4) feet and six (6) feet above the grade plane. The emblem shall be of a bright and reflective color or made of a reflective material; be in the shape of an isosceles triangle measuring six (6) inches horizontally and three (3) inches vertically; have conspicuously printed on it "F" for floor truss construction, "R" for roof truss construction, or "F/R" to signify both floor and roof truss construction.

#### **110.2 Issuance of certificate of occupancy.**

A certificate of occupancy required by Section 111 shall not be issued until the truss construction sign, required by Section 110.1, has been posted in accordance with these regulations.

### **SECTION 111 CERTIFICATE OF OCCUPANCY**

#### **111.1 Use and occupancy.**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.

#### **111.2 Certificate issued.**

After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Building Department, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the Building Code.
9. The type of construction as defined in Chapter 6 of the Building Code.
10. The design *occupant load*.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. If the building is constructed with roof or floor trusses, or both.
13. Any special stipulations and conditions of the building *permit*.

### **111.3 Temporary occupancy.**

The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid, not to exceed 90 days.

### **111.4 Revocation.**

The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

## **SECTION 112 SERVICE UTILITIES**

### **112.1 Connection of service utilities.**

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

#### **112.1.1 Re-establishment of fuel gas service.**

No person shall reestablish a connection from a natural gas utility, or source of fuel, to any building or system that has been disconnected for longer than 180 days, without first obtaining a *permit* and the *building official* conducting a test of the system to verify the fuel gas system is free of leaks or defects in violation of the *Fuel Gas Code*.

### **112.2 Temporary connection.**

The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

### **112.3 Authority to disconnect service utilities.**

The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## **SECTION 113 APPEALS OF ADMINISTRATIVE DECISIONS**

### **113.1 General.**

The Board of Aldermen is hereby authorized to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code.

### **113.2 Application.**

The application for appeal shall be filed in writing with the *building official* within 20 days after the relevant order, decision or determination was issued.

### **113.3 Limitations on authority.**

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have the authority to waive requirements of this code, provided such waiver is in compliance with the intent and purpose of this code and that such waiver does not lessen health, accessibility, life and fire safety, or structural requirements

## **SECTION 114 STOP WORK ORDER**

### **114.1 Authority.**

Whenever the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

### **114.2 Issuance.**

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

### **114.3 Unlawful continuance.**

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be issued a citation and subject to fines and penalties not to exceed one-thousand dollars (\$1,000), or up to 30 days in jail. Each day such condition persists shall be counted as a separate offense.

## **SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT**

### **115.1 General.**

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or

inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as specified in the *Property Maintenance Code*.

## **SECTION 116 VIOLATIONS**

### **116.1 Unlawful acts.**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

### **116.2 Notice of violation.**

The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

### **116.3 Prosecution of violation.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be issued a summons to appear in Municipal Court. Such violations shall be considered a strict liability offense.

### **116.4 Violation penalties.**

Any person having violated a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be deemed guilty of a misdemeanor and subject to fines and penalties not to exceed one-thousand dollars (\$1,000), or up to 30 days in jail. The Municipal Court shall also issue orders and directives to the offending party or parties to take immediate actions to restrain, correct or abate such violation, up to and including the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.