

CHAPTER 7

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CHAPTER 7

BUILDING REGULATIONS

ARTICLE I. IN GENERAL

SECTION 7-1. ESTABLISHMENT OF OFFICE OF BUILDING INSPECTOR.

The office of building inspector is hereby created and the executive official in charge shall be known as the building inspector.

SECTION 7-2. DUTIES OF BUILDING INSPECTOR.

- (a) The building inspector shall receive applications required by this Code, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the building code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- (b) Inspections required under the provisions of the building code shall be made by the building inspector or his duly appointed assistant. The building inspector may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- (c) The building inspector shall keep comprehensive records of applications, or permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.
- (d) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the building inspector without his written consent.
- (e) The building inspector shall make written reports to the city council once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

SECTION 7-3. COOPERATION OF OTHER OFFICIALS.

The building inspector may request and shall receive, so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other city officials and employees.

SECTION 7-4. RIGHT OF ENTRY.

The building inspector in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises under construction or where a building permit has been issued, at any reasonable hour. (Refer to Section 104.6 of the IRC Code Book.)

SECTION 7-5. PERMITS REQUIRED; FEES

- (a) 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.
- (b) No permit as required by the building code shall be issued until the fee prescribed in this section shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated costs of the building or structure, shall have been paid.
- (c) Any person who shall commence any work for which a permit is required by this division without first (1st) having obtained a permit, shall pay double the permit fee fixed by this section for such work, provided however, that this shall not apply to emergency work when it is not practical to obtain a permit therefore before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.
- (d) For a permit for the construction or alteration of a building or structure, the fee shall be at the rates set forth by the resolution of the city council.
- (e) Every applicant for a permit to do work regulated by this division shall state in writing on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto, as may be required.
- (f) When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling of private sewage disposal facilities abandoned consequent to such connection is included in the permit.

SECTION 7-6. EXCAVATIONS; BARRICADES/WARNING DEVICES REQUIRED.

It shall be unlawful for any person to dig or maintain any cellars, pits, or additional excavations without providing adequate protection to persons and property in the form of barricades and warning devices. After an excavation is commenced, the person causing such excavation to be made, shall proceed with diligence and shall promptly complete such work; provided, further, that in the event any such excavation remains uncovered for a period in excess of fifteen (15) days, a fence or other protective barrier as deemed appropriate by the building inspector shall be erected around such excavation.

SECTION 7-7. REMOVAL OF DEBRIS, LITTER, MATERIALS, ETC. UPON COMPLETION OF CONSTRUCTION.

Any person, partnership, corporation, contractor or other legal entity who alters, constructs, repairs or adds to any building or structure or excavates, landscapes, improves or otherwise changes any lot or cellar shall within twenty (20) days after completion of the same, remove all materials, debris, waste, litter, and rubbish arising from such work and shall clean up the premises thereabout.

SECTION 7-8. BOUNDARY MARKERS/NUMBERING OF HOUSES.

- (a) It shall be the responsibility of any person entering upon the property of another, to preserve the condition and location of boundary markers thereon.
- (b) Any person who shall damage or dislocate any boundary marker on the property of another shall be responsible for replacing such dislocated or damaged boundary marker, at that person's own expense.
- (c) Requirements for house numbers to accommodate and assist the location of buildings and structures within the city are as follows:
 - (1) Every building or structure located within the corporate limits of the City of Kemmerer, Wyoming, shall be equipped with house or building numbers with a minimum size in height of four inches (4").
 - (2) The location of said required numbers shall be visible from the street with contrasting colors.

SECTION 7-9. SAVING CLAUSE.

Nothing in this chapter or in the building code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

SECTION 7-10. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

SECTION 7-11. PENALTY.

- (a) Any person who shall violate any of the provisions of this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under or any certificate or permit issued hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each seven (7) days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 7-12. RESERVED

SECTION 7-13. RESERVED

ARTICLE II. REGULATORY CODE

DIVISION I. COMMERCIAL BUILDING CODE

SECTION 7-14. INTERNATIONAL BUILDING CODE ADOPTED; AMENDMENTS.

- (a) The current edition of the International Building Code, including appendices chapters A, B and J, are hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.
- (b) The following sections of the International Building Code are amended, deleted, or added as follows:
 - (1) Section 105.5 shall include the sentence “In no case will permit be valid for more than two (2) years.”
 - (2) Section 1805.4.2 shall include the sentence “Concrete footings shall be 8" x 16", minimum and reinforced with at least 3-#4 bars.”

- (3) Section 1805.4.6 is deleted.
- (4) Section 1805.5 shall include the sentence “All concrete foundation walls will be minimum 8" thick and reinforced with #4 bar 18" on center horizontally and vertically, unless designed by a registered design professional.”
- (5) Chapters 13 and 27 are deleted.
- (6) The opening paragraph of Appendix B Section 101.2.2 is amended to read “It is recommended that the board of appeals consist of five individuals, one from each of the following professions or disciplines:” the remaining subparagraphs numbered 1 through 5 shall remain the same.

SECTION 7-15. PERMIT EXCEPTIONS - RESERVED

DIVISION II. INTERNATIONAL RESIDENTIAL CODE ADOPTED; AMENDMENTS.

SECTION 7-16. INTERNATIONAL RESIDENTIAL CODE ADOPTED

- (a) The current edition of the International Residential Code, including appendices chapter A, B and C excepting those sections specifically deleted or amended herein, as adopted by resolution, are hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.
- (b) The following sections of the current edition of the International Residential Code are amended, deleted or added as follows:
 - (1) Table R301.2 (1) shall be completed with the following information:
 - Roof Snow Load = 40 lbs. per square foot
 - Wind Speed = 90 mph
 - Seismic Design Category = C
 - Weathering = Severe
 - Frost Line Depth = 42"
 - Termite = none to sight
 - Decay = none to sight
 - Winter Design Temp = -30F
 - Ice Shield Underlayment Required = Yes
 - Flood Hazard = 2000 FIRM
 - Air Freezing Index = 2282
 - Mean Annual Temp = 42.7F
 - (2) Section 105.2 subparagraph 1 shall read 120 square feet (11.15m²) instead of 200 square feet (18.58m²).

- (3) Section 402.1 is deleted.
- (4) The words, "wood foundations" shall be deleted from Section 403.1.
- (5) Section R403.1.3.1 is amended to read, "Foundations with stem walls. Foundations with stem walls shall be at least 8" x 16" and be provided with a minimum of 3 - #4 bars in the footing."
- (6) Section 403.2 is deleted.
- (7) Section R404.1.2 is amended to read, "Concrete Foundation Walls. Concrete Foundation walls shall be minimum 8" thick and reinforced with #4 bars 18" on center vertically and horizontally, unless designed by a registered design professional."
- (8) Section R404.2 is deleted.
- (9) Section 405.2 is deleted.
- (10) Chapter R313 requiring fire sprinklers in detached 1- and 2- family dwellings and town houses not more than 3 stories above grade with separate means of egress, and their accessory structures not more than three stories in height is deleted.
- (11) Chapter P2904 describing installation requirements of fire sprinklers is deleted.

SECTION 7-17. PERMIT EXCEPTIONS

- (a) Other than storm shelters, one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
- (b) Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- (c) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- (d) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (e) Prefabricated swimming pools that are less than 24 inches deep.
- (f) Swings and other playground equipment.
- (g) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

- (h) Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below are not part of an accessible route.
- (i) Shade cloth structures constructed for nursery or agricultural purposes, not including services systems.
- (j) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
- (k) 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 R3111.4 of the International Residential Code.

DIVISION III. ELECTRICAL CODE

SECTION 7-18. NATIONAL ELECTRICAL CODE ADOPTED.

The current edition of the National Electrical Code, as adopted by resolution, is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk or city building inspector for examination and inspection.

SECTION 7-19. PERMIT EXCEPTIONS

- (a) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (b) 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.
- (c) 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.

SECTION 7-20. EXISTING INSTALLATIONS.

Any electrical system lawfully installed prior to the effective date of this chapter may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to the public health, safety or welfare has been created by such system.

DIVISION IV. PLUMBING CODE

SECTION 7-21. INTERNATIONAL PLUMBING CODE ADOPTED.

All plumbing within the city shall be installed, repaired and maintained in accordance with the current edition of the International Plumbing Code, including all Appendices. The current edition of the International Plumbing Code, as adopted by resolution, is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.

SECTION 7-22. PERMIT EXCEPTIONS

- (a) 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.
- (b) 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.

DIVISION V. MECHANICAL CODE

SECTION 7-23. INTERNATIONAL MECHANICAL CODE ADOPTED

All heating systems, ventilating systems, cooling systems, refrigeration systems, incinerators or other miscellaneous heat-producing appliances within the city shall be installed, repaired and maintained in accordance with the current edition of the International Mechanical Code, including all Appendices. The current edition of the International Mechanical Code is hereby by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.

SECTION 7-24. PERMIT EXCEPTIONS

- (a) Portable heating appliance.
- (b) Portable ventilation equipment.
- (c) Portable cooling unit.
- (d) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
- (e) Replacement of any part that does not alter its approval or make it unsafe.
- (f) Portable evaporative cooler.
- (g) Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

DIVISION VI. PROPERTY MAINTENANCE CODE

SECTION 7-25. INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

- (a) The current edition of the International Property Maintenance Code, as adopted by resolution, is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk or city building inspector for examinations and inspection.
- (b) That section 302.4 of the current edition of the International Property Maintenance Code is amended to read, "Average of eight (8) inches as the maximum weed height."

DIVISION VII. FUEL GAS CODE

SECTION 7-26. INTERNATIONAL FUEL GAS CODE ADOPTED.

The current edition of the International Fuel Gas Code, as adopted by resolution, is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk or city building inspector for examination and inspection.

SECTION 7-27. PERMIT EXCEPTIONS

- (a) Portable heating appliance.
- (b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

DIVISION VIII. FIRE CODE.

SECTION 7-28. INTERNATIONAL FIRE CODE ADOPTED.

The current edition of the International Fire Code, including appendix chapters A, B, C, D, E, F and G, as adopted by resolution, is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk or city building inspector for examination and inspection.

DIVISION IX. EXISTING BUILDING CODE.

SECTION 7-29. INTERNATIONAL EXISTING BUILDING CODE ADOPTED.

The current edition of the International Existing Building Code, as adopted by resolution, is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk of city building inspector for examination and inspection.

SECTION 7-30. PERMIT EXCEPTIONS

Building:

- (a) Sidewalks and driveways not more than 30 inches above grade and not over any basement or story below and that are not part of an accessible route.
- (b) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- (c) Temporary motion picture, television, and theater stage sets and scenery.
- (d) Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
- (e) Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
- (f) Movable cases, counters, and partitions not over 69 inches in height.

Electrical:

- (a) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (b) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers, and antennas.
- (c) 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.

ARTICLE III. MOVING OF STRUCTURES

SECTION 7-31. PERMIT REQUIRED.

No person shall move any building, house, or other structure in excess of 10 feet wide, 16 feet long and 10 feet in height on or over any of the streets, alleys or other property in the city without first having secured a permit from the City Building Official to do so; provided however, structure does not include mobile homes as defined in Section 12-2.

SECTION 7-32. APPLICATION FOR PERMIT; INSPECTION OF STRUCTURES; COMPLIANCE WITH ORDINANCES, ETC.

Any person, firm or corporation desiring or intending to move any structure shall make written application for the permit required by Section 7-33 which shall set forth the kind, size and height of the structure to be moved, the location from which, and to which, the same is to be moved,

and the route to be followed as approved by the city. The structure shall be inspected by the building inspector and the applicant shall agree to conform with the Zoning, Building, Electrical, Plumbing Codes and all other pertinent provisions of this Code or other city ordinances.

SECTION 7-33. PERMIT - FEE.

- (a) In addition to the fees set in Section 7-38, the permit fee shall be One Hundred Twenty-Five Dollars (\$125.00).
- (b) Where work, for which a permit is required by this article, is started or proceeded with prior to obtaining the required permit, the fees required by this article shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with requirements of this article.

SECTION 7-34. MOVE TO BE EXPEDITIOUS; DEVIATION FROM ROUTE; APPROVED BY OFFICIALS; TIME OF MOVE.

It shall be the duty of a permittee to move the structure for which a permit is granted as expeditiously as possible and deviation from the assigned route shall not be made except with prior approval. Before the city grants the permit, the permit seeker shall provide due proof that the application and route for moving has been approved by the chief of police, the chief of the fire department and other city officials where appropriate.

The moving permit shall disclose the time when moving operators will commence.

SECTION 7-35. CUTTING OF WIRES, ETC.; NOTICES; OWNER TO CUT.

- (a) If the cutting or wires or removal of poles is necessary for the moving of any structure, the person so desiring the same shall give the owner of such wires or poles at least thirty-six (36) hours written notice of such desire.
- (b) The owner, or his agents or employees, or any wires, poles or other structures which must be temporarily removed to permit moving of structures shall remove such structures to permit passage of the structure. No one other than the owner thereof, or the owner's agent or employee, shall remove or injure any wire, pole or other structures.

SECTION 7-36. HEIGHT LIMITATION.

No building shall be moved on or over the streets or alleys of the city if the overall height of the building and the means of conveyance exceed eighteen feet (18'); provided, however, the Building Official may grant a special permit for the movement of structures falling within this section. Additional fees may be charged by the city council for the movement of such structures.

SECTION 7-37. OCCUPANCY OF STRUCTURE WHILE IN TRANSIT.

No structure which is being moved on or over the streets, alleys or property of the city shall be occupied while in transit.

SECTION 7-38. MACHINING; DAMAGE LIABILITY BOND; EXPENSE DEPOSIT; STREET OCCUPANCY FEE.

Before the permit required by Section 7-33 is issued, the applicant shall supply the following:

- (a) Assurance that he has adequate machinery, appliances and equipment for the proper and safe move.
- (b) Personal and property damage bond in the amount of Ten Thousand Dollars (\$10,000.00) as protection to persons and property against damage by the moving operations; provided no bond shall be required for modular or mobile home structures whose outside dimensions are fourteen feet (14') by 60 feet (60'), or less.
- (c) A cash deposit in the minimum amount Of Five Thousand Dollars (\$5,000.00) to insure payment of any expenses of cutting wires and reuniting same and moving and replacing poles and any other expenses which may arise as a result of such move.
- (d) A fee of One Thousand Dollars (\$1000.00) for each and every day or part thereof, that such structure is occupying any street, alley or public property.

SECTION 7-39. PROTECTION OF STREETS, SIDEWALKS AND OTHER PROPERTY.

The permittee shall protect any streets, sidewalks, alleys or other property traversed and trees and shrubs upon or adjoining such area from injury.