

## CHAPTER 18

### Building Regulations

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**ARTICLE I**

**Building Regulations**

**Sec. 18-1. Title.**

This Chapter shall be known as the "Building Ordinance," and may be cited as such. (Prior code IV-3-1; Ord. 194 §1, 1995)

**Sec. 18-2. Scope and definitions.**

(a) The purpose of this Chapter is to provide minimum standards to safeguard health, property and public welfare by regulating and controlling certain features of the design, construction, alteration, repair, maintenance and occupancy of all buildings and structures within the corporate limits of the Town.

(b) For purposes of this Chapter, the term *building* means all houses and appurtenances thereto, garages, the police building and all other enclosed structures capable of holding people. The term *structures* means all fences, swimming pools, tennis courts, patios, decks, gazebos, sheds, antennae (including dish antennae), solar panels or collectors, greenhouses, pillars or posts, nonportable playground equipment and all other improvements not included with the term *buildings*. (Prior code IV-3-2; Ord. 194 §1, 1995)

**Sec. 18-3. Compliance.**

(a) All construction of new buildings and structures shall comply with this Article.

(b) Additions, alterations, improvements and repairs to all existing buildings and structures shall comply with this Article.

(c) All buildings or structures, both existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. The owners and tenants of any buildings or structures within the Town shall be jointly and severally responsible for the maintenance of such buildings and structures. (Prior code IV-3-3; Ord. 194 §1, 1995)

**Sec. 18-4. Permit application.**

(a) Permits required. No person shall construct, add to, alter, repair, improve or remove any building or structure in the Town, or cause the same to be done, without first obtaining a building permit for each such building or structure from the Building Commissioner. Neither the Town nor the Building Commissioner shall have any liability for the issuance of any permit for inadequate or defective plans or specifications.

(b) Application. To obtain a permit, the applicant shall first file an application therefore in writing. Each such application shall be signed by the applicant or his or her agent and shall contain such information as may reasonably be required by the Building Commissioner, including:

(1) Identification of the work to be covered by the permit for which application is made.

(2) Description of the land on which proposed work is to be done by plat description or by house address and street name. Any new house number required shall be assigned by the Building Commissioner in accordance with a master street plan which is in the office of the Town Clerk.

(3) A statement of the valuation and anticipated cost of the proposed work.

(4) Payment of all fees, including payment of the building fee and all inspection fees as may be set by the Board of Trustees from time to time.

(5) Two (2) sets of plans and specifications shall be submitted, except that for minor alterations or repairs of a non-structural nature, the Building Commissioner may waive this requirement for plans and specifications. The plans and specifications shall contain at least the following information:

a. Plot plan. Scale shall be one-sixteenth ( $\frac{1}{16}$ ) inch equals one (1) foot zero (0) inches, one-eighth ( $\frac{1}{8}$ ) inch equals one (1) foot zero (0) inches, or one (1) inch equals twenty (20) feet, with the latter preferred, and shall show: (1) size and location of lot; (2) location of all buildings and structures on the lot; (3) all elevations including established street elevation at the extension of lot lines, existing and finished grade elevations at each corner of lot and at each corner of the setback lines, and roof elevations and elevations of each floor or level of each building or structure; and (4) all easements and setback requirements.

b. Foundation. For any construction involving a new foundation or modification of an existing foundation, a soil analysis by an accepted testing laboratory shall be required. The foundation design shall be based upon engineering calculations by an engi-

neer registered in the State in accordance with results of the soil analysis, and the foundation plans must be signed by such engineer.

c. Detail. Drawings and specifications shall completely indicate and describe all of the proposed work, including the sizes, grade and quality of materials and equipment to be incorporated in the improvements. Except for the plot plan, drawings shall be accurately drawn to a scale not less than one-eighth ( $\frac{1}{8}$ ) inch equals one (1) foot zero (0) inches.

d. Floor plans. Plans of all floors, basement and/or foundation shall be included, including direction, size and spacing of all framing members.

e. Heating and cooling. Size and layout of heating and cooling units, pipes, ducts, registers, radiators and any special arrangements shall be shown.

f. Plumbing fixtures. Show location and size to scale of all fixtures and domestic hot water units.

g. Electric. Show location of entry service, meters, panels and outlets and major electrical appliance.

h. Exterior elevations. Front, rear and side elevations shall be included showing all window and door openings, wall finish materials, flashing, present and finish grades, depth of footings, finish floor elevations and top of structure elevation.

i. Cross sections. Fully dimensioned cross sections through exterior walls shall be shown to scale, including all details of construction from bottom of footings to highest point of roof necessary for complete roof construction indication. Also to be shown are fully dimensioned cross sections through stairwells, landings and stairs to scale clearly showing all headroom conditions and details of all surrounding construction.

j. Compliance with architectural control. There must be included certification in writing of approval of the Bow Mar Owners, Inc., Architectural Control Committee or its designee or successor that the plans and specifications are consistent with, and in harmony with, the requirements of the restrictive covenants.

k. Signature by registered architect or engineer. All plans must be certified by an architect or engineer registered in the State who is regularly engaged in the design of building structures. Supporting calculations may be required by the Building Commissioner. (Prior code IV-3-4; Ord. 194 §1, 1995)

**Sec. 18-5. Issuance of permit.**

(a) Approval of plans. If the Building Commissioner is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Chapter and other per-

minent laws, ordinances and regulations and that the fee specified herein has been paid, he or she shall issue a permit therefor to the applicant. The Building Commissioner shall endorse on both sets of plans and specifications, "APPROVED," together with the date and his or her signature, and thereafter such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Commissioner, and all work shall be done in accordance with the approved plans.

(b) Independent review. The Building Commissioner may, in his or her sole discretion, engage an independent engineer or architect to review such plans and specifications, in which case the cost of such independent review shall be added to the permit fee to be paid by the applicant.

(c) Retention of plans. One (1) set of approved plans and specifications shall be retained by the Building Commissioner for a period of not less than ninety (90) days from date of completion of work covered therein, and one (1) set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized hereby is in progress.

(d) No approval for violations of law. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this Chapter or any other pertinent laws, ordinances or regulations.

(e) Expiration. Every permit issued by the Building Commissioner under the provisions of this Chapter shall automatically expire and become null and void, if the building or work authorized by such permits is not commenced within one hundred eighty (180) days after the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be obtained. The original permit may be reissued without further fee, provided that no changes have been made or will be made in the original plans and specifications for such work. If changes are made or requested, the Building Commissioner may require a new building fee to be paid. Construction must be completed within two hundred seventy (270) days or the permit shall become void.

(f) Suspension or revocation. The Building Commissioner may, in writing, suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of the provisions of this Chapter or other relevant law or regulation. (Prior code IV-3-5; Ord. 194 §1, 1995)

**Sec. 18-6. Inspections.**

All construction or work for which a permit is required shall be subject to inspection by the Building Commissioner. The permit holder or his or her agent is to be held responsible under the penalties of this Chapter for properly notifying the Building Commissioner whenever an inspection is

required. Upon notification from the permit holder or his or her agent, said official shall within four (4) days, or as weather permits, make or cause to be made the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with the law. Neither the Town nor the Building Commissioner shall have any liability for issuance of any inspection approvals for defective work or materials. The Building Commissioner shall charge the contractor a building inspection fee for each inspection trip in an amount to be set by the Building Commissioner and approved by the Board of Trustees: (1) location; (2) footings, trenches, caissons, pads and foundation wall; (3) steel; (4) waterproofing; (5) ground plumbing; (6) rough plumbing; (7) rough heating; (8) frame; (9) insulation; (10) drywall; (11) final; and (12) such other inspections as the Building Commissioner may deem necessary. At the discretion of the Building Commissioner, any of the foregoing inspections may be waived. The permit holder or his or her agent shall be held responsible to contact the State Electrical Board concerning the permits, inspections and fees. (Prior code IV-3-6; Ord. 194 §1, 1995)

**Sec. 18-7. Certificate of occupancy.**

Once all the inspections have been satisfactorily completed and the Building Commissioner determines that a new home is ready for occupancy, he or she shall issue a certificate of occupancy. No building may be occupied or inhabited until a certificate of occupancy has been issued. (Prior code IV-3-7; Ord. 194 §1, 1995)

**Sec. 18-8. Building codes adopted by reference.**

(a) General: The Town hereby officially adopts and shall require compliance with the editions of the following codes one (1) copy of which is available for inspection in the office of the Town Clerk:

(1) The 1994 edition of the Uniform Building Code, as published by the International Conference of Building Officials.

(2) The 1991 edition of the Uniform Plumbing Code and Standards, as published by the International Association of Mechanical and Plumbing Officials.

(3) The 1991 edition of the Uniform Mechanical Code, as published by the International Conference of Building Officials and the International Association of Mechanical and Plumbing Officials.

(4) The 1994 edition of the Uniform Swimming Pool, Spa and Hot Tub Code, as published by the International Association of Mechanical and Plumbing Officials.

(5) The 1994 edition of the Uniform Fire Code, as published by the International Conference of Building Officials and the Western Fire Chiefs Association.

(b) Conflicts. Conflicts between above adopted codes and this Chapter shall be resolved in favor of this Chapter. (Prior code IV-3-8; Ord. 194 §1, 1995)

**Sec. 18-9. Insulation.**

Insulation shall contain at least a minimum R factor of R 30 for roofs; R 13 for external walls; and double glazing on all external windows. (Prior code IV-3-9; Ord. 194 §1, 1995)

**Sec. 18-10. Basement garages.**

Basement garages are not permitted except by special permission from the Building Commissioner. (Prior code IV-3-10)

**Sec. 18-11. Administration, enforcement and penalties.**

(a) General. The Building Commissioner is hereby authorized and directed to enforce all the provisions of this Chapter. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Commissioner.

(b) Inspectors. Subject to the approval of the Board of Trustees, the Building Commissioner may appoint inspectors to assist him or her to carry out the functions of the Building Department.

(c) Appeals. All appeals from decisions or rulings of the Building Commissioner will be referred to the Board of Adjustment in accordance with Chapter 16 of this Code.

(d) Right of entry. Upon presentation of proper identification, the Building Commissioner may enter at reasonable times any building, structure or premises in the Town to perform any duty imposed upon him or her by this Chapter.

(e) Stop orders. Whenever any construction work is being done contrary to the provisions of this Chapter, the Building Commissioner may order the work stopped by notice in writing served upon the owner of the property or upon any person engaged in the doing or causing such work to be done, and all such person shall thereafter forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

(f) Penalties. Any person violating any of the provisions of this Chapter shall, upon conviction, be punished as set forth in Section 1-72 of this Code. These penalties may be imposed upon the owners or occupants of any property within the Town as well as upon any of their agents, employees or independent contractors who fail to comply with the provisions herein. In addition to the above penalties, the Building Commissioner in the name of the Town may institute appropriate action or proceedings to prevent such unlawful erection, construction, enlarging, altering, repairing, moving, improving or removing, or to restrain, correct or abate such violations. (Prior code IV-3-11; Ord. 194 §1, 1995)

**Secs. 18-12--18-30. Reserved.**

## **ARTICLE II**

### **Signs**

#### **Sec. 18-31. Posting signs.**

It shall be unlawful for any person to post or display or to permit to be posted or displayed upon his or her property any sign except one (1) sign per lot which does not exceed six (6) square feet. No sign may be lighted or have moving or audio features. (Prior code VI-15-1)

#### **Sec. 18-32. Signs on property of others.**

No sign, handbill, poster, placard or painted or printed matter shall be stuck, posted, pasted or otherwise attached in any public area including easements, or upon any fence, power pole, telephone pole, traffic sign, building or other structure without the permission of the owner, agent or occupant of the property upon which such sign is displayed. For purposes of this Article, the Town is deemed to be the owner of all dedicated roads, Town easements and rights-of-way within the Town. Written permission to display any sign must first be obtained from the Town Clerk in accordance with policy as set forth by the Board of Trustees. Any sign, handbill, poster, placard, painted or printed material posted illegally shall be deemed a nuisance and shall be promptly removed by a representative designated by the Town. (Prior code VI-15-2; Ord. 194 §1, 1995)

#### **Sec. 18-33. Real estate open house signs.**

Real estate signs advertising or giving notice of a real estate sales open house may be placed upon the public rights-of-way without specific consent required by this Article only during the hours of the open house and at locations designated by the Town. (Ord. 194 §1, 1995)

#### **Sec. 18-34. Removal of signs.**

All signs must be removed by the person posting them and by the owner of the property upon which they are posted promptly after the purpose for which they were posted has passed or become moot. (Prior code VI-15-3)

**Secs. 18-35--18-50. Reserved.**