

roof to side, or curved peak unless such a design has been approved as complimentary to the architecture of the house pursuant to this section.

Section 5-114. Garage conversions.

No garage conversion shall be permitted that causes the structure to be less compliant with regulations contained within this chapter or within the Planning and Zoning Ordinance, provided that a detached garage with proper paving shall be permitted to substitute for the required attached garage. When garage conversions are permitted due to the construction of a new attached or detached garage, all applicable regulations, including but not limited to those related to light, ventilation, occupancy, egress and waterproofing shall be followed.

Section 5-115. Structures for temporary or seasonal vending.

Structures for temporary or seasonal vending shall be approved by the Building Official and shall be permitted as accessory structures subject to requirements for anchoring. These structures shall be permitted to be placed on a lot for the duration of the approved vending period and shall be removed once that period has completed. Connections to the public water supply shall either be a permanent connection meeting all standards for a commercial structure or shall be by means of a connection to a frost free hydrant equipped with appropriate backflow protection. Sanitary drainage shall be by means of an approved holding tank or a connection to the public sewer system compliant with all applicable regulations. Electrical connections shall be by means of a temporary service equipped with proper grounding and ground fault protection or by means of a permanent service compliant with all applicable codes. Parking must be on an approved surface with appropriate drive approaches.

Article 12. Moving of Buildings.

Section 5-120. Permits.

It shall be unlawful for any person to move any building or structure along or across any street, road, public ground or thoroughfare within the City without first filing an application for and obtaining a permit so to do. After the City Manager has approved the application, the City Clerk may issue the permit, subject to the provisions of this article. A permit issued under this article shall state the time when it is contemplated that the moving will terminate. The fee for such a permit shall be as set in this Chapter.

Section 5-121. Route.

No permit for the moving of any building or structure shall be issued until the route to be taken in such moving and the time when such structure shall start moving on the street or public ground have been approved in writing by the Chief of Police and proper arrangements made with the Chief of Police to

provide a police escort for the purpose of regulating traffic along the route to be followed, if same is determined necessary by the Chief of Police. The Chief of Police shall have authority to refuse to approve the proposed route for the moving of a building or structure if, in his judgment, the moving would cause irreparable damage to trees or shrubbery, or until written permission of the utility company has been obtained if it is necessary to change the height of any overhead utility wire to allow the passage of the structure, or until written permission is obtained from the city manager when it is necessary to change the height of the wires used in connection with overhead electric signal lights in order to move the structure.

Section 5-122. Travel.

No permit shall be issued under this article unless the moving wheels upon the structure to be moved are surrounded with pneumatic tires and unless the wheels travel upon that portion of the street between curb and curb. All moves authorized by a permit issued under this article shall continue with diligence in a good and workmanlike manner from the time they are started until time of completion, except when due to matters beyond the control of the mover.

Section 5-123. Safety.

In the event that it is necessary to leave a structure being moved on the street or public land or any part thereof, due to mechanical failures or otherwise, the same shall at all times be attended by a watchman, who shall signal with a red flag to oncoming traffic, and during the hours of twilight or darkness, the watchman shall also signal with an electric light. In addition, suitable flares shall be placed on either side of the structure for a distance of seventy-five (75) feet.

Section 5-124 to 5-129. Reserved.

Article 13. Occupancy.

Section 5-130. Housing Inspection Program.

In order to protect the safety and well-being of city residents, a Housing Inspection Program is hereby created. Implementation of this program will be at the discretion of the City Manager or his designee, provided that the following elements are included in the implementation:

- a) All one and two family dwellings within the city will be subject to inspection at the following times:
 - a. each time the primary occupant of the dwelling changes;
 - b. after a property has been vacant for a period of time exceeding one hundred and eighty (180) days;

- c. after utility service to the dwelling is terminated for non-payment or for other reasons as provided for by city code and the utility account is closed;
- d. when application is made for reoccupancy after a structure is condemned under the provisions of adopted codes, provided that the Building Official may also require additional or more detailed inspections before reoccupancy is approved.
- b) Pursuant to the city's adopted codes, each dwelling will require a valid Certificate of Occupancy before the dwelling is occupied and city utility services are initiated.
- c) Application for a Certificate of Occupancy may be made by the property owner or his designee, or may be made by a potential tenant with endorsement by the property owner or his designee.
- d) Application for a Certificate of Occupancy will necessitate an inspection under this program.
- e) Inspections will be conducted by city personnel, as designated by the City Manager, under the supervision of the Building Official.
- f) Inspections performed as part of this program will be conducted according to an established inspection checklist approved by the City Manager or his designee and based on the city's adopted codes. In the case of a newly constructed or remodeled dwelling, or of a dwelling that was recently inspected by the Building Official, the required inspection may be abbreviated as appropriate.
- g) In the event a property is found not to be compliant with the city's adopted codes, notice of the violations shall be given to the property owner along with a deadline for corrections to be made;
- h) Dwellings found to be in such a condition as to be dangerous or unsafe will be referred to the Building Official for further inspection and enforcement action, up to and including condemnation and demolition as provided for by the city's adopted codes.
- i) The application fee for a Certificate of Occupancy shall be forty (40) dollars. In the event violations are found, there shall be no charge for the first reinspection. The fee for subsequent reinspections shall be one hundred (100) dollars per reinspection, provided that the fee may be waived by the City Manager in the event significant progress is being made toward compliance.
- j) The City Manager or his designee shall establish a mechanism ("pre-clearance") by which property owners or their designees can apply for a Certificate of Occupancy in anticipation of future occupancy. This "pre-clearance" shall be valid until the structure is occupied, provided that the period of vacancy after the Certificate of Occupancy is issued does not exceed one hundred and eighty (180) days.

- k) Violations arising out of this program will be addressed pursuant to the provisions of this chapter.
- l) Appeals of decisions of the Building Official or his designee arising out of this program will be addressed pursuant to the provisions of this chapter.

Section 5-131. Multifamily occupancy.
Reserved.

Section 5-132. Nonresidential occupancy.
Occupancy of commercial and industrial structures and portions thereof shall be governed by applicable codes. A valid Certificate of Occupancy is required before such a structure or portion thereof may be occupied, unless temporary approval has been granted by the Building Official. A new Certificate of Occupancy shall be required each time a change in occupancy or occupant changes or when the use of the structure or portion thereof is changed or an additional use is added or after a cessation of business activities or vacancy for a period exceeding ninety (90) days.

Section 5-133. Initiation or continuation of utility services.
It shall be unlawful for any utility to initiate or continue services to a structure lacking a valid Certificate of Occupancy, provided that the Building Official may authorize provision of utility services, either on a temporary or ongoing basis, to a structure undergoing construction under a valid permit. Utility service to a vacant structure need not be discontinued unless ordered so by the Building Official due to a violation of the city's adopted codes or existence of an unsafe condition, but a new Certificate of Occupancy will be required before the structure is reoccupied, subject to the provisions of this chapter.

Section 5-133. Condemnation for occupancy.
When conditions warrant, the Building Official may declare a structure (or portion thereof) to be Condemned for Occupancy and order it to be vacated and secured as provided for in the adopted codes. It shall be unlawful for any person to enter a structure that is Condemned for Occupancy for any reason without the written permission of the Building Official. The determination that a structure should be Condemned for Occupancy is made in the sole discretion of the Building Official and is based on the criteria set forth in the applicable adopted code. This determination relates only to the lawful entry into and occupancy of a structure or portion thereof and has relation neither to the concept of condemnation as used in the context of acquisition of property nor to the process by which a municipality can take action to clear and remove a dilapidated structure that is set forth by state statute. Condemnation for Occupancy can be administratively withdrawn in the sole discretion of the Building Official at any

time, provided that such withdrawal serves to further compliance with the provisions of this Chapter.

Section 5-134. Reoccupancy after condemnation.

The owner of a structure that has been Condemned for Occupancy seeking to remove that condemnation shall file an application for reoccupancy and pay the reoccupancy fee set forth in this Chapter. Once the application has been received, a reoccupancy inspection will be scheduled and a correction notice generated by the Building Official. Depending on the condition of the structure, multiple inspections may be required and corrections may be issued in phases. The correction notice may include permission to enter the structure for the purpose of completing corrections and may restrict time and nature of entry into the structure and may include authorization for construction utility services. Reoccupancy will not be approved until the structure is compliant with applicable codes, however, the Building Official may grant provisional or temporary occupancy once repairs have been substantially completed.

In the event a structure is Condemned for Occupancy solely for lack of required utilities, facilities or appliances, the Building Official may waive the requirement for a reoccupancy inspection upon submission of proof that the defect preventing lawful occupancy has been cured. In this case, a reduced Reoccupancy Fee will apply as set forth in this Chapter.

Obtaining a reoccupancy inspection does not remove the requirement to obtain any necessary permits and inspections as required by the provisions of this Chapter.

Section 5-135 to 5-139. Reserved.

Article 14. Supplemental Regulations.

Section 5-140. Additional minimum standards for residential dwellings.

No person or other entity shall construct, remodel or move any building or structure, or portion thereof to be used as a residential dwelling unless such residential dwelling specifically conforms to the following basic standards, provided that these standards shall only apply to remodeled structures or portions thereof when the cost of the improvement exceeds fifty (50) percent of the value of the existing structure:

- (a) Each residential dwelling structure shall have all exterior wall areas, excluding gables, eaves, doors and windows, constructed of or covered with brick, stone, or masonry material, pursuant to the following guidelines:

- (1) Quality of material and installation of brick, stone, or masonry material must be to a standard commonly accepted as good workmanship, as determined by the building official.
 - (2) Color, texture, pattern, and appearance of brick, stone, or masonry material must be natural and consistent with commonly accepted design principles.
- (b) For multiple-level construction, a minimum of one thousand (1,000) square feet of living area is required on the first-floor level, and a single-story residence shall have a minimum of one thousand (1,000) square feet.
 - (c) Each residential dwelling structure shall have a minimum of 5/12 roof pitch and a maximum 12/12 roof pitch.
 - (d) Each residential dwelling structure is required to have an attached garage and a minimum of a sixteen-foot wide driveway. A garage attached by common roof is considered an attached garage.
 - (e) An existing residential structure and any factory-manufactured residential structure shall comply with the requirements above and shall have approval of the city council before being placed upon any lot in Del City. The residential structures listed in this paragraph may be placed on lots which are designated in the R-MH-1, mobile home subdivision zoning district and the R-MH-2, mobile home park zoning district without City Council approval.

Section 5-141. Standards for non-residential building exteriors.

Each non-residential structure within the city shall have a minimum of seventy (70) percent of the exterior wall area, excluding gables, eaves, windows, and doors, constructed of or covered with brick, stone, or masonry material, pursuant to the following guidelines:

- (a) Quality of material and installation of brick, stone, or masonry material must be to a standard commonly accepted as good workmanship, as determined by the building official.
- (b) Color, texture, pattern, and appearance of brick, stone, or masonry material must be natural and consistent with commonly accepted design principles.
- (c) Synthetic masonry-like materials may be substituted for a portion of the required masonry material, provided that such a substitution have no detrimental effect on the overall aesthetic appeal of the structure. In no case may such synthetic materials comprise more than fifty (50) percent of the required covering under this section.
- (d) The requirements of this section shall not apply to the following structures:
 - (1) Existing structures, unless they are improved such that the cost of improvement exceeds fifty (50) percent of the value of the existing structure.

- (2) Additions to existing structures; unless the total enclosed area of the addition exceeds fifty (50) percent of the total enclosed area of the existing structure or unless the cost of the addition exceeds fifty (50) percent of the value of the existing structure, in which case these regulations will apply to the entire structure.
- (3) Structures built for industrial uses that are located north of N.E. 4th Street.
- (4) Structures built by the City of Del City, the Del City Municipal Services Authority, or any other public entity or utility so long as those structures serve a purpose related to the provision of utility services.

Section 5-142. Standards for buildings for secondhand businesses.

Any person desiring to establish, keep, operate, run, work at or in or otherwise maintain any business, or any place of business, which keeps, secures, sells or offers for sale any used, secondhand, junked or salvaged articles, materials, things or merchandise shall first place all of such used, secondhand, junked or salvaged articles, things, materials or merchandise within a building or other solid structure, or within a permanent enclosure, and shall at all times keep and maintain the same so enclosed in such a manner that none of it is visible to persons passing by on the street, highway or alley, or to persons upon other property. All such buildings, structures and enclosures shall fully comply with the building code and other ordinances of the city and the general laws of the State of Oklahoma.

Section 5-143. Wind-energy conversion systems.

Wind-energy conversion systems are not permitted except by application to the Board of Adjustment in the form of a variance. Applicants will be required to provide proof that the proposed structure will have no impact on aviation or avigation and will not violation any federal or state regulations related to airport environs. Wind-energy conversion systems will be considered engineered structures and that applicant must provide an engineer's analysis showing compliance with all applicable regulations and industry standards. Noise levels produced by such systems may not exceed fifty-five (55) decibels.

The permit fee for a wind-energy conversion system is set forth in this chapter and is in addition to the cost of review by an outside engineer chosen by the Building Official, with that cost paid directly by the applicant.

Section 5-144. Mold and moisture damage remediation.

No person or entity shall repair or cause to be repaired any structure or portion thereof infested or impregnated by mold or otherwise damaged by long-term or repeated exposure to moisture such that structural or finish materials (including but not limited to studs, joists, top/bottom plates, headers, rafters, gypsum

board, plaster, roofing materials, carpet, plywood and/or compressed fiberboard) have become damaged or deteriorated, unless the person or entity first obtains a mold and moisture damage remediation permit from the City.

- (a) When making application for a mold and moisture damage remediation permit, the applicant must provide a Mold and Moisture Damage Remediation Plan ("Plan"). The Plan must be prepared and sealed by a registered professional engineer ("supervising engineer") qualified to determine the repairs necessary to ensure that a structure will be made safe for human habitation or occupancy, both in terms of structural integrity and environmental safety. The Plan must provide that the supervising engineer will oversee and inspect construction activities to ensure compliance with the requirements of the Plan. The Plan must provide detailed cost estimates for all remediation activities. The Plan must include an analysis of the causes for mold and/or moisture damage and must provide detailed measures to address these causes. All aspects of the Plan must conform to the provisions of the City's adopted codes and other ordinances, including those related to flood damage prevention.
- (b) The fee for a mold and moisture damage remediation permit shall be one-hundred (100) dollars. A mold and moisture damage remediation permit shall be valid for a period of one hundred and eighty (180) days, unless the period of validity is reduced by the Building Official or designee at the time of issuance.
- (c) The Building Official may revoke a mold and moisture damage remediation permit upon observation of any of the following circumstances:
 - i. Covering or destruction of pre-remediation or remediated conditions without obtaining a required inspection.
 - ii. Cessation of construction activities for a period exceeding thirty (30) days.
 - iii. Failure to observe proper safety procedures, including but not limited to failure to utilize personal protection equipment or failure to secure the jobsite against unauthorized entry.
- (d) A permit may be obtained for an entire structure or for an individual dwelling unit or partitioned space, provided that:
 - i. Should a permit be obtained for an entire structure, all dwelling units or partitioned spaces within that structure must be vacated until remediation and any other associated construction is complete and certified and reoccupancy is granted.
- (e) During the construction process, the applicant must provide access to the jobsite to the City's Building Official or designee. City inspections must be made at the following stages, before any work is allowed to progress:
 - i. Before any construction or demolition activities.

- ii. After removal of finish materials (e.g., gypsum board or plaster);
 - iii. After repairs to correct causes of mold or moisture damage.
 - iv. After repair of structural members.
 - v. After installation of finish materials.
 - vi. At any other time as directed by the Building Inspector or his designee. Should a condition exist such that a reinspection is necessary, a reinspection fee shall be charged in accordance with the provisions of this Chapter.
- (f) Before a mold and moisture damage permit is closed and a structure or portion thereof is allowed to be reoccupied, the supervising engineer must submit a certificate of completion indicating that the mold and/or moisture damage has been remediated and that the structure, or portion thereof, is structurally sound and safe for reoccupancy. This certification must accompany an application for reoccupancy, which must be approved by the Building Official before the structure, or portion thereof, is reoccupied.
- (g) Before granting a reoccupancy application, the Building Official will ensure that any repairs necessary to cause the structure or portion thereof to comply with life-safety and property maintenance provisions of the City's adopted codes and other regulations are completed and any required permits and inspections related to these repairs are obtained.
- (h) Violations of these regulations related to mold and moisture damage remediation shall be addressed as provided for in this Chapter. Appeals related to these regulations shall be addressed as provided for in this Chapter.
- (i) Nothing contained within these regulations related to mold and moisture damage remediation shall prevent the City from exercising its powers to abate a public nuisance, remove a dilapidated structure, condemn a structure pursuant to adopted codes, or take any other action pursuant to other provisions of this Code of Ordinances.

Article 15. Construction Licensing.

Section 5-150. In general.

It shall be a violation for any person to perform electrical, mechanical, plumbing, fencing, concrete, storm shelter or residential contracting work without a city license or registration. This requirement does not apply to work done by or for any telephone, telegraph or other communication company.

Section 5-151. Permit to be issued to licensed contractor.

When work is to be performed by a licensed contractor, the permit for this work must be applied for by and issued to the licensed contractor. Nothing contained in this section shall prevent a contractor's agent or employee from making

application for a permit or from accepting delivery of an issued permit, however, a property owner, property manager or occupant shall not serve as agent of a contractor for these purposes.

Section 5-152. Exception for residential construction by owner-occupants.

In accordance with longstanding practice, the Building Official may approve issuance of a permit to an owner-occupant of a single-family residential structure for work normally required to be undertaken by a licensed contractor. Such issuance shall only be considered after demonstration of the owner-occupant's ability to complete all work in a workmanlike manner and within a reasonable period of time. Such issuance shall be in the sole and exclusive discretion of the Building Official. In the event that work undertaken by an owner-occupant is unable to be approved, the Building Official shall require the use of a licensed contractor to complete the work.

Section 5-153. Registration of residential contractors.

Residential contractors shall be registered with the Building Official before obtaining a residential building permit. Registration shall be subject to the approval of the Building Official and a Certificate of Registration shall not be issued until the contractor has provided proof of general liability insurance coverage in the amount required by the State of Oklahoma for licensed contractors and proof of workers compensation insurance coverage or exemption thereof.

Registrations shall be valid for up to one year and shall expire on June 30 of each year.

Registrations may be suspended or revoked by the Building Official for the same reasons and in the same manner as for contractor licenses as provided for in this chapter.

A residential building permit shall not be issued to a person other than a registered residential contractor who has provided evidence of general liability and workers compensation insurance coverage or exemption as required in this article, unless the person seeking the permit is the owner and occupant of the residential structure and is personally completing the work.

For the purposes of this provision, a residential building permit shall refer to any permit for new construction, renovation, reconstruction, remodeling or addition to any one- or two-family structure, specifically excluding carports, patio covers, storage buildings, accessory buildings, pools and/or fences but including attached garages. Nothing contained within this section shall serve to supersede

or lessen the application of any provisions related to residential construction set forth within the city's adopted building codes.

The fee for residential contractor initial registration and renewal shall be the lesser of the city licensing fees for electrical, mechanical and/or plumbing contractors. Fees shall not be pro-rated for registrations issued throughout the year.

Conducting work that requires a residential building permit without having registered as a residential contractor, except for owner/occupants who are actually completing the work, is a violation.

Section 5-154. License fees.

License fees for all construction licenses are set forth in this Chapter. License fees shall not be prorated.

Section 5-155. Plumbing, mechanical and electrical licenses.

Plumbing, mechanical and electrical licenses are subject to the following provisions:

- (a) It shall be unlawful for any person to engage in the business, trade or occupation of a plumbing, mechanical or electrical contractor or journeyman without holding a current license to do so, issued by the City.
- (b) It shall be unlawful for any person, including a licensed contractor, to employ any person to do any work for which a license is required by this section, or to permit any person in his employ to do such work, unless such employee is so licensed.
- (c) No corporation, partnership or business trust shall engage in the business of plumbing, mechanical or electrical contracting within the city, unless such corporation, partnership or business trust has, as an officer of the corporation or a member of the firm, a person who holds a contractor's license under this article. The name and address of such licensed contractor and the name and address of the corporation, partnership or business trust shall be certified by the latter and registered in the office of the building inspector. If the contractor associated with any partnership, firm or corporation under the provisions of subsection (b) resigns, withdraws from or is discharged from such partnership, firm or corporation, then such partnership, firm or corporation shall not engage in business for a longer period than ten (10) days without compliance with subsection (b).
- (d) Every applicant for a contractor's license under this article shall file with the Building Official a good and sufficient corporate surety bond, in the sum of five thousand dollars (\$5,000.00), in favor of the city. The conditions of such bond shall be that the principal shall save the city

harmless from any and all damage resulting from, or in any way growing out of, or any injury received by any person on account of, negligence or unskilled workmanship on the part of the principal, his agents or employees, and also that such principal will comply with and abide by all ordinances of the city, and rules and regulations made thereunder, relating to matters governed by this chapter. Such bond shall be maintained in full force and effect throughout the term of the license and must provide for at least a thirty (30) day cancellation notice. No license shall be issued or renewed unless this bond is in full force and effect.

- (e) Each applicant for a contractor's license under this article shall file with the Building Official a Certificate of Insurance for public liability and property damage. Such insurance shall indemnify the city, as its interest may appear, and the public in the amount of not less than \$50,000 for general liability arising out of work to be performed under the license. Such insurance shall be maintained in full force and effect throughout the term of the license, and no license shall be issued or renewed unless it is in full force and effect. The City shall be listed as the Certificate holder and shall be given notice before the policy's lapse, cancellation or non-renewal.
- (f) Licenses are obtained by making written application to the Building Official. The applicant must hold a valid state license, if required. The Building Official may require supporting documentation to demonstrate an applicant's fitness for licensure. Once these requirements are satisfied, the appropriate class of license will be issued.
- (g) Apprentices may perform work on a job site, provided that they are directly supervised by a contractor or journeyman. Apprentices must register with the building official. No more than two (2) apprentices may be supervised by one (1) contractor or journeyman at one time.

Section 5-156. Fence contractor licenses.

Fence contractor licenses are subject to the following provisions:

- (a) No person shall engage in the business of installing, repairing or altering fences within the city, unless he has a current fence contractor's license issued in accord with this division. Employees of a duly licensed fence contractor shall not be required to obtain such license in order to engage in the work of installing, constructing, erecting, repairing or servicing fences in the regular course of such employment.
- (b) No partnership, firm or corporation shall engage in the business of a fence contracting, unless a partner, officer or employee thereof is licensed in accord with this section. If such licensed person ceases, for any reason, to be employed by or associated with such partnership, firm or corporation, it shall not engage in the fence contracting business for a longer period than ten (10) days without complying with this section.

- (c) Written application for a license required by this section shall be filed with the Building Official. Such application shall be made on forms supplied and information furnished thereon shall include: name of applicant; address of applicant; number of years of experience in the fence business; and any other information deemed necessary to determine qualification for licensure.
- (d) No license shall be issued under this section, unless the applicant therefor is regularly engaged in the fence business and duly qualified, as determined by the building inspector.
- (e) No fence contractor's license shall be issued or renewed until the applicant therefor shall have deposited with the Building Official a surety bond in the sum of five thousand dollars (\$5,000.00), to be known as the fence contractor's bond. Such bond shall be executed by the fence contractor, and the surety thereon shall be a corporate surety company authorized to do business in this state. The bond shall be payable to the city and, as a condition, shall state that the fence contractor shall faithfully and properly conduct his business in compliance with all the ordinances of the city relating to fences and fence contractors, shall pay all fines and penalties imposed for the violation of such ordinances and shall protect and indemnify the city against all damages resulting directly or indirectly from any injury of persons or property on account of the negligence or unskilled work of the fence contractor or his employees. No person shall engage in the business of fence contracting unless a bond, as provided in this section, is on file with the city clerk and in full force.

Section 5-157. Safe room contractor licenses.

Safe room contractor licenses are subject to the following provisions:

- (a) No person shall engage in the business of installing, repairing or altering safe rooms within the city, unless he has a current safe room contractor's license issued in accord with this division. Employees of a duly licensed safe room contractor shall not be required to obtain such license in order to engage in the work of installing, constructing, erecting, repairing or servicing fences in the regular course of such employment.
- (b) No partnership, firm or corporation shall engage in the business of a safe room contracting, unless a partner, officer or employee thereof is licensed in accord with this section. If such licensed person ceases, for any reason, to be employed by or associated with such partnership, firm or corporation, it shall not engage in the fence contracting business for a longer period than ten (10) days without complying with this section.
- (c) Written application for a license required by this section shall be filed with the Building Official. Such application shall be made on forms supplied and information furnished thereon shall include: name of applicant; address of applicant; number of years of experience in the safe room

- business; and any other information deemed necessary to determine qualification for licensure.
- (d) No license shall be issued under this section, unless the applicant therefor is regularly engaged in the safe room business and duly qualified, as determined by the Building Official.
- (e) No safe room contractor's license shall be issued or renewed until the applicant therefor shall have deposited with the Building Official a surety bond in the sum of five thousand dollars (\$5,000.00), to be known as the safe room contractor's bond. Such bond shall be executed by the safe room contractor, and the surety thereon shall be a corporate surety company authorized to do business in this state. The bond shall be payable to the city and, as a condition, shall state that the fence contractor shall faithfully and properly conduct his business in compliance with all the ordinances of the city relating to fences and fence contractors, shall pay all fines and penalties imposed for the violation of such ordinances and shall protect and indemnify the city against all damages resulting directly or indirectly from any injury of persons or property on account of the negligence or unskilled work of the safe room contractor or his employees. No person shall engage in the business of safe room contracting unless a bond, as provided in this section, is on file with the city clerk and in full force.

Section 5-158. Transfer, expiration and renewal.

Licenses issued under this article shall expire on June 30 of each year. Licenses that have been active within one (1) year may be renewed by paying the renewal fee and providing proof of state licensure, if required. Licenses lapsed for more than one (1) year will require a new application and initial fee. No license issued under this article shall be assigned or transferred to another person.

Section 5-159. Suspension and revocation.

In cases of gross misconduct, habitual noncompliance, or clear incompetence, the Building Official may suspend or revoke any license issued under this article. Suspensions bar a license holder from working within the city for a certain period of time, not to exceed one (1) year. Revocations bar a license holder from working within the city for an indefinite period of time, although an applicant may petition for the ability to reapply after a period of two (2) years has elapsed.

Article 16. Enforcement

Section 5-160. Violations.

Failure to comply with a provision of an adopted code or a regulation contained in this chapter, whether by action or omission, is a violation. Failure to comply with a notice or order issued pursuant to this ordinance is a separate violation. Each day a violation is allowed to persist is a new violation.

Any violation shall be considered a public nuisance, subject to abatement consistent with the provisions of this chapter.

Section 5-161. Responsibility.

The existence of any violation of the codes and regulations adopted by this chapter shall be the joint responsibility of the owner, property manager, and occupant of a property. In the event a violation is caused by the occupant of a property without knowledge of the owner or property manager, the owner or property manager shall be held responsible only after having received notice of the violation, providing that the owner or property manager can provide proof that the property has been regularly inspected at least twice per year.

Section 5-162. Penalty.

The penalty for each violation of a provision of this chapter or any provision of an adopted code shall be a fine or deferral fee in lieu of fine not to exceed seven hundred fifty dollars (\$750.00) and/or imprisonment for a period not to exceed sixty (60) days, plus applicable costs.

Section 5-163. Abatement of violations.

The building official may act to abate a nuisance created by violation of a provision contained within this article. A minimum of ten (10) days written notice shall be given by mail and posting on the property, after which the violation may be abated by city employees or a private contractor. After assessment of the abatement costs by the city council, the actual costs of the abatement plus a fee representative of administrative costs shall be charged to the owner and, if not paid, shall become an assessment against the property having been abated. In the event that the same violation reoccurs within six (6) months, it may be abated with no further notice required. Unpaid abatement costs are grounds for immediate termination of city utility service and termination of any certificates of occupancy for the affected property.

Section 5-164. Emergency measures.

If any violation has the potential to cause imminent harm to any person or property, the building official may cause the violation to be abated immediately and by any means available. As soon as is practicable following the abatement action, notice of the abatement shall be given to the owner of the property. Procedures for assessment of costs and reabatement shall be as specified in this Chapter.

Section 5-165. Remedies not exclusive.

The remedies contained within this chapter are not exclusive and do not serve to impair the City's ability to prosecute violations or take action as authorized by any other state statute, city ordinance or adopted code.

Section 5-166. Penalty fee.

Any person who commences any work requiring a permit before obtaining such a permit shall be subject to a penalty fee equal to two times the actual permit fee, in addition to the require permit fee. The Building Official may waive or reduce the penalty fee if the error was made in good faith and was not habitual or fraudulent in nature.

Section 5-167. Reinspection fees.

When any requested or required inspection is not approved due to inadequate, incomplete, faulty or non-workmanlike work or due to the inspector being unable to access the work subject to inspection or due to the appointment not being kept, a reinspection fee may be assessed. The amount of this fee and any subsequent reinspection fees shall be set forth in this Chapter. The Building Official need not assess a reinspection fee in the event of an error or omission made in good faith. The Building Official may suspend assessment of a reinspection fee with the understanding that it will be assessed should any additional reinspection fees become necessary. All reinspection fees shall be documented on the inspection report.

Section 5-168 to 5-169. Reserved.

Article 17. Appeals and Variances.

Section 5-170. Designation of body to hear appeals and variances.

The Del City Board of Adjustment is hereby designated as the body authorized to hear appeals and variances. The Board shall hear testimony and review evidence necessary to make a decision. The Board shall have the power to subpoena witnesses and evidence. Failure of the applicant for appeal or variance to provide evidence or testimony requested by the Board, including detailed technical data, may be grounds for denial of the appeal or variance.

The Board of Adjustment shall designate an administrative officer to process applications for appeals and variances. This administrative officer shall ensure that applications are complete before being put forward to the Board for consideration. The administrative officer, after consultation with the Chair of the Board or at the Board's standing direction, may require submission of additional documentation or technical information before a case is put forward to the Board for hearing. The administrative officer shall carry out all directives of the Board,

including scheduling of hearings, publication and mailing of notices; issuance of subpoenas and delivery of final orders.

Section 5-171. Notice of appeal and stay of enforcement.

An aggrieved party (applicant) shall file notice of appeal with the Building Official within five (5) days of the issuance or communication of the order, decision or determination being appealed. This notice shall specifically state the order, decision or determination being appealed and the relief being requested. The notice of appeal shall be accompanied by the appeal filing fee, which is set forth in this Chapter.

The filing of a notice of appeal shall result in an automatic stay of enforcement proceedings until either the appeal is decided or the applicant fails to proceed with the appeal in a timely manner. If, in the opinion of the Building Official, such a stay has the potential to cause imminent harm to any person or property, the Building Official shall transmit a statement of imminent harm to the Chair of the Board of Adjustment. The administrative officer shall cause the statement of imminent harm to be mailed to the applicant and posted on the affected property, following which the automatic stay shall be immediately lifted. The applicant may respond within five (5) days to the statement of imminent harm by requesting that the Board hold a hearing to determine whether a stay of enforcement shall be granted and to what extent it shall apply; such a hearing shall be held as soon as practicable and, barring extraordinary circumstances, within five (5) days from the date requested.

Section 5-172. Application for appeals and variances.

The administrative officer shall create and publish application forms for appeals and variances related to the provisions of this Chapter and may determine what supplemental documentation is required to be submitted along with the application.

Application for appeal must be filed within ten (10) days of filing a notice of appeal. If all required documentation cannot be gathered within ten (10) days, the incomplete application must be submitted along with a statement indicating the expected filing date for the complete application. The administrative officer will review this information and may set a reasonable time for submission of the complete application.

Applications for variance may be filed at any time. Variance applications shall be accompanied by an application fee as set forth in this chapter. Applicants are encouraged to communicate with the Building Official and administrative officer prior to application submission to determine the supplemental documentation that will be required in order to complete the application. Variance applications