CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

NO CHANGE FROM PREVIOUS READING

ITEM: **DATE: February 20, 2018**

Second reading, waiver of third reading, and final approval of proposed Ordinance to amend Title 8, Chapter 2, Article A, Section 7 of the Municipal Code to declare that City-issued building permits expire six (6) months from the date of issue unless the City has approved of an extension.

FINANCIAL IMPACT:

This proposed Ordinance amendment should have little or no financial impact to the City, other than the collection of building permit renewal fees.

BACKGROUND:

This proposed Ordinance amendment would cause City-issued building permits to expire six (6) months following issuance unless the City has approved of a construction schedule of a specific longer duration. This proposed Ordinance amendment seeks to help address building construction projects that take too long to complete by penalizing property owners/contractors for unreasonable delays in completion. It should also provide an incentive for property owners/contractors to adequately consider the construction schedule at the time of the permit issuance and the City's building division will increase its efforts to obtain this information at the beginning of the project instead of potentially after concerns have already arisen or complaints have been received.

The Community Compliance City Council subcommittee approved of this item at its January 22, 2018, meeting. The City Council unanimously approved of the first reading of this proposed Ordinance at its meeting held on February 5, 2018.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

Approval of the second reading, waiver of the third reading, and final approval of this proposed Ordinance.

Lead Staff Member: **Jason B. Wittgraf, Assistant City Attorney** JBW

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	Richard J. Scieszinski, City Attorney
Agenda Acceptance	RA

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Community Compliance		
Date Reviewed	January 22, 2018		
Recommendation	Yes	~~No~~	~~Split~~

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 8, "BUILDING REGULATIONS", CHAPTER 2, "BUILDING CODES", ARTICLE A, "BUILDING CODE", SECTION 7, "SUSPENSION OR REVOCATION OF PERMIT"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Title 8, Chapter 2, Article A, Section 7 is hereby amended by adding the following underline text.

8-2A-7: EXPIRATION, SUSPENSION OR REVOCATION OF PERMIT (Project Progress/Maintenance):

Amend Section 105.5 of the IBC and Section R105.5 of the IRC, Expiration, by adding the following conditions:

Every building permit issued under the provisions of this Code shall expire six (6) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval in writing by the City's building official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit has been renewed by the owner or the owner's agent and by payment of any required renewal fees, provided no changes have been made in plans or location.

Amend Section 105.6 of the IBC and Section R105.6 of the IRC, Suspension or Revocation, by adding the following conditions:

It is the responsibility of the permit holder to schedule the required inspections and obtain final approval. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up within 180 days of permit approval shall also be deemed a violation of this code section, and the approved permit may be voided or revoked.

Anytime work is suspended or abandoned for more than 30 days, the Building Official may determine to suspend or revoke the permit due to neglect if the site is not properly secured, including:

1. Removal of all construction debris, materials, weeds, etc. that make the area unsightly and create a public nuisance.
2. Excavations, including open basement foundations, shall be protected by a fence to help prevent an attractive nuisance in an occupied neighborhood.
3. Ground cover, silt fencing, and similar erosion prevention measures shall be provided in an effort to prevent erosion, damage, and nuisance to surrounding properties, including public right-of-ways, sidewalks, streets, etc.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2018.

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Steven K. Gaer, Mayor

ATTEST:

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Ryan T. Jacobson, City Clerk