

## **CHAPTER XIV**

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**ARTICLE I****BUILDING PERMITS REQUIRED**

**14-101. APPLICATION FOR BUILDING PERMIT; FEE.** Any person desiring to construct, alter, repair or move a building or other heavy object into, within or through the City of Lisbon must first make an application in writing for a permit which application shall state: -

1. Dimensions of building or extent of alteration or repairs.
2. Kind of material to be used in construction, alteration or repairs.
3. The estimated costs of construction, alteration or repairs.
4. Description of land upon which building is to be constructed, altered or repaired.
5. A plot plan, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot and other buildings or structures on adjoining property within 15 feet of the property lines.

And if the application is for a permit to move a building, it shall state: -

1. Land on which building is located.
2. Land to which it is desired to move same.
3. Value of building.
4. Material of which building is constructed.
5. The proposed route along which building is to be moved.

Which application shall be filed with the City Auditor together with a fee of Ten cents per hundred dollars (\$100.00) or fraction thereof of estimated cost of building to be constructed, repairs or alterations to be made, or value of building to be moved, with a minimum fee of one dollar(\$1.00) and a maximum fee of Ten Dollars (\$10.00) which fee in the event or refusal to grant a permit shall be returned to applicant.

**14-102. CITY AUDITOR TO FILE APPLICATION.** It shall be the duty of the City Auditor to file such application and to present the same to the City Council at its next regular or special meeting; which City Council shall consider and act on the same either by authorizing the City Auditor to issue the permit as applied for; by suggesting such changes in the application as will meet with the Council's approval or by refusing to grant a permit and the Council's action shall be final.

**14-103. CITY AUDITOR KEEP RECORD.** The City Auditor shall keep a record of all applications filed with him and of all permits issued under the provisions of this ordinance in some suitable and convenient form for reference.

**14-104. WHAT APPLICATION TO CONTAIN.** If any building is to be erected or materially altered within the fire limits of the City of Lisbon, then the owner, architect or builder shall in addition to the statement provided for in Section 14-101 hereof, submit for examination full specifications and plans of the proposed building or alterations.

**14-105. APPLICANT MUST SIGN AGREEMENT.** Every applicant shall prior to the issuance of the permit herein provided for, sign an agreement that the proposed work shall be done in accordance with the description set forth in such plans, specifications and statement, and that all matters and things connected with such work shall be done in strict compliance with existing laws and ordinances in any way relating thereto.

**14-106. INSPECTION OF PREMISES, DISCOVERY, ORDER.** The building inspector, or Fire Warden, or other designated official, shall as often as practical, inspect all buildings or structures during construction for which a permit has been issued to see that the provision of law are complied with and that construction is prosecuted safely. Whenever in his opinion, by reason of defective or illegal work in violation of a provision of this article the continuance of a building operation is contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

**14-107. PENALTY.** Any and all persons who shall violate any of the provisions of this article or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder or any certificate or permit issued thereunder shall severally for each and every such violation and non-compliance respectively forfeit and pay a penalty of not more than one hundred dollars. The imposition of one penalty for any violation of this article 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 day that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions as provided in Section 14-107 of this article.

**ARTICLE II****CONSTRUCTION OF BUILDINGS**

**14-201. CONSTRUCTION, APPROVED FORM.** All buildings hereafter constructed in the City of Lisbon must conform to some established and approved form of construction as to strength of foundation, walls and chimneys. No person shall construct, use or maintain any chimney or other conduit for smoke except the same be built or brick or other fireproof material other than sheet iron. But smoke conduits for boilers, factories, mills and stove pipes leading from stoves to chimneys are not hereby prohibited if the same are approved by the fire warden or chief of the fire department. All brick flues shall have full joints and be smoothly plastered inside with mortar from top to bottom or some other approved form of lining and outside below the roofing and the walls and divisions of the flues shall not be less than four inches thick.

**14-202. QUALITY OF MATERIALS.** All building materials shall be of good quality, and shall conform to specifications which the building official prescribed. The more generally accepted standard specification for quality of materials are those of the American Society for Testing Materials.

**14-203. REPAIRING FRAME BUILDING WITHIN FIRE LIMITS.** It shall be unlawful to repair any frame building within the fire limits of the City of Lisbon, when such building shall have been damaged by fire, the elements, or decay to the extent of fifty per cent of the value of such building, exclusive of the foundations hereof.

**14-204. DIVISION OR EXTERIOR WALLS.** All exterior, or division walls of buildings hereafter erected of masonry or concrete shall be of sufficient thickness to support safely the load to be carried.

**14-205. SMOKE PIPES.** No smoke pipe shall be within twelve (12) inches of any woodwork, or any wooden lath and plaster partition, or ceiling unless the surface above the pipe be protected by metal lath and plaster.

Where smoke pipes pass through a wooden lath and plaster partition, they shall be guarded by galvanized iron ventilated thimbles at least twelve (12) inches larger in diameter than the pipes, or by galvanized iron thimbles built in at least eight (8) inches of brick work or other incombustible material.

No smoke pipe shall pass through any floor or a roof having wooden framework or covering.

**14-206. ROOF COVERING.** Every roof hereafter placed on a building within the fire limits shall be covered with an approved roofing of brick, concrete, tile, slate, metal, asbestos, or built-up roofing finished with asphalt, slag or gravel, or with other approved material, except where roofing is of a character permitting attachment direct to steel framework, it shall be applied to a solid or closely fitted deck. Roofings which are classified as Class A or B under the test specifications of Underwriter's Laboratories, Inc., shall be accepted as meeting the requirements of this section; for buildings which are occupied as dwellings, for buildings which are of frame construction, or outside the fire limits, for other buildings which do not exceed two (2) stories or thirty (30) feet in height nor twenty-five hundred (2500) square feet in area and are not occupied as mercantile establishments, factories, or warehouses, roofings which are classified as Class C shall be accepted as meeting the requirements of this section.

**14-207. CHIMNEYS.** All chimneys shall be built of brick, concrete, stone, hollow tile or clay or concrete, concrete block, or of reinforced concrete, not less than eight (8) inches thick; provided that for stone masonry other than sawed or dressed stone in courses, properly bonded and tied with metal anchors, the thickness shall be no less than twelve (12) inches; and provided that in dwellings, brick or solid concrete chimneys used exclusively for ordinary stoves, ranges, furnaces, or open fireplaces, the thickness of the masonry may be reduced to not less than three and three-quarter (3 3/4) inches. The City Council may, in its discretion, satisfy itself as to any other method and means of chimney construction upon good and full showing made as to being proper and safe and in general conformity toward fire prevention.

**14-208. FIRE ESCAPES.** All school buildings more than one story in height and all other buildings except such as are used for private residences exclusively in the City of Lisbon of three stories or more in height shall be provided with one or more metallic ladders or fire escapes extending from the ground to the upper stories of such building and above the roof and outside walls thereof in such location and numbers and of such material as the fire warden may determine.

After such determination by the fire warden he may at any time by notice in writing served upon the owner, lessee or occupant of such building (by leaving with such owner, lessee or occupant or at his or their residence or place of business a copy of such notice) require such owner, lessee or occupant or either of them to cause such metallic ladder or fire escape to be placed upon such building within thirty days after the service of such notice.

**14-209. DOORS TO OPEN OUTWARD.** In any building in the City used wholly or partly as a school, church, place of public entertainment, assemblage or amusement, all doors leading from the interior of such building to the exit or exits therefrom shall open outward.

**14-210. NATIONAL BUILDING CODE.** The current Edition of the National Building Code recommended by the National Board of Fire Underwriters shall be deemed to be the generally accepted good practice for fireproof, semi-fireproof, and heavy timber construction, light and ventilation, safeguards during construction, theaters, and other special occupancies, elevators and all other matters not covered in this article.

**14-211. DUTIES OF ENFORCING OFFICER.** The building Inspector or in the event no building inspector has been appointed, the Fire Warden is hereby authorized and empowered:

- FIRST: To enforce all ordinances relating to the construction, equipment, management, and condition of all property within said City;
- SECOND: To supervise the construction or reconstruction of all buildings;
- THIRD: To report monthly to the Mayor or City Council regarding the condition of the City on all matters pertaining to fire prevention.

**14-212. AUTHORITY TO ENTER PREMISES.** The Mayor, the Fire Warden or any member of the Fire Department designated by him as an inspector may, at all reasonable hours, enter any building or premises for the purposes of making any inspection which under the provisions of this chapter he or they deem necessary to be made.

### ARTICLE III.

#### SUB-STANDARD BUILDINGS

**14-301. SUB-STANDARD BUILDINGS OR STRUCTURES DEFINED.** All buildings or structures which have any or all of the following defects shall be deemed "sub-standard buildings or structures:"

- a. Those whose interior walls or other vertical structure members list, lean, or buckle to such an extent that a plum line passing through the center of gravity falls outside the middle third of its base.
- b. Those which, exclusive of the foundation, show thirty-three (33) percent or more, of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- c. Those which have improperly distributed loads upon the floor or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- d. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of this city.

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- e. Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- f. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who or may live therein.
- g. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or means of communication.
- h. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- i. Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.
- j. Those buildings existing in violation of any provision of the Fire and Building Ordinances of this City, or other ordinances of this City.

**14-302. STANDARDS FOR REPAIR, REMOVAL OR DEMOLITION, APPOINTMENT OF BUILDING COMMITTEE AND INSPECTOR.** The Mayor of the City of Lisbon shall appoint two committees of three members each from the City Council, who shall be known as the Committee of Fires and Buildings and the Committee of Public Safety, and who shall perform the duties hereinafter defined.

The first appointment thereof shall be made within a reasonable time after the passage and adoption of this ordinance, and thereafter shall be to each organization or re-organization meeting of the City Council.

The Fire Warden, or acting Fire Warden, shall be the building inspector, as provided for in this ordinance, and the following standards shall be followed in substance by the said building inspector and the said Fires and Building Committee and Committee of Public Safety in ordering demolition, repair or removal of any "sub-standard building or structure", to -wit:

- a. If the "sub-standard building or structure" can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be ordered repaired.
- b. If the "sub-standard building or structure" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be removed.
- c. In any case where a "sub-standard building or structure" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be demolished, in all cases where a "sub-standard building or structure" is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this City of statute of the State of North Dakota, it shall be demolished.

**14-303. SUB-STANDARD BUILDINGS OR STRUCTURES - NUISANCES.** All "sub-standard buildings or structures" within the terms of Section 14-301 of this chapter are hereby declared to be public nuisances, and shall be repaired, removed or demolished as hereinafter provided.

**14-304. DUTIES OF BUILDING INSPECTOR.** The Building Inspector shall:

- a. Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or lot buildings for the purpose of determining whether any conditions exist which render such places a "sub-standard building or structure" within the terms of Section 14-301 of this chapter.
- b. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of the terms of this ordinance.
- c. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this City as probably existing in violation of the terms of this ordinance.
- d. Make periodical inspections, at least once a year, of all sections of the City to determine whether or not there are any "sub-standard buildings or structures" within the terms of Section 14-301 of this chapter.
- e. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building or structure as shown by the land records of the of the Register of Deeds of Ransom County, North Dakota, of any building or structure found by him to be a "sub-standard building or structure" within the standard set forth in Section 14-301 of this chapter, that: (1) The owner must remove, or repair, or demolish said building or structure in accordance with the terms of this notice and this ordinance;  
(2) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; (3) The mortgagee, agent, or other person having an interest in said building as shown by the records in the office of the Register of Deeds of Ransom County, North Dakota, may at his own risk repair, remove, or demolish said building or structure or have such work or act done. Provided, that any person notified under this sub-section to repair, remove, or demolish any building or structure shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- f. Set forth in the notice provided for in sub section (e) hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a "sub-standard building or structure" and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time not exceeding 30 days, as is reasonable.

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- g. Report to the Fires and Building Committee or the Committee of Public Safety of the City Council any non-compliance with the "Notice" provided for in sub-sections (e) and (f) hereof.
- h. Appear at all hearings conducted by the Fires and Buildings Committee or the Committee of Public Safety and testify as to the condition of "sub-standard buildings and structures."
- i. Place a notice on all "sub-standard buildings and structures" reading as follows:

"This building has been found to be a sub-standard building by the Building Inspector. This notice is to remain on this building until it is repaired, removed, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the records in the office of the Register of Deeds, Ransom County, North Dakota. It is unlawful to remove this notice until such notice is complied with."

**14-305. DUTIES OF FIRES AND BUILDINGS COMMITTEE AND/OR THE COMMITTEE OF PUBLIC SAFETY.** The Fires and Buildings Committee and/or the Committee of Public Safety shall:

- a. Upon receipt of a report of the Building Inspector as provided in Section 4, sub-section (g), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the records in the office of the Register of Deeds of Ransom County, North Dakota, to appear before them on the date specified in the notice to show cause why the building or structure reported to be a "sub-standard building or structure" should not be repaired, removed or demolished in accordance with the statement of particulars set forth in the Building Inspector's Notice provided for herein in Section 14-304, sub-section (f).
- b. Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the records in the office of the Register of Deeds of Ransom County, North Dakota, shall offer relative to the "substandard building or structure."
- c. Make written findings of fact from the testimony offered pursuant to sub-section (b) as to whether or not the building in question is a "sub-standard building or structure," within the terms of Section 14-301 hereof, and to present the same to the City Council of the City of Lisbon for its approval or rejection.
- d. Upon the approval of this City Council of such written findings ordering the demolition, repair, or removal of such "sub-standard buildings or structure" to issue an order made pursuant thereto commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building or structure as shown by the records in the office of the Register of Deeds of Ransom County, North Dakota, to remove, repair, or demolish any building found to be a "sub-standard building or structure" within the terms of

this ordinance and within such time as may be provided therein; provided further that any person not the owner of such "sub-standard building or structure" but having an interest therein as aforesaid, may demolish or remove said "sub-standard building or structure" at his own risk to prevent the acquiring of a lien against the land upon which said "sub-standard building or structure" stands by the City as provided in sub-section (e) hereof. Such order shall be served upon the owner, occupant, mortgagee, lessee, agent, and all other persons having any interest in said building as aforesaid, either by personal service or by registered mail, giving such person or persons 10 days from the service thereof or from the mailing thereof within which to comply with said order.

- e. If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in sub-section (d) hereof within ten days, the Fires and Buildings Committee and/or the Committee of Public Safety shall cause such building or structure to be repaired, removed, or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 14-302 of this chapter and shall cause the costs thereof to be levied as a special tax against the land upon which the said buildings stands or did stand, of such is provided for by state law, or to be recovered in a suit at law against the owner of said premises.

**14-306. WHERE OWNER ABSENT FROM THE CITY.** In cases where the owner, occupant, or mortgagee is absent from the city, all notices or orders provided for herein may be sent by registered mail to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records in the office of the Register of Deeds of Ransom County, North Dakota, to the last known post office address of each as shown by the records in the office of the said Register of Deeds, and a copy of such notice shall be posted in a conspicuous place on the "sub-standard building or structure" to which it relates. Such mailing and posting shall be deemed adequate service.

**14-307. DUTIES OF FIRE DEPARTMENT.** The employees of the Fire Department or members thereof shall make a report in writing to the Building Inspector of all buildings or structures which are, may be or are suspected to be "sub-standard buildings or structures" within the terms of this ordinance. Such reports must be delivered to the Building Inspector within 24 hours of the discovery of such buildings by a member of the fire department.

**14-308. DUTIES OF POLICE DEPARTMENT.** All employees of the Police Department shall make a report in writing to the Building Inspector of any buildings or structures which are, or may be, or are suspected to be "sub-standard buildings or structures" within the terms of this ordinance. Such report must be delivered to the Building Inspector within 24 hours of the discovery of such building by any employee or member of the Police Department.

**14-309. STATE FIRE MARSHALL, NOT LIMITED IN POWER.** This ordinance shall in no way limit or restrict any authority now existing in this municipality or any authority now vested in the State Fire Marshall for the regulation or control of such buildings or structures.

**14-310. RIGHT OF APPEAL.** Any person feeling aggrieved by any order issued by the City Council by virtue of this ordinance may appeal to the District Court of Ransom County, North Dakota, within thirty days from the service of such order upon him. He shall file an undertaking in the sum of at least Five Hundred (\$500.00) Dollars to be approved by the City Auditor, conditioned that the appellant will prosecute the appeal without delay and will pay all costs that may be adjudged against him in the District Court. Such undertaking shall be payable to the City of Lisbon, North Dakota.

**14-311. VIOLATIONS PENALTY FOR DISREGARDING NOTICES OR ORDERS.** The owner of any "sub-standard building or structure" who shall fail to comply with the notice or order as provided for in Section 14-305 herein within the time therein provided for shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Twenty (\$20.00) Dollars, or by imprisonment in the County Jail for not more than ten days, or by both said fine and imprisonment for each offense, and each day over the time set in the notice and order that such owner shall fail to comply therewith shall constitute a separate offense.

Any person removing the notice provided for in Section 14-304, sub-section (i) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail not more than thirty (30) days, or by both such fine and imprisonment.