

CHAPTER 5

BUILDINGS₁

1. For state law authorizing the town to prescribe the thickness, strength and manner of constructing buildings, see W.S. 1977, § 15-1-103 (xxv).

(Ord. 905, 10/78) Revised April 2007 (Ord. 1284, 07/07)

ADOPTION OF CODES

- § 5.1.1 Administration of Adopted International and Uniform Codes.
- § 5.1.2 Adoption of the 2012 International Building Code.
- § 5.1.3 Adoption of the 2012 International Residential Code.
- § 5.1.4 Adoption of 2012 International Plumbing Code.
- § 5.1.5 Adoption of 2012 International Mechanical Code.
- § 5.1.6 Adoption of International Fuel Gas Code.
- § 5.1.7 Adoption of International Existing Building Code.
- § 5.1.8 Adoption of Uniform Code For The Abatement of Dangerous Buildings.
- § 5.1.9 City Specific Codes.
- § 5.1.10 Fence Code
- § 5.1.11 Solar Rights

BUILDING CONTRACTORS

- § 5.2.1 License required; contractor defined; exceptions.
- § 5.2.2 License defined; authority; issuance of licenses, etc.
- § 5.2.3 Licensee's responsibility.
- § 5.2.4 Duties and responsibilities of the contractor.
- § 5.2.5 Classification of Licenses.
- § 5.2.6 License Fees.
- § 5.2.8 License Renewal.
- § 5.2.9 Validity Of License.
- § 5.2.10 Suspension of a Class A, B, C, or D Contractor License.

(A) BUILDING CONTRACTOR LICENSES

- § 5.2.11 Licenses, Building Contractor Generally.
- § 5.2.12 Licenses, Application.
- § 5.2.13 Licenses, Contractor Bonding, Insurance and Workers Comp. Insurance.
- § 5.2.14 Licenses, Licenses, Fee Schedule.

(B) ELECTRICAL CONTRACTOR REGISTRATION

- § 5.2.15 Registration, Electrical Contractor Generally.

(C) PLUMBING LICENSES

- § 5.2.19 Licenses, Plumbing Generally.
- § 5.2.20 Licenses, Plumbing Contractors.
- § 5.2.22 Licenses, Plumbing Examinations.
- § 5.2.23 Licenses, Fee Schedule.

(D) MECHANICAL/ HVAC LICENSES

- § 5.2.24 Licenses, Mechanical/ HVAC Generally.
- § 5.2.25 Licenses, Mechanical/ HVAC Examinations.
- § 5.2.26 Licenses, Mechanical/ HVAC Fee Schedule.

(E) TREE TRIMMER LICENSE

- § 5.2.27 Licenses, Tree Trimmer Generally.
- § 5.2.28 Licenses, Tree Trimmer Qualifications.
- § 5.2.29 Licenses, Tree Trimmer Fee Schedule.

PERMIT FEES AND REQUIREMENTS

- § 5.3.1 Work exempt from permit requirements and exceptions.
- § 5.3.2 Building Permit Fees.

ADOPTION OF CODES

§ 5.1.1 Administration of Adopted International and Uniform Codes.

A. Building Official.

The building official for the City of Buffalo shall be hired and directed under the supervision of the head of the planning department. The building official is hereby authorized and directed to enforce all the provisions of the codes which have been adopted by sections 5.1.2 through 5.1.11 of the Buffalo City Codes, which may be referred to collectively as the Adopted Construction Codes. The building official for the City shall be the Chief Building Inspector who shall administer the Building Division, which is the code enforcement agency for the Adopted Construction Codes.

The building official shall have the power to render interpretations of the Adopted Construction Codes and to adopt and enforce rules and supplemental regulations in order to clarify the application of their provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code. Special interpretations shall be documented on the Building Permit on which the special interpretation was made.

The building official shall make a monthly report to the city council.

B. Board of Appeals.

In order to hear and decide appeals from orders, decisions or determinations made by the building official, relative to the application and interpretation of the Adopted Construction Codes, the City Council shall be the Board of Appeals for the Adopted Construction Codes.

C. Copies of Adopted Construction Codes.

At least one (1) copy of each of the aforesaid Adopted Construction Codes and amendments shall be filed in the office of City Clerk to be made available for public use and inspection.

D. Fees.

The fees for any work under the Adopted Construction Codes are as established through a resolution by the City Council.

E. Fee refunds.

The building official shall authorize the refund of the full amount of any fee paid hereunder that was erroneously paid or collected to the extent of the error.

The building official shall not authorize the refund of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

F. Violation penalties.

Persons who shall violate a provision of any of the Adopted Construction Codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under provisions of any of the Adopted Construction Codes, shall be guilty of a misdemeanor, punishable by a fine of not more than \$200. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. Stop Work orders.

Upon notice from the code official, work that is being done contrary to the provisions of any of the Adopted Construction Codes or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the condition under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and subject to the penalties set forth in Section 5.1.1 F.

§ 5.1.2 Adoption of the 2012 International Building Code.

A. The City shall, by resolution, adopt the International Building Code, including relevant appendices, as copyrighted by the International Code Council. Said document shall be adopted as the Building Code for the incorporated areas of the City of Buffalo, Wyoming, providing for the regulation and the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use height and area of all buildings and structures within this City and each and all such regulations, provisions, penalties, conditions and terms of the currently adopted International Building Code. (R.O. 1359 11/12)

§ 5.1.3 Adoption of the 2012 International Residential Code.

A. The City shall, by resolution, adopt the International Residential Code, including relevant appendices, as copyrighted by the International Code Council. Said document is hereby adopted as the Residential Building Code for the incorporated areas of the City of Buffalo, Wyoming, providing for the regulation of the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use, height and area of the buildings and structures within this City and each and all such regulations, provisions, penalties, conditions and terms of the currently adopted International Residential Code. (R.O. 1359 11/12)

§ 5.1.4 Adoption of 2012 International Plumbing Code.

A. The City shall, by resolution, adopt the International Plumbing Code, including relevant appendices, as copyrighted by the International Code Council. Said document is hereby adopted as the plumbing code for the City of Buffalo, Wyoming, for regulating the installation, maintenance, and repair of plumbing, drainage systems, water systems, and each and all such regulations, provisions, penalties, conditions and terms of the currently adopted International Plumbing Code.(R.O. 1359 11/12)

§ 5.1.5 Adoption of 2012 International Mechanical Code.

A. The City shall, by resolution, adopt the International Mechanical Code, including relevant appendices, as copyrighted by the International Code Council, Inc. Said document is hereby adopted as the International Mechanical Code for the incorporated areas of the City of Buffalo, Wyoming providing for the regulating, installation and maintenance fuel gas piping systems, fuel gas utilization equipment and related accessories, and each and all such regulations, provisions, conditions and terms of the currently adopted International Mechanical Code. (R.O. 1359 11/12)

§ 5.1.6 Adoption of the International Fuel Gas Code.

A. The City shall, by resolution, adopt the International Fuel Gas Code, including relevant appendices, as copyrighted by the International Code Council, Inc. Said document is hereby adopted as the International Fuel Gas Code for the incorporated areas of the City of Buffalo, Wyoming, providing for the regulating, installation and maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories, and each and all such regulations, provisions, conditions and terms of the currently adopted International Fuel Gas Code. (R.O. 1359 11/12)

§ 5.1.7 Adoption of International Existing Building Code.

A. The City shall, by resolution, adopt the International Existing Building Code, including relevant appendices, as published by the International Code Council. It is adopted as the Existing Building Code of the City of Buffalo, Wyoming, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, a herein provided except such portions as are hereinafter deleted, modified or amended of the currently adopted International Existing Building Code. (R.O. 1359 11/12)

§ 5.1.8 Adoption of Uniform Code for the Abatement of Dangerous Buildings.

A. That a certain document, one (1) copy of which are on file in the office of the City Clerk of the City of Buffalo, being marked and designated as the Uniform Code For The Abatement Of Dangerous Buildings, 1997 edition, as published by the International Conference of Building Officials, be and is hereby adopted as the Abatement of Dangerous Building Code of the City of Buffalo, in the State of Wyoming for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Abatement of Dangerous Building Code on file in the office of the City of Buffalo are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5.1.10 B of this ordinance. B. The following amendments to the Uniform Code For The Abatement of Dangerous Buildings, and appendixes as adopted by the preceding paragraph of this section, are hereby made and incorporated in the Uniform Code For The Abatement of Dangerous Buildings.

(1) Section 205.1 General of the Uniform Code For The Abatement of Dangerous Buildings is amended to read as follows:
205.1 General. The Board of Examiners of the City of Buffalo shall be the Board of Appeals for this Code. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code.

(2) Section 301 BUILDING CODE of the Uniform Code For The Abatement of Dangerous Buildings is amended to read as follows:
BUILDING CODE is the International Building Code or the International Residential Code, promulgated by the International Code Council, as adopted in Section 5.1.2 and 5.1.3 of the Buffalo City Code.

(3) Section 301 HOUSING CODE, of the Uniform Code For The Abatement Of Dangerous Buildings is repealed.

§ 5.1.9 City Specific Codes

A. CONNECTIONS TO CITY WATER OR SEWER

Connections to the city water or sewer system may be made only by licensed plumbing contractors. No connection to the city water or sewer systems or building water or sewer service lines may be covered until it is inspected by the City.

B. GUTTER NOT TO BE OBSTRUCTED.

The gutter or waterway of any street, avenue or alley shall not at any time be obstructed by any contractor or other person under this chapter so as to prevent the free passage of water along the same, and if the gutter shall be shaded or covered so that ice accumulates therein, the ice shall be cut out and the water allowed to pass at all times.

C. DEBRIS TO BE REMOVED.

All debris and rubbish arising from any building, alteration or repairs, or other work, shall be removed by the person to whom the permit is granted.

D. REFLECTIVE BARRICADES AT CONSTRUCTION SITE.

Adequate reflective barricades shall be maintained from sunset to sunrise at both ends of every obstruction upon any street, avenue or alley, 25 feet from each side of and open trench or obstruction.

E. USE OF SIDEWALK AND STREET LIMITED. 2

Building permits shall not permit the use of any street or sidewalk, or any part thereof, other than immediately in front of the lot upon which the building is to be erected, altered or repaired, and then only to the extent as may be directed by the inspector. No person shall use or occupy any portion of the street, alley or sidewalk for building purposes or for depositing any building material thereon, until after receiving a building permit.

2. For further provisions as to obstructing sidewalks, see § 20-7 of this Code.

F. MOVING BUILDINGS.

The moving of any building within the City of Buffalo shall be subject to the regulations of this chapter. The price to be charged for a permit authorizing the erection or placing upon any lot or land of any building moved from any other location shall be the same as for a new building of like value.

G. TREE TRIMMERS DUTY TO CLEAN UP AND REMOVE DEBRIS.

All tree cutters or trimmers, whether engaged in such trade or business for compensation or other consideration or not, shall immediately, upon the completion of such work, attend to cleaning up, clearing away and proper removal and disposal of all stumps, tree trunks, branches, logs, chips, leaves and twigs from the property where such work is conducted and from all streets, sidewalks and alleys which may be littered as a result of such work.

§ 5.1.10 Fence Code

A. DEFINITIONS.

Fence – This shall mean any structure of wood, metal, masonry, plastic, or other synthetic material used and erected on real estate for the purpose of enclosing or separating any portion of the real estate from adjoining land whether or not such fence is located on the boundary line of the property on which it is to be erected.

This does not include fences erected and used as enclosures wholly within the confines of the property for the purpose of segregating an animal runway or similar enclosure.

B. FENCE REQUIREMENTS

(1) No Fence shall be erected, moved or altered until a permit application has been submitted to and approved by the City Building Inspector.

Each application must include a plot plan drawn to scale showing property lines, where the proposed fence will be located on said property and the type(s) of material(s) to be used and including the type of fence proposed (privacy, chain link, picket, ect).

The proposed fence shall not exceed six (6) feet in height.

A permit fee of Fifteen Dollars (\$15.00) will be collected at the time of permit insurance. (R.O. 1374 12/14)

(2) Fences may not be constructed within the right-of-way of any dedicated street or alley unless a permit is first obtained from the Building Inspector. Fences constructed within such rights-of-way are subject to being relocated or removed by the City and other franchised utilities at the expense of the property owner.

Further, the right of the City and franchised utilities to locate, relocate, maintain and improve, replace and expand utility lines and equipment, and the right to ingress and egress for such purposes shall be deemed to supersede and have precedence over any consent or permit that may be granted within the such rights-of-way or within a dedicated utility easement.

Any fence, hedge, wall or other improvement erected within such areas, even with the consent of the City, shall be at the sole risk of the owner and such improvements may be removed, damaged or destroyed by the City or other franchised utilities.

(3) No permit for a fence may be granted if it violates the following provisions:

a) The height of fences or walls located within rear yards, including the rear yards of through lots, and within required side yards is restricted to six (6) feet in height. The height of fences or walls within required front yards and side yards adjacent to a street are restricted to six (6) feet in height provided however, in order to provide clear visibility at street intersections, no fence,

wall, bush, sign, hedge, or any other structure shall be permitted within the triangular area at any street intersection corner formed by the intersection street curb lines and a diagonal line joining said curb lines at points which are thirty (30) feet distant, measured along said curb lines from their projected point of intersection.

b) No fence, wall, bush or hedge shall be erected between a fire hydrant and an adjacent street, nor within three (3) feet of any fire hydrant. No fence, wall, bush or hedge shall be erected within five (5) feet of any constructed or proposed curb line. No single strand or barbed wire shall be used. Fences, wall, bushes, trees, hedges, or any other structure erected within the public right-of-way are subject to removal at any time if required. Signs are not allowed in public rights-of-way unless approved by the City. Electric fences are not allowed under any conditions.

c) To provide clear visibility at street intersections, no persons shall maintain any tree limb or branch less than eight (8) feet in height or allow any tree trunk within thirty (30) foot triangular area at any street intersection corner as described in (a) above.

d) The existing installation of a fence, wall, or location of a tree, hedge, bush or other structure existing on the effective date of this ordinance, unless determined to create a hazard or nuisance, may be continued although such use does not conform with the provision of this ordinance. Any fence, wall, or tree, hedge, bush, or other structure demolished, removed, or moved shall be reinstalled or replanted only in conformance to the provisions of this ordinance.

(4) The property owner(s) is responsible for the correction of any hazard situation adjacent to or on their property. If this correction is not made by the property owner(s) after notification of the need for correction by the City, the City may take such corrective action as is necessary and bill the owner(s) plus 25%.

C. ENFORCEMENT

In the event of a violation the Building Inspector will notify the owner of the property and the occupant of said violation. The notice shall specify the violation and the time within which corrective action must be completed which shall be no longer than 30 days after the notice is served in person or by regular mail.

D. PENALTY

Any person or corporation violating this section or any permit granted hereunder shall be fined not more than One Hundred Dollars (\$100.00) per day for each violation.

E. GRANDFATHER CLAUSE

Any fence, wall or other structure existing prior to April 2004, unless determined to create a hazard and/or nuisance, may be continued although such structure does not conform with the provisions of § 5.1.10 B. Any fence, wall or other structure demolished, removed or moved shall be reinstalled only in conformance to the provisions of this ordinance.

§ 5.1.11 SOLAR RIGHTS

A. Purpose and Intent.

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of the City by encouraging the use of solar energy systems. It is the intent of this Ordinance to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners.

B. In General and Definitions.

1. "City" shall mean the City of Buffalo, Wyoming.
2. "Solar Collector" – One (1) of the following which is capable of collecting, storing or transmitting at least twenty-five thousand (25,000) BTU's on a clear winter solstice day:
 - a) A wall, clerestory window or skylight designed to transmit solar energy into a structure for heating purposes;
 - b) A greenhouse attached to another structure and designed to provide part or all of the heating load for the structure to which it is attached;
 - c) A trombe wall, drum wall or other wall or roof structural element designed to collect and transmit solar energy into a structure;
 - d) A photovoltaic collector designed to convert solar energy into electric energy;
 - e) A plate-type collector designed to use solar energy to heat air, water or other fluids for use in hot water or space heating or for other applications;

- f) A massive structural element designed to collect solar energy and transmit it to internal spaces for heating; or
- g) Other devices or combination of devices that rely upon sunshine as an energy source.

3. “Solar Permit” – A permit granted by the City of Buffalo for a solar right.

4. “Solar Right” – A property right to an unobstructed line-of-sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by City Ordinance of State law.

5. “Winter Solstice Day” – The solstice on or about December 21st which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point.

6. “Potentially Affected Owner” – The applicant or the owner of the fee simple title or the contract purchaser of any real property which lies within three hundred feet (300’) of the solar collector, not including the width of any intervening street or alley.

C. Solar Permit Required.

1. A solar permit must be issued before a solar right may be established under this Ordinance.

2. A solar permit shall be granted for any proposed or existing solar collector, which complies with the requirements of this Ordinance and other City Ordinances and State law.

3. Solar rights under applications filed subsequent to the effective date of this Ordinance shall vest on the date the solar permit is issued, which date shall also be the priority date of the solar right. The solar collector shall be put to beneficial use within two (2) years of that time, except additional time may be granted by the City Building Inspector for good cause shown.

4. Users of solar collectors, which existed prior to the effective date of this Ordinance, shall apply for permits within five (5) years after said effective date. The priority date for these solar rights shall be the date the solar permit is issued.

D. Restrictions on Solar Rights.

1. Solar collectors shall be located on the solar user’s property so as not to unreasonably or unnecessarily restrict the uses of neighboring property. Unreasonable or unnecessary restriction shall include, but not be limited to, any restriction, which would prohibit the uses allowed by City Code.

2. No solar right attaches to a solar collector or a portion of a solar collector, which would be shaded by a hypothetical non-light transmitting, ten-foot (10’) high wall located on the property line on a winter solstice day.

3. The solar right to radiation of the sun before 9:00 a.m. or after 3:00 p.m. Mountain Standard Time is de minimus and may be infringed without compensation to the owner of the solar collector.

4. A solar right which is not applied to a beneficial use for a period of five (5) years or more shall be deemed abandoned and without priority.

5. The priority of new construction with regard to interference in solar rights shall vest as of the date of application for a building permit for such new construction.

E. Application and Administration.

1. Any person desiring to obtain a solar right shall first make application to the City Building Inspector for a solar access permit. A permit application for a solar right shall consist of the following materials:

- a) The original and two copies of a completed solar permit application on forms provided by the City;
- b) A review fee of Ten Dollars (\$10.00) made payable to the City of Buffalo;
- c) The names and mailing addresses of all potentially affected owners;

d) The original and two copies of a site plan prepared by a licensed surveyor, drawn to scale, showing at least the following detail;

- Title block containing owner's name, legal and common address(es) of the site and use of the structure(s);
- North arrow, scale and date of preparation of the plan;
- Names of all adjacent streets;
- Dimensions of property;
- Dimensions, heights and location of all structures on the site and on the property immediately adjacent or abutting to the site where the solar collector is to be located or is located;
- Location, height and type (common name) of all trees, bushes and shrubs on site and on immediately adjacent property, and the estimated height at full growth of such vegetation;
- Location and heights of all walls and fences on the site and on the property line with abutting property;
- Design, construction and orientation of solar collector and its height above ground level;
- For existing solar collectors, the first date the solar collector was beneficially used;
- Such topographical information and engineering calculations as may be necessary in the City Building Inspector's discretion to document the solar right;
- Signature block for City Building Inspector's approval; and
- Signature block for Engineer's certificate.

2. Upon filing of a permit application, the City Building Inspector or his designated representative shall review the application and site plan and any comments received thereon, inspect the site of the proposed or existing solar collector, and shall cause the applicant to make necessary corrections and additions to the permit application and site plan. Within ninety (90) days of the filing, the City Building Inspector shall grant or deny the application.

3. If the application is granted, the applicant shall give notice by certified mail to the potentially affected property owners within twenty (20) days of the granting of the application. In the notice, the applicant shall advise such property owners:

a) That applicant was granted a solar permit;

b) Of the right to inspect the application, site plan and related documents at the City Clerk's Office; and

c) Of the right to appeal the decision of the City Building Inspector and the procedure to obtain a hearing thereon before the City's Board of Adjustment.

4. The City Building Inspector shall grant a solar permit for any solar collector, which complies with the provisions of this Ordinance and other applicable provisions of the Code of the City of Buffalo, Wyoming, and State law. The issuance shall be indicated by the City Building Inspector's written approval and signature on the completed permit application and site plan.

5. Potentially affected property owners may appeal the issuance or denial of a permit by filing with the City Building Inspector a written request for a hearing within ten (10) days following the date of mailing of the notice by the applicant, and paying an appeal fee of Ten Dollars (\$10.00). The City Board of Adjustment shall, upon receipt of a written appeal, hold a hearing within twenty (20) days after the date of receiving the appeal and shall cause service of notice of the date, time and location of such hearing to be made by certified mail upon the permit applicant, the City Building Inspector and the potentially affected property owners, and shall give at least two (2) public notices thereof in a newspaper of general circulation in the City. Upon the hearing, any person may appear in person, or by agent or by attorney. A majority of the City Board of Adjustment may affirm, reverse or modify the decision of the City Building Inspector. The solar access permit shall be issued, rescinded or modified as necessary to comply with the decision of the Board.

6. The approved permit application and site plan shall be recorded by the applicant in the Johnson County Clerk's Office within fifteen (15) days after the issuance is confirmed. The applicant shall be responsible for recording the permit application and site plan. Upon issuance of a permit, one copy of the approved permit application and site plan shall be returned to the applicant, and one copy shall remain on file in the City Building Inspector's Office.

F. Prior Existing Uses.

1. The lawful location of structures in existence prior to the time of beneficial use of an existing solar energy collection system or in existence at the effective date of this Ordinance may be continued even though the location does not conform to the requirements of this Ordinance.

2. The solar applicant takes the permit subject to the natural growth of all vegetation which exists at the time of filing the application.

3. Such structure or vegetation which has been damaged by fire or a calamity, may be restored to its original condition, provided the work is commenced within one year of the calamity. In addition, normal and routine maintenance of structures may be carried on.

4. Whenever the use of such a damaged structure or vegetation has been discontinued for a period of one (1) year, the structure or vegetation shall not thereafter be re-established, unless such future use shall be in conformance with provisions of this Ordinance.

G. Variances.

Any person desiring to erect any solar collector or other structure, or increase the height of any structure, or permit the growth of any new vegetation, or otherwise use his/her property, not in conformance with this Ordinance, may apply for a variance from the City Board of Adjustment. The Board shall fix a reasonable time for the variance hearing and give public notice thereof in a newspaper of general circulation in the City, as well as seven (7) days advance written notice sent by certified mail to potentially affected owners. The notices shall contain the name of the applicant, the description of the property involved, a statement of the nature of the requested variance and the time and place of the hearing. Failure to mail a notice to every potentially affected owner shall not affect the validity of any hearing or determination of the Board. A variance shall not be granted by the Board unless, following a hearing, it finds:

1. That the strict application of the provisions of this Ordinance would result in substantial and unavoidable hardships;
2. That all possible measures have been, and will be, taken to minimize interference with solar or other property rights; and
3. That the variance granted is the minimum adjustment that will accomplish this purpose.

BUILDING CONTRACTORS

§ 5.2.1 License required; contractor defined; exceptions.

1. License required.

No contractor shall perform any work as a contractor within the city without first having obtained a license as provided herein. No permits shall be issued for work to be done by a contractor who does not have a valid and subsisting license as required in this article.

2. Contractor defined.

A contractor, within the meaning of this article, is a person, firm, partnership, company, corporation, agency, association, or other organization, or any combination thereof;

a. Who undertakes with or for another within the City to build, construct, alter, repair, add to, demolish, or move any building or structure or any portion thereof, for a fixed sum, price, fee, percentage, or other compensation or any combination thereof.

b. Who builds, constructs, alters, adds to, moves or demolishes any building or structure either on his own or other property for the purpose of resale or rental except residence buildings and buildings or structures accessory thereto intended for his own personal use and occupancy. A person constructing his own home without the aid of a licensed contractor may secure a permit on only one residence in any two year period and the construction of more than one residence by said person in any two (2) year period shall be presumed to have been for resale.

3. Exception.

The following shall not be deemed to be contractors as the term is used in this article:

a. Owners making repairs, alterations, additions, or improvements to their residence or business, including building accessory thereto which do not involve the structural elements of the building.

Owner is hereby defined as any person, firm, corporation, or agent having a legal or equitable interest in the property. For the purpose of this section, the term owner may extend to a tenant, lessee, employee(s) of the actual owner, in regards to repairs, alterations, additions, or improvements of said business or residence with written authorization of the actual owner to perform work for which a permit is issued. For purposes of this section, the term employee shall not include anyone employed solely to perform the work for which a permit is issued.

b. A homeowner who constructs his own residence or building accessory thereto which is intended for his own personal use; however, this will be permitted only once in a two (2) year period or such will come within the said definitions.

c. The Building Official shall maintain an approved listing of work which may be performed by owners of commercial buildings without the aid of a licensed contractor. Such approval will be granted from time to time by the Board of Examiners. Other types of work may be approved by the Building Official upon application, provided the applicant has experience or knowledge which qualifies him to do the work. Denial by the Building Official of the application of an owner of a commercial building to perform work other than that which has been approved by the formal action of the Board of Examiners may be appealed to the Board.

§ 5.2.2 License defined; authority; issuance of licenses, etc.

1. Definition.

A license is issued to the owner of a sole proprietorship or to an individual with the correct credentials as a Master of Record for a partnership, corporation, association, or other business entity to perform work according to the particular license Contractor Classification.

2. Authority.

The building official of the City of Buffalo shall review applications for licenses and accomplish the provisions and objectives of this article.

3. Issuance of licenses.

The determination of eligibility for license or other matters pertaining thereto shall be by the building official. Applications for the contractor's license shall be on such forms and all applicants shall furnish such information as the building official may prescribe.

4. The building official may disqualify an applicant if:

- a. The application is incomplete, inaccurate, or contains misleading or false information, or;
- b. The applicant has performed work without a license after receipt of notice from the City that a license is required. The building official shall maintain a register reflecting the name of each contractor licensed by the City of Buffalo.

§ 5.2.3 Licensee's responsibility.

1. General.

All licensees shall be responsible for work requiring a permit under the provisions of this article, and without limitation, to the items as herein listed:

- a. To present his license card when requested by the Building Official or his authorized representatives;
- b. To obtain a permit when the same is required;
- c. To faithfully construct, without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the department and permit issued for same, unless such changes are approved by the department;
- d. To complete all work authorized on the permit issued under the authority of the adopted construction codes unless good cause is proved;
- e. To obtain inspection services when the same are required by the adopted construction codes;
- f. To pay any fee assessed under authority of the adopted construction codes;
- g. To build in compliance with the adopted construction codes;
- h. To contact One Call of Wyoming before doing any excavation in compliance with Wyoming Statutes § 37-12-301 through 304;
- i. To immediately notify the owner of an underground facility if it is contacted or damaged in the course of excavation in compliance with Wyoming Statutes §37-12-301 through 304.

2. Safety measures,.

All federal and state laws and municipal ordinances dealing with measures for the safety of workmen and of the public shall be observed in addition to any requirements contained within this article.

§ 5.2.4 Duties and responsibilities of the contractor.

Any contractor licensed hereunder shall be responsible for all work included in his contract whether or not such work is done by him directly or by a subcontractor. He shall be responsible for funds or property received by him for prosecution or completion of a specific purpose. He shall also see that all applicable permits are obtained by subcontractors under this contract.

§ 5.2.5 Classification of Licenses.

There shall be various classes of licenses and the holder of each license shall be authorized to do the following:

1. Class A: General Contractor

This license shall entitle the holder thereof to contract for the construction, alteration or repair of any type or size of structure permitted by the building codes of the City with the exception of any Class D Category that requires the applicant to be tested.\

2. Class B: Residential Contractor

This license shall entitle the holder thereof to contract for the construction, alteration, additions or repair of one and two family residential structures and accessory buildings. This license entitles a contractor to perform Class C category work with the exception of any Class D category that requires the applicant to be tested.

3. Class C Subcontractor

This license shall entitle the holder thereof to perform the work described in this section. Work for which a Class C license is required is defined as follows: Blacktop, Concrete, Doors, Drywall, Excavation, Fire Suppression, Framing, Handyman Services, Home Repair Services, Roofing, Siding, Sprinkler Systems, Tape and Texture, Windows and Woodstoves. Miscellaneous – This category is for contractors who perform any type of work on any building, structure or site that are not included within categories Class A, Class B, Class C and Class D. The Building Official may create and/or delete Class C License categories as the need arises.

4. Class D Specialty Contractor

This class includes plumbing, mechanical/HVAC and gas pipe fitting.

5. Tree Trimmer

Any person who trims, cuts or removes trees, branches of trees, bushes or shrubbery, engaging such services for compensation or other consideration, is hereby declared to be a tree trimmer.

§ 5.2.6 License Fees.

1. The annual license fees applicable to those herein enumerated shall be as determined by the building official with final approval by the City Council.

2. License fees shall not be prorated for any portion of the year.

3. License fees are not refundable.

§ 5.2.8 License Renewal.

1. Licenses shall be renewed annually with a thirty (30) day grace period following the renewal date. Any work performed after expiration and prior to obtaining such license shall be a violation of this article.

2. After the effective date of this ordinance, no license shall be renewed unless the applicant submits proof that he has passed the required WAM or State of Wyoming tests for Class D licenses.

3. A licensee that fails to reapply for a license at the one year anniversary date of the license shall surrender his license and the same shall be deemed to be null and void.

§ 5.2.9 Validity of License.

1. A Master of Record shall be designated as the license holder for every business entity. A Master of Record shall pass the Required license test for the qualification for the Contractor Classification.

2. A business entity which changes its name or Master of Record shall be considered to operate without a license until the change is reported to the City. Changes shall be reported by the business entity and/or the Master of Record to the City within thirty (30) days of any changes.

3. A business entity which changes its form to create a new legal entity requires a designation of a Master of Record for the new entity. An example would include the incorporation of a sole proprietorship or the creation of a partnership or limited liability company. One of the owners of the new entity such as a stockholder or director of a corporation or a manager of a limited liability company may qualify as Master of Record. The license may be transferred to the extent that a new fee shall not be charged.

§ 5.2.10 Suspension of a Class A, B, C, D or Tree Trimmer Contractor License.

All licensees shall be responsible for work requiring a permit under the provisions of this article.

1. The board may suspend a Contractor license when one or more the following are committed by any Class A, B, C, D or Tree Trimmer Licensed Contractor in the City of Buffalo:

a. Failure to obtain the proper permit prior to performing work;

- b. Failure to faithfully construct, without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the department and permit issued for same, unless such changes are approved by the department;
 - c. Failure to complete all work authorized on the permit issued under the authority of any City ordinance or any adopted building code unless good cause is proved;
 - d. Failure to obtain inspection services when the same are required by any City ordinance or any adopted building code;
 - e. Failure to pay any fee assessed under any City ordinance or any adopted building code;
 - f. Failure to build in compliance with all applicable codes
 - g. Failure to contact One-Call of Wyoming before doing any excavation in compliance with Wyoming Statutes § 37-12-301 through 304.
 - h. Failure to immediately notify the owner of an underground facility if it is contacted or damaged in the course of excavation in compliance with Wyoming Statutes § 37-12-301 through 304.
 - i. Failure to obtain a current license, surety bond, and insurance prior to contracting.
 - j. Failure to obtain a Certificate of Occupancy prior to occupancy by an owner (defined in Section 5.2.1(c)) of a building or structure.
 - k. Knowingly combining or conspiring with a person, firm, or corporation by permitting one's license to be used by such person, firm or corporation, except as provided for in § 5.2.1(c).
 - l. By acting as agent, partner, associate, or in any other capacity, with persons, firms or corporations to evade the provisions of this article;
 - m. Knowingly violating any provisions of this article.
 - n. A Contractor's license shall be suspended at least ten (10) days for failure to comply with § 5.2.3-(1)-(h) B.C.C., if underground facilities owned by the City of Buffalo are damaged in the course of the excavation.
 - o. A Contractor's license shall be suspended at least five (5) days for failure to comply with §5.2.3-(1)-(i) B.C.C., if underground facilities owned by the City of Buffalo are damaged in the course of the excavation.
2. Any person who shall violate the provisions of this article by doing business within the city as a Contractor, as defined herein, without a license, or after a license has been suspended, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than Two Hundred dollars (\$200.00). Each day the violation continues shall be considered a separate offense.

(A) BUILDING CONTRACTOR LICENSES

§ 5.2.11 Licenses, Building Contractor Generally.

Class A, B, and C Contractors Licenses are issued for the term of one (1) year by the building official in compliance with the applicable provisions of this code. A Building Contractor's license may be issued to any Contractor defined in § 5.2.5 (a) (b) (c) B.C.C

SEC. 5.2.12 Licenses, Application

To obtain a license the applicant shall submit to the building official a written and verified application for the type of license sought along with all the required insurance, bond and letters.

SEC. 5.2.13 Licenses, Contractor Bonding, Insurance and Workers Comp. Insurance.

Class A, B, C , D and Tree Trimmer contractors must file with the building official and maintain during the term of the license:

1. License and Permit Bond in the sum of five thousand dollars (\$5,000.00), payable to the City of Buffalo all or part of which may be forfeited for damage to City property; and

2. A certificate of insurance showing that the licensee has in force public liability insurance as follows:

License	Per Occurrence	Total Aggregate
Class A General Contractor -	\$1,000,000	\$2,000,000
Class B Residential Contractor	\$ 500,000	\$1,000,000

Class C Subcontractor	\$ 300,000	\$ 600,000
Class D Specialty Contractor	\$ 500,000	\$1,000,000
Tree Trimmer	\$ 300,000	\$ 600,000

3. All contractors having employees shall provide current verification of good standing from Wyoming Workers Compensation and Unemployment Insurance Divisions. Sole Proprietors or partners in a business partnership are not required to have workers compensation insurance and need to fill out and sign a waiver letter supplied by the City of Buffalo.

§ 5.2.14 Licenses, Fee Schedule.

The following annual fees are payable upon issuance of the type of license indicated:

Class A General Contractor	\$100.00
Class B Residential Contractor	\$ 75.00
Class C Subcontractor	\$ 50.00
Class D Specialty Contractor	\$ 75.00
Tree Trimmer	\$ 75.00

(B) ELECTRICAL CONTRACTOR REGISTRATION

§ 5.2.15 Registration, Electrical Contractor Generally.

Electrical contractors are required to register a copy of their State of Wyoming Electrical Contractors License with the City Clerk.

(C) PLUMBING LICENSES

§ 5.2.19 Licenses, Plumbing Generally.

The Class D Plumbing Contractors License is issued for the term of one year by the building official in compliance with the applicable provisions of this Code. Contractor's licenses may be issued individually or to any Contractor defined in § 5.2.5 (d) B.C.C.

§ 5.2.20 Licenses, Plumbing Contractors.

1. A plumbing contractor must either be licensed as a Master Plumber himself or have a Master Plumber in his employ. Plumbing contractors shall have at least one Master Plumber or Journeyman Plumber supervising every three Apprentice Plumbers.

a. No person shall engage in the business of installing, repairing or altering plumbing unless the plumbing work performed in the course of such business, is under the direct supervision of a licensed master plumber.

b. The Master Plumber of a business must be a full time employee of that business.

c. The Master Plumber of a particular plumbing contractor shall be able to respond to any job site where the plumbing contractor is employed within 48 hours.

§ 5.2.22 Licenses, Plumbing Examinations.

The Master Plumber must have either passed the WAM Master Plumber test, the City of Buffalo Master Plumber test, or have ICC certification as a Master Plumber to obtain a Master Plumbers license. Plumbers who have passed WAM or ICC Master Plumber with Gas or the WAM or ICC Master Gas Pipefitter's exam may install gas piping inside buildings.

a. The owner or a full-time employee in a supervisory position shall take the examination.

b. Master of record shall have documented experience of one year as a journeyman and four years as an apprentice. The tested representative shall be the qualifying individual for not more than one (1) contractor or company at any given time. If the tested representative for the company resigns, a company will have sixty (60) days to provide the City with a new tested representative. WAM and ICC administered examinations are graded by WAM or ICC's designated individual. This requirement will be waived for plumbing contractors that have been licensed in the City of Buffalo for 4 consecutive years prior to the passage of this ordinance or to plumbing contractors that were previously grandfathered in from previous ordinance changes.

§ 5.2.23 Licenses, Plumbing Fee Schedule.

The following fees are payable upon issuance of the type of license indicated: Plumbing Contractor \$75.00

(D) MECHANICAL/ HVAC LICENSES

§ 5.2.24 Licenses, Mechanical/ HVAC Generally.

The Class D Mechanical Contractors License is issued for the term of one year by the building official in compliance with the applicable provisions of this Code. Contractor's licenses may be issued to any Contractor defined in § 5.2.5 (d) B.C.C.

§ 5.2.25 Licenses, Mechanical/ HVAC Examinations.

The master of record must have passed the WAM Standard Master Mechanical exam or be ICC certified as a Standard Master Mechanical. Mechanical contractors who have passed the WAM or ICC Master Gas Pipefitter's exam may install gas piping inside buildings.

a. The owner or a full-time employee in a supervisory position shall take the examination.

b. Master of record shall have documented experience of one year as a journeyman and four years as an apprentice.

The tested representative shall be the qualifying individual for not more than one (1) contractor or company at any given time. If the tested representative for the company resigns, a company will have sixty (60) days to provide the City with a new tested representative. WAM and ICC administered examinations are graded by WAM or ICC's designated individual. This requirement will be waived for Mechanical HVAC contractors that have been licensed in the City of Buffalo for 4 consecutive years as a Mechanical HVAC contractor prior to the passage of this ordinance.

§ 5.2.26 Licenses, Mechanical/ HVAC Fee Schedule

The following annual fees are payable upon issuance of the type of license indicated: Mechanical Contractor \$75.00

(E) TREE TRIMMER LICENSE

§ 5.2.27 Licenses, Tree Trimmer Generally.

The Tree Trimmer License is issued for the term of one year by the building official in compliance with the applicable provisions of this Code. Contractor's licenses may be issued to any Contractor defined in § 5.2.5 (e) B.C.C.

§ 5.2.28 Licenses, Tree Trimmer Qualifications.

1. No person shall engage in the business or trade of tree trimming in the City of Buffalo, without first making written application to the Council, under oath, showing thereby that the applicant has or can fulfill the following requirements:

a. Has at least one year of training or experience as a tree cutter as defined in § 5.2.5 (e) B.C.C.

b. Is in sound physical condition and health for such trade or business and will provide that all employees, directly employed as tree cutters, be of sound physical condition and health and be not suffering from any infirmity, deformity, amputation of any limb, partial or total deafness or blindness.

c. Shall notify all public utility companies maintaining overhead power or telephone lines in the City of Buffalo prior to the actual work of tree cutting, and request that immediate arrangements be made for the temporary removal of such lines, payment for the temporary removal thereof where such removal is deemed necessary by such public utility company and damage where the same occurs to such overhead power or telephone lines.

d. Has proper and safe equipment and machinery, well-tested and inspected, for such trade or business, which equipment and machinery shall be inventoried, listed and described in the application. (Ord. 570, § 2)

§ 5.2.29 Licenses, Tree Trimmer Fee Schedule.

The following annual fees are payable upon issuance of the type of license indicated:

Tree Trimmer \$75.00

PERMIT FEES AND REQUIREMENTS

§ 5.3.1 Work exempt from permit requirements and exceptions.

1. Any construction, alteration, addition or repair, the valuation of which is one thousand dollars or less is exempt from a permit, but must be constructed or installed in accordance with the technical codes adopted by the city.

2. Gas piping, water heaters, replacement or new installations of water or sewer service piping, and any fuel burning appliances require a permit regardless of the valuation.

3. On new building construction, separate plumbing and mechanical permits are not needed, they are included in the computed square footage permit fee.

4. Construction, removal, alterations and improvements of residential non-bearing interior partitions.

§ 5.3.2 Building Permit Fees.

Building permit fee's will be established by the building official and approved through a resolution by the city council.

CHAPTER 5A
BUILDING CONTRACTORS

Chapter 5A of the Code of the City of Buffalo, Wyoming, 1984, is hereby repealed. See Chapter 5 Buildings. (Ord. 971, 11/81) (R.O. 1286, 07/07)

