

CHAPTER 26. BUILDINGS AND BUILDING REGULATIONS

***Cross reference(s)**--Construction and cleaning of buildings for housing animals on acreage, § 18-7; painting house numbers on curbing, § 30-156 et seq.; environment, ch. 42; fire prevention and protection, ch. 46; floodplains, ch. 50; health and sanitation, ch. 54; historical preservation, ch. 58; planning, ch. 82; public housing, ch. 90; public improvements, ch. 94; solid waste, ch. 98; streets, sidewalks, skywalks and other public places, ch. 102; numbering of buildings, § 102-961; moving of houses and heavy equipment, § 102-996 et seq.; subdivisions, ch. 106; utilities, ch. 118; vegetation, ch. 122; waterways, ch. 130; zoning, ch. 134; sewer districts, app. G.

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CHAPTER 26. BUILDINGS AND BUILDING REGULATIONS

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CHAPTER 26. BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 26-1. Title.

This chapter shall consist of the building code, energy code, electrical code, mechanical code and fuel gas code, plumbing code, and steam power equipment code, all of which shall be referred to collectively as the "building codes" or "this chapter." This chapter shall also regulate sign and billboard structures and energy and water use benchmarking for certain properties in the city. A person who performs or is in the business of performing the work or activities regulated by this chapter may be referred to as a "contractor."

(C00, § 26-1; 15,545, 15,779)

Sec. 26-2. Purpose.

The purpose of this chapter is to provide for the protection and improvement of the public health, safety and welfare by: creation of a permit and development division, a building and fire code board of appeals and a board of power engineering examiners; adoption of building codes; enforcement of penalties for the violation of the building codes; repeal of conflicting ordinances; and assessment of energy and water use of properties.

(C00, § 26-2; 15,545, 15,779)

Sec. 26-3. Interpretation.

Article I consists of general provisions applicable to all articles. Articles II through IX contain specific provisions pertaining to particular trades and activities. In the event of a conflict with article I, the specific provisions of articles II through IX shall control.

(C00, § 26-3; 15,545, 15,779)

Secs. 26-4--26-99. Reserved.

Division 1. Permit and Development Division

Sec. 26-100. Permit and development division established; officials appointed.

There is established in the city within the development services department the permit and development division which shall be under the direction and supervision of the ~~permit and development administrator~~building official. The ~~permit and development administrator and the building official~~ shall be appointed by and be responsible to the director of the development services department. ~~In the event the permit and development administrator does not also serve as the building official, the building official shall be responsible to the permit and development administrator.~~

(C00, § 26-100; 15,545, 16,224)

Sec. 26-101. Powers and duties of building official.

- (a) *Generally.* Any reference in this article to the building official shall include the building official's designees and inspection staff. The general powers and duties of the building official shall be as follows:
 - (1) Enforce all the provisions of this chapter exclusive of article IX.
 - (2) Be accountable for the issuance of permits and inspections of work.
 - (3) Serve as city staff and advisor to the building and fire code board of appeals and to the board of power engineer examiners.
 - (4) Render interpretations of the building codes and adopt and enforce rules and regulations supplemental to such codes as the building official may deem necessary in order to clarify the application of the provisions of such codes. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of the applicable code.
 - (5) Determine value or valuation under any of the provisions of the building codes.
 - (6) Appoint staff members and delegate duties to those staff members.
- (b) *Reports and records.* The building official shall
 - (1) Provide the director of development services and the city manager, not less than once per year a summary of the building official's recommendations as to desirable amendments to the building codes.
 - (2) Keep a permanent, accurate account of all fees and other monies collected and received under the codes assigned to the building official for enforcement, the names of the persons upon whose account the fees were paid, the date and amount thereof, together with the location of the building or premises to which they relate.
 - (3) Keep a record of the issuance of permits, inspections made, and other official work performed in accordance with this chapter.
 - (4) Keep records of building and fire code board of appeals meetings, hearings, rulings, and other matters performed in accordance with this chapter.
 - (5) Keep records of board of power engineer examiners meetings, hearings, rulings, and other matters performed in accordance with this chapter.
- (c) *Specific powers*

- (1) Whenever any condition exists that is in violation of the codes or creates a danger to health and safety, the building official may until further notice:
 - a. Order any work stopped.
 - b. Order changes to any work to correct an unsafe or illegal condition.
 - c. Order discontinuation of any utilities supplying the premises.
 - d. Order vacation of any premises.

The building official shall give notice of such action to individuals in control of the premises, and may prescribe a period of time to comply with such notice based on the urgency of the situation.
 - (2) Whenever necessary to make an inspection to enforce any of the provisions of the building codes or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the building official by the building code. However, if such building or premises is occupied, the building official shall first present proper credentials and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as provided in this subsection, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the such codes.
 - (3) The building official shall have the authority to remove or cause the removal of covering, finishes, or other obstruction which may prevent the proper inspection of work or equipment.
- (d) *Emergencies and public nuisances.*
Whenever the building official determines that a public nuisance exists which constitutes an emergency requiring immediate abatement, the city may perform any emergency action necessary to abate the nuisance without prior notice or hearing.
- (e) *Cooperation of other officials and officers.* The building official may request and shall receive so far as is required, in the discharge of the building official's duties, the assistance and cooperation of other officials of this jurisdiction.
- (f) *Conflict of Interest.* Neither the building official nor any of the inspectors shall engage in any work for hire regulated by that individual, either directly or indirectly, nor shall the official or any of the inspectors have any financial interest in any firm engaged in such trade or business in the city at any time while employed by the city.
- (g) *Liability.*
- (1) Neither the city nor any employee is liable for damages to a person or property as a result of any act or failure to act in the enforcement of the building codes, unless the act of enforcement constitutes false arrest.
 - (2) The building codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated by such codes for damage to a person or property caused by its defects, nor shall

the city or any city employee be held as assuming any such liability because of the inspections authorized by such codes or any approvals issued under such codes.

(C00, § 26-101; 15,545, 15,779, 16,224)

Secs. 26-102--26-119. Reserved.

Division 2. Building and Fire Code Board of Appeals

Sec. 26-120. Building and fire code board of appeals created; authority.

There is created a building and fire code board of appeals with authority to:

- (1) Review the building, energy, electrical, mechanical and fuel gas, plumbing, and fire codes periodically and make recommendations thereto to the city council.
- (2) Act as a board of appeals to hear grievances arising from a decision of the building official or fire chief and to provide for reasonable interpretations consistent with the provisions of the building, energy, electrical, mechanical and fuel gas, plumbing and fire codes. Any person may upon written request appeal a previous decision of the building official or fire chief in the enforcement of such codes to the board for consideration.
- (3) Determine the suitability of alternate materials and types of construction to those otherwise allowed by the building codes and to provide reasonable interpretations of the provisions of such article.
- (4) The board shall not have authority over administrative matters or matters covered by the board of power engineer examiners.

(C00, § 26-120; 15,545)

Sec. 26-121. Terms; composition.

- (a) The Building and Fire Code Board of Appeals shall consist of 17 members. Fifteen of the members shall be appointed for terms of three years, provided however that the terms of five of the initial appointed members shall be for one year, and the terms of five of the initial appointed members shall be for two years. All appointed terms shall expire on April 1st.
- (b) The appointed members of the building and fire code board of appeals shall consist of the following persons having a minimum of five years of experience in the required field:
 - (1) One Iowa licensed architect.
 - (2) One person shall be an Iowa licensed professional structural or civil engineer, or a construction professional trained in structural engineering, construction engineering, or construction management.
 - (3) One Iowa licensed professional mechanical engineer or a construction professional trained in mechanical engineering.
 - (4) One Iowa licensed professional electrical engineer or a construction professional trained in electrical engineering.
 - (5) One general contractor experienced in residential construction.

- (6) One general contractor experienced in commercial construction.
- (7) One electrician who holds a master electrician license issued by the State of Iowa and is in responsible charge of the electrical installation operation of a licensed electrical contracting firm.
- (8) One electrician who holds either a master electrician license or a journeyman electrician license issued by the State of Iowa.
- (9) One plumber who holds an active master plumber certificate of competency or license issued by the State of Iowa and is in responsible charge of the plumbing installation operation of a licensed plumbing contracting firm.
- (10) One plumber who holds an active master or journeyman plumber license issued by the State of Iowa.
- (11) One mechanical person who holds a master's mechanical license issued by the State of Iowa and is in responsible charge of the mechanical installation operation of a licensed mechanical contracting firm.
- (13) One licensed attorney.
- (14) One person shall be a qualified engineer, architect, technologist, technician or safety professional trained in fire protection engineering, fire science or fire technology, including but not limited to fire protection contractors and certified technicians engaged in fire protection system design.
- (15) One person with experience in historic preservation.
- (c) Quorum shall be a majority of the appointed members at the time of the meeting, but quorum shall not be less than five (5) members.
- (d) The building official and fire marshal shall serve as ex officio members of the board.
- (e) Any member of the board may be removed by the city council for malfeasance in office, incapacity, or neglect of duty.
- (f) If the city council determines that no other qualified individual is available for appointment to a particular position on the board the, city council may waive the term limits imposed by Section 2-1059 and reappoint an individual to a third or subsequent consecutive term in that position.

(C00, § 26-121; 15,545, 15,927, 16,224)

Sec. 26-122. Hearings.

- (a) Any person affected by a decision of the building official, fire chief or their designees, may request and shall be granted a hearing before the Building and Fire Code Board of Appeals on the decision, provided that the person shall file in the permit and development center a written petition requesting a hearing and setting forth a brief statement of the grounds within fifteen (15) days after receiving notice of the decision. Upon receipt of the petition, the permit and development center shall set a time and place for the hearing and shall give the petitioner written notice thereof at least three (3) days before the hearing, unless such notice requirement is waived in writing by the petitioner. The hearing shall be commenced not later than thirty (30) days after the day on which the petition was filed, unless for good cause shown the building official grants a postponement in writing.
- (b) At the hearing the petitioner shall be given an opportunity to be heard to show why the decision of the building official, fire chief or their designees should be modified or

withdrawn. The building official or fire chief shall have the opportunity to be heard to show why their decision should be affirmed.

(C00, § 26-122; 15,545)

Sec. 26-123. Decisions.

- (a) After the hearing as provided in section 26-122, the Building and Fire Code Board of Appeals shall affirm, modify or withdraw the decision of the building official, fire chief or their designees. The decision of the board is the final administrative decision.
- (b) The proceedings at any hearing before the board, including the findings and decision of the building official or fire chief, if applicable, shall be summarized, reduced to writing, and entered as a matter of public record in the permit and development center. This record shall include a copy of every notice or order issued in connection with the matter.

(C00, § 26-123; 15,545)

Sec. 26-124. Meetings; rules of procedure.

- (a) The Building and Fire Code Board of Appeals shall hold regular meetings as necessary to hear appeals or conduct other business. Special meetings may be called at any time by the chair of the board, the building official, the fire chief or upon the written request of two members of the board to the chair and the building official or fire chief.
- (b) The Building and Fire Code Board of Appeals shall adopt reasonable rules and regulations for conducting its meetings.
- (c) The city council shall provide suitable rooms in which the board shall hold its meetings and shall provide for the necessary expenses incurred by the board.

(C00, § 26-124; 15,545)

Sec. 26-125. Legal counsel.

The Building and Fire Code Board of Appeals shall have the right to legal counsel from the city attorney.

(C00, § 26-125; 15,545)

Secs. 26-126--26-134. Reserved.

Division 3. Permits and Fees

Part 1. General

Sec. 26-135. Permits required.

No person shall perform any work for which a permit is required under this chapter without first securing a permit from the building official. A property owner who allows, or has knowledge of work being performed without a permit as required by this chapter shall be responsible for ensuring permits are obtained, inspected, and approved. A separate permit shall be obtained for each building, individual address and each trade discipline unless otherwise indicated.

(C00, § 26-135; 15,545, 15,597)

Sec. 26-136. Issuance of permits.

- (a) The building official shall issue electrical, mechanical and plumbing permits in the name of the contractor and the contractor's business, if any. If a contractor becomes associated with a new firm or corporation, immediate notice must be given by filing the name of such firm or corporation with the office of the building official.
- (b) In cases in which an owner-occupant of a single-family dwelling desires to conduct work on electrical, mechanical, or plumbing systems in the owner-occupant's single-family dwelling, the building official may require the owner-occupant to demonstrate that he or she is competent to do the specific work before issuing the permit. For purposes of this section a single family dwelling unit shall mean a detached residence designed for or occupied by one family only which is the primary residence of the owner-occupant with record of homestead and qualifies for the homestead tax exemption. No refrigeration work requiring the recovery or charging of such systems shall be conducted by those individuals not having the required certification in accordance with CFC federal regulations.
- (c) A person seeking a permit to construct a swimming pool, spa, or water recreational facility, or any addition, remodeling or other alteration thereto shall make application to the office of the building official for such permit. The plans and specifications and plot plan, as well as other pertinent explanatory data, shall be submitted with each application.
- (d) A person seeking to erect, alter, relocate or maintain any sign or sign structure, as defined in section 26-800, shall make application to the zoning enforcement officer for a permit to conduct such work.
- (e) No permit shall be issued to any person who has fees outstanding as required by this article or any other laws or city ordinances.

(C00, § 26-136; 15,545, 15,861)

Sec. 26-137. Permit transferability; permit restrictions.

- (a) Electrical, mechanical, and plumbing permits issued pursuant to this chapter are not transferable. Either the person or contractor securing the permit or another qualified employee from the same firm or business as the contractor shall perform the work.
- (b) A contractor shall secure permits only for themselves and their firm or business. When a contractor has secured a permit, only the employees of that contractor or that contractor's firm or business shall perform the work for which the permit was obtained. For purposes of this section, an employee shall be one employed by the contractor for a wage or salary. A contractor may be required by the building official to show positive evidence as to the employee status of workers on the job. The evidence shall be in the form of payroll and time records, cancelled checks, or other documents. The contractor may also be required

to show the agreement or contract pertaining to the work being questioned as evidence that he or she is, in fact, the actual contractor for the work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours of demand shall be grounds for immediate revocation of any permit for the work in question.

- (c) Building permits issued pursuant to this chapter may be transferred to another individual provided the original permit applicant provides written permission to allow such transfer.

(C00, § 26-137; 15,545)

Sec. 26-138. Permit fees.

- (a) There shall be paid to the development services department for the issuance of each permit, fees in the amounts set in the schedule of fees adopted by the city council by resolution. Permit fees shall include but not be limited to fees for plumbing permits, mechanical permits, electrical permits, building permits, certificates of occupancy, building plan reviews, engineering reviews, planning reviews, zoning reviews, demolition permits, energy reviews, handicap reviews, reinspections, signs and billboards, erosion control inspections, and fees for failure to obtain permits before starting work.
- (b) The determination of value or valuation under any of the provisions of the building codes shall be made by the building official. The valuation to be used in computing the permit and plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.
- (c) If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay any fees pursuant to paragraph (a) for the new or amended permit.
- (d) If an inspection is requested and performed and the building official determines that the work was not ready, or the inspection fails two or more times, a re-inspection fee may be charged at the discretion of the building official in the amounts set in the schedule of fees adopted by the city council by resolution.
- (e) Inspections may be conducted outside of regular business hours for projects that pay an overtime inspection fee in the amount set in the schedule of fees adopted by the city council by resolution.
- (f) In addition to other fees required in this section, a fee shall be paid to the building official for the review of plans and inspection of construction for compliance with the energy code. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.
- (g) In addition to other fees required in this section, a fee shall be paid to the building official for review of documents (plans, specifications and related documentation) for compliance with the accessibility provisions of Chapter 11 of the IBC for the City of Des Moines. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.
- (h) *Plan-checking fees.* Plan-checking fees shall be as follows:
 - (1) When a plan is required to be submitted a plan-checking fee in the amount set in the Schedule of Fees adopted by the City Council by resolution shall be paid to the

building official at the time of submitting plans and specifications for checking. Exception: The plan-check fee for buildings of one and two family dwelling occupancies and accessory structures for compliance with the International Residential Code may be waived by the building official when the plans do not involve unusual or complex engineering design features.

- (2) Where plans are incomplete or changed so as to require additional plan checking, an additional plan-check fee shall be charged at the rate set in the Schedule of Fees adopted by the city council by resolution.
 - (3) Additional plan checking time may be dedicated to projects that pay an overtime plan checking fee in the amount set in the Schedule of Fees adopted by the City Council by resolution.
 - (4) Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-check fee.
- (i) No permit shall be issued to any person or firm that owes the city any outstanding fees or fines.

(C00, § 26-138; 15,545, 15,597, 15,861, 16,224)

Sec. 26-139. Fee for failure to obtain permit before starting work.

Except in emergency situations, as determined by the building official, if work for which a permit is required is started or continued by any person before obtaining a required permit, the regular total fees as specified in this article for such work may be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed in this chapter. However, no double fee shall be imposed upon any person who starts work without a permit if:

- (1) Work is started on Saturday, Sunday, or holiday, or during any other day when the office of the building official is not normally open for business; and
- (2) Such person secures the proper permit on the next working day of the development services department; and
- (3) No plan review is required prior to issuance of the permit.

(C00, § 26-139; 15,545, 16,224)

Sec. 26-140. Collection of fees; refunds.

- (a) All fees due the city for examinations, licenses, certificates and permits pursuant to this chapter shall be collected in the office of the building official and paid thereafter to the city treasurer.
- (b) *Fee refunds.* Fees may be refunded as follows:

- (1) The building official may authorize the refunding of any fee paid under this section which was erroneously paid or collected.
- (2) The building official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with the building code.
- (3) The building official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

A minimum administrative fee in the amount set in the Schedule of Fees adopted by the City Council by resolution shall be charged for fee refunds. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(C00, § 26-140; 15,545)

Sec. 26-141. Exemption from fees.

- (a) Persons performing work on government owned public properties for the federal, state, ~~or county~~county or city governments may obtain permits for that work without paying the permit fees described in this section, provided that nothing in this section shall be construed to exempt payment of permit fees by persons working under the direction of the city in connection with the abatement of any public nuisance on private property, pursuant to city ordinance or state law.
- (b) *Waiver of permit fees by city council.* The city council upon receipt of timely application may by resolution waive payment of permit fees required in this chapter to persons who develop a project within the Metro Center Urban Renewal Project Area which will receive assistance from the city, from Polk County or from the state of Iowa under Iowa Code, Chapter 15F, Vision Iowa Program.

(C00, § 26-141; 15,545)

Sec. 26-142. Revocation, expiration and extension of permit.

- (a) Any permit required by this chapter may be revoked by the building official upon the violation of any section of this article. In addition to the revocation of a permit a person shall be guilty of a misdemeanor punishable by fine as provided by section 1-15 of this Code, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.
- (b) A willfully false statement in an application for a permit shall be sufficient cause for revocation.
- (c) Building, electrical, mechanical and plumbing permits issued by the building official shall expire under any one of the following conditions:
 - (1) Failure to begin work authorized within 180 days after issuance of the permit.
 - (2) Suspension or abandonment of work for 180 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.

- (3) Failure to complete work on a structure designed for residential uses or a townhouse structure that is part of a townhouse development of eight (8) or fewer units within one year after issuance of a permit.
- (4) Failure to complete work on a structure designed for commercial uses, industrial uses, or a townhouse structure that is part of a townhouse development of more than eight (8) units within two years after issuance of a permit.
- (d) The building official is authorized to grant one 180-day extension of time for permits set to expire in one year and up to three 180-day extensions of time for permits set to expire in more than one year.
- (e) Extensions in subsection (d) of this section may be further extended by action of the city council. An expired permit may not be reissued without a permit fee except by resolution of the city council.

(C00, § 26-142; 15,545, 15,597, 15,608, 15,656, 15,861)

Sec. 26-143. Validity of Permit.

- (a) The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of the building codes. No permit presuming to give authority to violate or cancel the provisions of the building codes shall be valid, except insofar as the work or use which it authorizes is lawful.
- (b) The issuance of a permit based upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in such plans and specifications or from preventing construction being carried on when in violation of the building codes or of any other ordinance.

(C00, § 26-143; 15,545)

Secs. 26-144—26-149. Reserved.

Division 4. Inspections and Enforcement

Sec. 26-150. Inspections.

- (a) The person doing any work for which a permit is required shall notify the building official that the work is ready for inspection. The building official shall perform the required inspection and issue verification noting the date and results of the inspection.
- (b) When a permit applicant is notified that inspections need to be scheduled, the applicant shall schedule such inspections within ten (10) days of notification. If not so made, the building official may refuse to issue any other permits to the applicant or for the property until inspections are scheduled and approved.
- (c) All construction trades inspectors shall have the right to enter upon any property during reasonable hours in the discharge of their official duties. They are authorized and directed to inspect any and all building and environmental support system installations within the city and order the removal, reconfiguration or other modification, for the protection of the

public health, safety and welfare, of any system or component that is not in compliance with the provisions of municipal ordinances and construction codes. Such order may mandate the isolation of affected systems or disconnection of utilities.

- (d) Inspections may be conducted outside of regular business hours pending staff availability. After hours inspections will be charged an overtime inspection fee in the amount set in the Schedule of Fees adopted by the City Council by resolution.

(C00, § 26-150; 15,545, 15,861)

Sec. 26-151. Notice of and failure to remedy defects.

Any work for which a permit is required is subject to inspection at any time. The building official may revoke a permit at any time when the work is not in compliance with the building codes, or any other applicable law, ordinance, rule or regulation. The building official may take any necessary action including but not limited to disconnecting utility service affecting the defective work. The utility service shall not be reinstated until all defects or improper conditions have been removed or repaired and re-inspected to assure compliance with the provisions of the building codes.

(C00, § 26-151; 15,545)

Sec. 26-152. Correcting defective work.

When a contractor is notified that defects exist in the work, the contractor shall make corrections within thirty (30) days after notification. If not so made, the building official may refuse to issue any other permits to the contractor or for the property until defects are corrected and the work is approved after re-inspection by the building official.

(C00, § 26-152; 15,545)

Sec. 26-153. Covering or concealing work.

No work for which a permit is required shall be concealed in any manner from access or sight until the work has been inspected and approved by the building official. When a contractor or property owner is notified that work has been concealed without building official approval, the work shall be exposed and inspections scheduled within thirty (30) days after notification. If not so made, the building official may refuse to issue any other permits to the contractor or for the property until the work is inspected and approved by the building official.

(C00, § 26-153; 15,545, 15,597)

Sec. 26-154. Temporary work.

Temporary work means work that is installed for the convenience of a contractor or builder during construction. This work shall be the complete responsibility of the person or company that installs it and shall not require the building official's approval prior to being used, provided that the building official may require corrections in the work to eliminate any hazardous or unsafe conditions.

All such work shall be installed by a licensed contractor or the licensed contractor's employee and shall be removed before final approval of permanent work. Temporary work shall not be permitted to remain in use in excess of six months except by written permission of the building official.

(C00, § 26-154; 15,545)

Sec. 26-155. Furnishing utility service prior to approval of work.

No utility furnishing electrical, gas, or water service shall connect that service, or furnish electricity, gas, or water to any building or premises which has not been inspected and approved by the building official. Upon written notice from the building official the utility shall immediately disconnect such building or premises from its service.

(C00, § 26-155; 15,545)

Sec. 26-156. Civil violations and penalties.

- (a) No person shall engage in or cause any activity to be done in violation of any provision of the building codes or state laws regulating contractor licensing.
- (b) Persons who fail to perform an act required by the provisions of this chapter or who commit an act prohibited by the provisions of this chapter shall be guilty of a misdemeanor punishable by fine as provided by section 1-15 of this Code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.
- (c) The city may obtain injunctive relief to enforce the provisions of this chapter.

(C00, § 26-156; 15,545, 15,608)

Sec. 26-157. Unsafe structures, sites or equipment.

- (a) All structures, sites, or equipment which contain one or more of the following defects may be considered unsafe and unfit for occupancy:
 - (1) structural instability, dilapidated, decayed, obsolete, dangerous, abandoned, not secured against entry;
 - (2) insanitary, contains filth and contamination, vermin infested;
 - (3) lack adequate egress, light, ventilation, maintenance, or minimum safeguards to protect or warn occupants in the event of fire;
 - (4) involve illegal or improper occupancy.

- (b) All unsafe structures, sites, or equipment may be declared to be public nuisances by the building official, are subject to nuisance proceedings of article VI of chapter 42, and shall be abated by repair, rehabilitation, demolition, or removal. All unsafe residential buildings and equipment are also subject to the residential public nuisance code in article III of chapter 60 of this code.

(C00, § 26-157; 15,545)

Sec. 26-158. Factory built structures.

- (a) Factory-built buildings constructed and certified in accordance with the provisions of Iowa Code section 103A.9 shall be exempt from the following requirements of this code.
 - (1) Sections 26-150, 26-151, 26-152 and 26-153 of this article requiring personal inspection;
 - (2) Sections 26-450, 26-550, and 26-670 of this article requiring a contractor's license;
 - (3) Sections 26-451, 26-551, and 26-671 requiring a master, journeyman or apprentice license; and,
 - (4) Section 26-153 of this article prohibiting the concealment of work prior to inspection.
- (b) The correction of violations and all on-site work shall be subject to the provisions of this chapter without benefit of the exemptions provided in this section. The term "on-site work" shall include all work not certified by such certificate of inspection.

(C00, § 26-158; 15,545)

Sec. 26-159. Failure to Complete Work by Permit Expiration Date.

A person shall be guilty of a misdemeanor punishable by fine as provided by section 1-15 of this Code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code for failing to complete permitted work by the permit expiration date. The city may also file a civil action in the district court seeking further relief that may include an order to complete permitted work.

(C00, § 26-159; 15,545, 15,608)

Secs. 26-160--26-199. Reserved.

ARTICLE II. ENERGY CODE

Division 1. Generally

Sec. 26-200. Adoption of the State Residential and Non-Residential Energy Code

The requirements for energy conservation in residential and non-residential building construction, including the International Energy Conservation Code as provided in 661 I.A.C. 303.1, 303.2 and 303.3 are adopted and incorporated by this reference in their entirety. This adoption of the State Residential and Non-Residential Energy Code is pursuant to Iowa Code Section 103A.8A

~~Sec. 26-200. Adoption of the International Energy Conservation Code.~~

- ~~(a) This article shall consist of the International Energy Conservation Code ("IECC"), 2015 edition, published by the International Code Council, including both the Commercial Provisions and the Residential Provisions thereof, which are incorporated by this reference in their entirety, except as otherwise indicated in this article.~~
- ~~(b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the energy code. References to section numbers in this article not preceded by "26-" will be to sections in the IECC. References to sections numbers in this article preceded with a "C" will be to the Commercial Provisions in the IECC. References in this article to sections preceded with an "R" will be to the Residential Provisions in the IECC.~~
- ~~(c) Nothing in this division shall be interpreted to apply a lower standard or requirement than imposed by the residential energy code or the nonresidential energy code of the state of Iowa building code. In the event the residential energy code or the nonresidential energy code of the state of Iowa building code imposes a higher standard or requirement, the applicable energy code of the state of Iowa building code shall be enforced in lieu of this division.~~

~~(C00, § 26-200; 15,545)~~

~~Sec 26-201—26-209. Reserved.~~

~~Division 2. Deletions and Amendments~~

~~Sec. 26-210. Deletions.~~

~~The following sections are deleted from the International Energy Conservation Code, and are of no force or effect in this article:~~

- ~~(1) Section C109~~
- ~~(2) Section R109~~

~~(C00, § 26-210; 15,545)~~

~~Sec. 26-211. Amendments and additions.~~

~~The remaining sections in this division are and represent amendments and additions to the requirements contained in the International Energy Conservation Code, and where their requirements conflict with that code, the requirements of this division shall prevail.~~

~~(C00, § 26-211; 15,545)~~

~~Sec. 26-212. Statement of review.~~

~~A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards shall be provided. If the building volume exceeds 100,000 cubic feet of enclosed space that is heated or cooled, the review shall be signed and sealed by the responsible registered architect or licensed professional engineer. This statement shall be filed with the building official on a form approved by the building official prior to construction or before obtaining building permits. The building official may issue permits for footings and foundations prior to the submittal of the statement of review.~~

~~(C00, § 26-212; 15,545)~~

~~Sec. 26-213. Scope of IECC residential provisions.~~

~~Delete section R101.2 of the IECC and insert in lieu thereof the following new section:~~

~~R101.2 Scope. This code applies to residential buildings and the buildings' sites and associated systems and equipment, except the remodeling or renovation of one and two-family dwelling units. The remodeling or renovation of one and two-family dwelling units is not within the scope of the IECC or this article.~~

~~(C00, § 26-213; 15,545)~~

~~Sec. 26-214. Testing.~~

~~Delete the first three sentences of section R402.4.1.2 of the IECC and insert in lieu thereof the following new sentences:~~

~~The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 4 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party holding one of the following certifications, or an equivalent certification approved by the building official:~~

- ~~(1) — Building Analyst certified by Building Performance Institute, Inc.~~
- ~~(2) — Home Energy Rating System Rater certified by Residential Energy Services Network.~~
- ~~(3) — Duct and Envelope Tightness (DET) Verifier certified by the Illinois Association of Energy Raters.~~

~~(C00, § 26-214; 15,545)~~

~~Sec. 26-215. Sealing.~~

~~Delete section R403.3.2 of the IECC and insert in lieu thereof the following new section:~~

~~R403.3.2 Sealing (mandatory). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with either the State Mechanical Code or International Residential Code, as applicable.~~

~~EXCEPTIONS:~~

- ~~(1) — Air impermeable spray foam products shall be permitted to be applied without additional joint seals.~~
- ~~(2) — Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.~~
- ~~(3) — Continuously welded and locking type longitudinal joints and seams in ducts operating at static pressures less than 2 inches of water column (500 Pa) pressure classification shall not require additional closure systems.~~

~~(C00, § 26-215; 15,545, 15,832)~~

~~Sec. 26-216 Duct leakage (Prescriptive).~~

~~Delete section R403.3.4 and insert in lieu thereof the following new section:~~

~~R403.3.4 Duct Leakage (Prescriptive). The total leakage of the ducts, where measured in accordance with Section R403.3.3 shall be as follows:~~

- ~~(1) — Rough-in test: Total leakage shall be less than or equal to 6 cfm (170 L/min) per 100 square feet (9.29 m²) of conditioned floor area where the air handler is installed at the time of the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.~~
- ~~(2) — Postconstruction test: Leakage to outdoors shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area or total leakage shall be less than or equal to 6 cfm (170 L/min) per 100 square feet (9.29 m²) of conditioned floor.~~

~~(C00, § 26-216; 15,545)~~

~~Sec. 26-217. Building cavities.~~

~~Delete section R403.3.5 of the IECC and insert in lieu thereof the following new section:~~

~~R403.3.5 Building cavities (mandatory). Building framing cavities shall not be used as supply ducts. Building framing cavities may be used as return ducts only if both of the following conditions exist:~~

- ~~(1) — Ducts must be tested for duct leakage in accordance with section R403.3.3.~~

~~(2) — Exterior wall cavities shall not be used for return ducts.~~

~~(C00, § 26-217; 15,545)~~

~~**Sec. 26-218. Commissioning Agent for commercial buildings.**~~

~~Insert the following at the end of section C408.2. The commissioning agent shall be in no way affiliated with the project's design, installation or sale of products, to avoid any conflict of interest. The commissioning agent shall be accredited by an industry recognized certification program that is acceptable to the authority having jurisdiction.~~

~~(C00, § 26-218; 15,545)~~

~~**Secs. 26-219 — 26-299. Reserved.**~~

ARTICLE III. BUILDING CODE

Division 1. Generally

Sec. 26-300. Adoption of International Codes.

- (a) The provisions of the International Building Code, ~~2018~~ 2021 edition, published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C., 20001 are hereby adopted by reference and subject to the additions, deletions and modifications hereinafter stated as the general requirements for commercial building construction in the City of Des Moines.
- (b) The provisions of the International Residential Code, ~~2021~~ 2018 edition published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C., 20001, except for Part VI – Fuel Gas, Part VII – Plumbing and Part VIII – Electrical; and with the adoption of appendices G, H, J, K, and M, are hereby adopted by reference and subject to the additions, deletions and modifications hereinafter stated as the general requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures in the City of Des Moines.
- (c) The provisions of the International Existing Building Code, ~~2021~~ 2018 edition, published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001 are hereby adopted by reference and subject to the additions, deletions, and modifications hereinafter regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Des Moines.
- (d) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the building code. References to section numbers not preceded by "26-" will be to sections in the International Building Code (IBC), the International Existing Building Code (IEBC) or the International Residential Code (IRC).

- (e) All references to the International Plumbing Code found within the IRC, IBC, and IEBC shall be interpreted to refer to the corresponding provision in the State Plumbing Code.
- (f) All references to the International Mechanical Code found within the IRC, IBC, and IEBC shall be interpreted to refer to the corresponding provision in the State Mechanical Code.
- (g) The following climatic and geographic design criteria shall be applied in the application of the International Residential Code to structures in the City of Des Moines.
1. The frost line depth identified in the following table shall be applied in the application of the International Building Code and International Existing Building Code.

Ground Snow Load	Wind Design				Seismic Design Category	Subject To Damage From:				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temperature
	Wind Speed	Topographic effects	Special wind region	Wind-borne debris zone		Weathering	Frost Line Depth	Termite	Decay					
30 psf	115 mph	None	No	No	A	Severe	42"	Moderate to Heavy	Slight to Moderate	0°F	Yes	Mar-1984	1833	48.6°F

Manual J Design Criteria							
Elevation	Latitude	Winter Heating	Summer Cooling	Altitude correction factor	Indoor Design Temperature	Design Temperature Cooling	Heating temperature difference
965'	42°	-2°	90°	1.0	70°	75°	-
Cooling Temperature Difference	Wind Velocity Heating	Wind Velocity cooling	Coincident wet bulb	Daily Range	Winter humidity	Summer humidity	
-	-	-	75°	M	-	-	

(C00, § 26-300; 15,861, 16,224)

Sec. 26-301. Building permit required.

- (a) Building permits are required as identified in IBC chapter 1, part 2; IRC chapter 1, part 2; and IEBC Chapter 1, part 2.
- (b) A fee for each building permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the city council by resolution. The fee for a permit to construct only a foundation for a future building shall be 150 percent of the fee specified in the Schedule of Fees, with the value of the foundation for such purpose being ten percent of the total valuation of the future building and foundation.

(C00, § 26-301; 15,861)

Sec. 26-302. Building permit exemptions.

- (a) A building permit shall not be required for the following:
 - (1) One-story detached accessory buildings used as tool or storage sheds, playhouses, pet shelters, and similar uses constructed in accordance with the International Residential Code or International Building Code provided the floor area does not exceed 120 square feet in area and complies with all applicable planning and zoning requirements.
 - (2) Chain link or wire fences four feet or less in height and all other fences three feet or less in height.
 - (3) Movable cases, counters, and partitions not over five feet nine inches in height.
 - (4) Playground equipment.
 - (5) Retaining walls, which retain no more than four feet of unbalanced fill, do not support a surcharge, and do not impound flammable liquids.
 - (6) Retaining walls which are part of a public improvement project regulated by the City Engineer.
 - (7) Tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
 - (8) Platforms, walks, and driveways not more than 30 inches above grade and not over any basement or story below.
 - (9) Painting, papering, and similar finish work.
 - (10) Temporary motion picture, television and theater stage sets and scenery.
 - (11) Window awnings supported by an exterior wall of one and two family dwellings and accessory structures to one and two family dwellings when projecting not more than 54 inches.
 - (12) Minor maintenance and repair work that is deemed by the building official not to affect structural strength, safety, fire resistance, or sanitation, provided that no such work shall be performed in a manner contrary to any provisions of the building code or any other laws.
 - (13) Installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.
- (b) Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required when appropriate for the exempted items in subsection (a) of this section.
- (c) Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the building code or any other laws or ordinances of this jurisdiction.

(C00, § 26-302; 15,545, 15,861, 16,224)

Sec. 26-303. Demolition of buildings and structures.

- (a) Permit required; expiration. A permit shall be required for demolition of buildings and structures in accordance with the following:

- (1) No person shall commence the work of demolishing any building or structure until a permit authorizing such work has been obtained from the building official. Every demolition permit issued under the provisions of this section shall expire by limitation and become null and void if the work authorized by such permit is not commenced within thirty (30) calendar days from the date of issuance, or if the work authorized by such permit is not completed within ninety (90) calendar days of the date of issuance, unless, because of the extensiveness of the project, the building official deems at the time of issuance a longer period for either commencement or completion should be granted.
 - (2) Any permittee may request in writing an extension of time within which the demolition work may be commenced or completed. If such request contains good and satisfactory reasons showing that circumstances beyond the control of the permittee have prevented timely commencement or completion of the work, the building official may extend the applicable expiration date.
- (b) *Application for permit.* Application for a permit to demolish a building or structure shall be made to the building official. The applicant shall provide the following information:
- (1) The name and address of the person in responsible charge of the work.
 - (2) The street address and legal description of the property on which the building or structure is located.
 - (3) The name and address of the owner and, when appropriate, his or her legal agent in responsible charge of the property.
 - (4) Overall dimensions, number of stories and materials of construction of the building or structure to be demolished.
 - (5) A plan showing areas to be protected by fences, barricades, covered walkways, or other protective devices, and details of construction for such devices.
 - (6) Location of the site where the demolition debris is to be discarded.
 - (7) Approval from other affected city departments or governmental agencies when deemed necessary by the building official and any special conditions or restrictions relating thereto.
 - (8) For demolition by explosives, the applicant shall furnish the information required in this subsection and shall furnish information regarding the person who will be conducting the demolition by explosives and shall furnish plans showing how the building or structure will be prepared for demolition, the type and amount of explosives to be used, and a detailed plan showing what safety precautions will be taken to protect persons and property.
 - (9) A permit for the demolition of a building or structure by the use of explosives may be issued by the city council subject to the following conditions:
 - a. The applicant for a permit must demonstrate to the city council the need for demolition by explosives rather than demolition by conventional means and must demonstrate that demolition by explosives can be safely conducted at the specific location requested.
 - b. The building official, fire chief and police chief shall review the application and submit their opinions to the city council concerning whether or not the demolition can be safely conducted, together with any recommendations they may have.

- c. The applicant shall provide a certificate of liability insurance for personal injuries, death and for property damage in an amount not less than \$1,000,000.00 naming the city as an additional named insured party. The certificate shall provide that the coverage shall not be cancelled or changed without ten days' prior written notice to the city. The city council may require additional insurance coverage when the hazard appears greater than normally expected and may also in such instance require the posting of a bond acceptable to the city in an amount commensurate with the severity of the hazard. The bond shall provide that the applicant shall well and satisfactorily perform the demolition. The bond shall be for the benefit of the city and any person who is injured or damaged by the failure of the applicant to satisfactorily perform the demolition.
 - d. The applicant shall agree to indemnify and hold harmless the city from all losses resulting from damages or injuries caused by the applicant or the applicant's employees, servants or agents arising out of the use of explosives in demolition.
 - e. The applicant shall pay the city in advance for reasonable expenses that will be incurred by the city in furnishing necessary security and police protection in the vicinity of the demolition site.
 - f. The applicant shall observe all applicable federal, state and local laws in the course of the demolition, including but not limited to the following:
 - 1. The applicable provisions of the city fire prevention code relating to the storage, transportation and use of explosives.
 - 2. The rules and regulations of the United States Environmental Protection Agency relating to the demolition of buildings or structures containing asbestos materials or other hazardous air pollutants.
 - g. The applicant shall meet all other requirements of this article relating to the demolition of structures or buildings; provided, however, that if a conflict exists between the provisions of this subsection and other sections of the city Code, the provisions of this subsection shall be deemed to be controlling.
 - h. The applicant need not obtain an obstruction permit as provided in section 26-304 of this article to block off portions of public property within an appropriate distance of the demolition site, provided that the obstruction is for less than a 24-hour period and provided that the obstruction is for security purposes in connection with the use of explosives. However, the applicant shall be required to obtain an obstruction permit to use public property in the cleanup operations following the detonation of explosives.
 - i. The city council shall at any time have the authority to impose additional requirements and safety precautions in the interest of the public health, safety and welfare.
- (10) Such other information as shall be reasonably required by the building official or development services director, including all information necessary to conduct historic review pursuant to chapter 58, article IV.

- (c) *Disconnection of sewer and water.* No permit to demolish shall be issued until it has been established that existing sewer and/or water services have been properly disconnected and approved.
- (d) *Bond required.*
 - (1) Before a permit is issued to remove a building which has been ordered removed as a public nuisance and which period of time granted by the city or by the courts for removal or other remedial action by the applicant or other party of interest has expired, the applicant may be required to post a cash bond equal to the estimated costs of the removal of the building and the disconnection of the existing utility services. If the applicant does not remove the building at the time the permit expires at a time specified by the building official, such bond shall be forfeited and used toward the costs of the city to remove it.
 - (2) If the building is removed by the applicant prior to the time the permit expires, such bond shall be returned to the applicant. A return of the bond does not exempt the applicant from further assessments to the real estate for costs that have occurred prior to the issuance of the permit.
- (e) *General requirements.*
 - (1) The building official shall have the authority to impose at any time reasonable requirements and safety precautions in the interest of public health, safety, and welfare which, in his or her opinion, are commensurate with the severity of hazard, either demonstrated or anticipated, provided that such requirements may be appealed to and reviewed by the board of appeals at the request of the affected party.
 - (2) In addition, the following shall be met:
 - a. The discharging, loading, or dumping of building materials from any building shall be accomplished in such manner as to minimize the creation of dust and scattering of debris. Materials shall not be dropped by gravity to any point lying outside the building walls except through an enclosed chute, unless such materials are dust free and the height of drop is at least equal to the horizontal distance to the nearest property or barricade line. Where such horizontal distance is not available and practical necessity dictates the dropping of relatively large masses of materials, the building official may approve appropriate protective measures designed to provide protection from danger equivalent to that afforded by the otherwise required horizontal setback; provided, however, that in all cases such materials shall be handled in a manner approved by the air pollution control division of the county health department.
 - b. When necessary to protect the public health, safety, or welfare, every demolition project shall be barricaded, fenced, lighted, and signed with warning and/or directional signs in a manner approved by the building official. The building official may also require the presence of approved security guards or flag persons. Such barricades, fences, lights, and signs as may be deemed necessary by the building official for protection of the public shall be maintained after completion of the demolition work until such time as the site is cleaned of all debris and all excavations, basements, and depressions in the ground are restored to grade and rendered harmless.

- c. Adequate precautions shall be taken to ensure that procedures or conditions relating to the demolition work do not constitute a fire hazard. If, in the opinion of the fire chief, a fire hazard exists or is likely to exist, he or she may order the cessation of work or require that appropriate protective measures approved by him or her be taken.
 - d. All streets, alleys, and public ways adjacent to the demolition site shall be kept free and clear of any rubbish, refuse, and loose material resulting from the demolition work unless an obstruction permit for such space has been obtained.
 - e. Demolition of structures subject to public nuisance action shall include removal of all footing and foundation materials unless otherwise approved by the building official.
 - f. Upon completion of the demolition work, the site shall be left in a clean, smooth condition. Inorganic building rubble, sand, clean earth, or other approved fill material may be used to fill excavations, basements, and depressions, provided that the top 12 inches shall be clean earth or its equivalent in terms of surface smoothness, free from dust, and cleanliness. If the surface is to be used for the parking of vehicles, it shall be constructed as required in chapter 134 of the city Code pertaining to zoning.
- (3) No permit to demolish shall be issued until a grading permit, waiver of grading permit, or a solid waste disposal site license is obtained for any location within the city where the demolition debris is to be discarded.

(C00, § 26-303; 15,861, 16,224)

Sec. 26-304. Obstruction permit, bond, and insurance.

- (a) No person shall use any portion of public property as described in Section 3308 of the International Building Code without first obtaining an obstruction permit which shall state the following:
 - (1) The name of the owner of the property abutting the public property to be used.
 - (2) The name of the person applying for the obstruction permit.
 - (3) An accurate description of the public property to be obstructed or occupied.
 - (4) The length of time such obstruction or occupancy shall exist.
 - (5) An agreement to comply in all respects with the provisions and requirements of the building code, this article and other city ordinances relating to the use of streets and alleys and to indemnify and save and keep harmless the city from any and all costs, expense or liability for damages or injuries to persons or property or liability of any kind whatsoever, arising from or growing out of the use and occupancy of such street or growing out of the deposit of such material or any failure to properly pile, deposit, guard, light or care for such.
 - (6) Such additional requirements as may be deemed necessary for the protection of the city and its inhabitants.
- (b) Before an obstruction permit shall be issued, there shall be placed on file in the office of the building official proof of liability insurance and, if required, a surety bond as follows:

- (1) The amount and type of liability insurance required in each instance shall be determined by the city's finance director or the finance director's designee. The insurance requirements are hereby made a part of the permit application form. The insurance shall remain in full force and effect through the obstruction permit expiration date or such extended time as may be granted by the city.
 - (2) If the city engineer or the city engineer's designee determines in their sole discretion that an obstruction permit applicant's proposed use of the right-of-way poses a risk of damage to the right-of-way, the city engineer or the city engineer's designee may require such applicant to post a surety bond before the obstruction permit is issued. Such bond, if required, shall be approved by the city engineer or the city engineer's designee; shall be in the minimum amount of \$5000.00 or such other amount determined by the city engineer or the city engineer's designee to be sufficient to cover the anticipated cost of damage to the right-of-way; and shall be conditioned to ensure removal of the obstruction and restoration of the right-of-way and all public improvements thereon by or before the expiration date of such obstruction permit or such extended time as may be granted by the building official.
- (c) No person shall, under any permit, occupy more area than is stated in the obstruction permit.
 - (d) The fee for an obstruction permit shall be as set forth in the Schedule of Fees adopted by the city council by resolution.
 - (e) This section shall not apply to street maintenance and actions by the city and its employees and contractors.

(C00, § 26-304; 15,861)

Sec. 26-305. Conversion to condominium or multiple housing cooperative.

- (a) The conversion of any residential building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy classification for the building, notwithstanding anything in the building codes to the contrary, and shall conform to the International Building Code.
- (b) No person shall file or record a declaration in the office of the county recorder to convert an existing structure located within the city to a horizontal property regime unless a certificate of occupancy for compliance with the current building codes has been issued by the building official
- (c) No person shall file or record an instrument in the office of the county recorder conveying an interest in real estate located in the city to a multiple housing cooperative unless a certificate of occupancy for compliance with the current building codes has been issued by the building official.
- (d) At least 60 days before being filed or recorded in the office of the county recorder, the applicant shall file a copy of such declaration or such instrument, together with the following documents with the ~~permit and development administrator~~building official, and shall also pay a conversion fee in the amount set in the schedule of fees adopted by the city council by resolution:
 - (1) Two copies of an as-built plan for the entire structure.

- (2) A building code analysis prepared by a licensed architect or professional engineer demonstrating that the structure conforms with the current building codes, or can be brought into conformance with the current building codes by planned improvements to be made to the structure.
 - (3) Two copies of construction plans for planned improvements to be made to the structure to bring the structure into conformance with the current building codes.
- (e) Upon receipt of the documents and the conversion fee as provided above, the ~~permit and development administrator~~building official or the ~~administrator's building official's~~ designee shall review the building code analysis and conduct such inspections of the structure as may be deemed appropriate by the ~~administrator building official~~ to determine whether or not the structure conforms with the requirements of paragraph (a) above. If the ~~permit and development center administrator~~building official or the ~~administrator's building official's~~ designee determines that the structure has been shown to be in substantial compliance with the requirements of paragraph (a) above, the ~~administrator building official~~ shall cause a certificate of occupancy to be issued for the use of the structure as a horizontal property regime or a multiple housing cooperative. If the structure has not been shown to be in substantial compliance with the requirements of paragraph (a) above, the ~~administrator building official~~ shall give written notice to the applicant of any violations of the applicable code requirements discovered to exist in the building.

(C00, § 26-305; 15,861)

Sec. 26-306. Permanent occupancy of public property generally.

- (a) No part of any structure or any appendage thereto, except signs, shall project beyond the property line of the building site, except as specified in the building code; provided, however, that a structure or appendage thereto may project beyond the property line of the building site when the applicant holds a property interest, including but not limited to air rights, within the area of the projection sufficient to establish a legal right to build therein or thereon.
- (b) Structures or appendages regulated by this section shall be constructed of materials as specified in the building code.
- (c) The projection of any structure or appendage shall be the distance measured horizontally from the property line to the outermost point of the projection.
- (d) Nothing in the building code shall prohibit the construction and use of a structure between buildings and over or under a public way provided the structure complies with all requirements of the building code.
- (e) No subsection of this section and no provision of the Building Code shall be construed to permit the violation of other laws or ordinances regulating the use and occupancy of the public property.

(C00, § 26-306; 15,861)

Sec. 26-307. Shelter for the homeless.

- (a) As used in this section, the term "shelter for the homeless" means a building used to provide primarily short term lodging, or short term lodging and meals, and which may also provide other services, including counseling, with or without compensation, to transient individuals or to individuals who have no access to traditional or permanent housing. For purposes of this subsection, short term lodging shall include facilities offering lodging for 30 days or less.
- (b) No building or portion thereof that is to be used as a shelter for the homeless shall be occupied as such unless an inspection certificate for such use has been issued by the neighborhood inspections ~~zoning~~ administrator. Such certificate shall be valid for not more than one year from the date of issuance, and no new certificate shall be issued until the premises have been reinspected for compliance with applicable building code, zoning and fire safety requirements. No fee shall be charged for the annual inspection or certificate of compliance issued under this subsection; provided, however, that this fee exemption shall not apply to permit fees, when required.
- (c) Facilities which fall under federal, state or other local regulations which require annual inspections for building and health safety standards shall be exempted from this section.

(C00, § 26-307; 15,861)

Sec. 26-308. – Adjustment of lot lines for building and fire code purposes.

- (a) *Combination of adjoining lots.* Adjoining lots, regardless of whether they are under common ownership or control, may be treated as a single consolidated lot for the limited purposes of this chapter and Chapter 46 when a declaration of covenants in a form approved by the City legal department and signed by all owners of the included lots is recorded that binds each of the included lots to the following covenants:
 - (1) All existing and future buildings and structures located upon the included lots and any future alterations and additions thereto shall be considered part of a single consolidated lot under common ownership for purposes of applying this chapter and Chapter 46. Any construction, alteration, addition or demolition of a building on the included lots shall conform with the provisions of this chapter and Chapter 46 that are applicable to the included lots and each portion thereof, as a building located on a single consolidated lot under common ownership. No new building shall be constructed or placed on the included lots and no existing building on the included lots shall be demolished, altered or expanded in a manner which would cause another existing building on the included lots to come into violation of this chapter or Chapter 46 when applied to all buildings on the included lots that are considered as a single consolidated lot under common ownership. Each owner of any portion of the included lots shall maintain its portion of the included lots in good repair and in conformance with the applicable requirements of this chapter and Chapter 46.
 - (2) If any building on the included lots is affected by casualty loss, demolition, deterioration, neglect or any other event that causes the building official to determine that some portion or portions of the buildings then existing upon the included lots are unsafe to occupy, the building official, in the proper performance of the building official's duties may issue such orders as are reasonable and

necessary in accordance with the provisions of this chapter, Chapter 46 and applicable law, treating all buildings on the included lots as located on a single consolidated lot under common ownership.

- (3) All provisions of the declaration of covenants shall run with the land and shall be binding upon the owners, and the owners' successors and assigns, for the benefit of the City, the owners, and the owners' successors and assigns. Each owner of any portion of the included lots shall be given the benefit of the obligations under the declaration of covenants imposed upon the owners of all other portions of the included lots, and may enforce such obligations by an action for specific performance and/or damages.
 - (4) The declaration of covenants shall not be amended or terminated without the written approval of all owners of the included lots, and the prior written consent of the building official. The building official is authorized to consent to any such amendment or termination only if appropriate measures have been taken to the reasonable satisfaction of the building official to remedy any violations of this chapter and Chapter 46 that would otherwise exist upon such amendment or termination.
- (b) *Use of artificial lot lines.* The shared lot line between adjoining lots, regardless of whether the lots are under common ownership or control, may be relocated within the area of the combined lots, for the limited purposes of this chapter and Chapter 46 when an easement or declaration of covenants in a form approved by the City legal department and signed by all owners of the lots burdened by the artificial lot line is recorded that binds the owners of each of the burdened lots to the following covenants:
- (1) For the purposes of these covenants, the following terms shall be defined as follows:
 - a. A "burdened lot" is any lot which contains an artificial lot line which is established across the interior of the lot for the benefit of the owners of an adjoining lot.
 - b. A "benefitted lot" is any lot which is given the benefit of the use of an artificial lot line located on an adjoining burdened lot.
 - c. "Artificial lot line" is a line, the location of which is clearly identified, which is located within the boundary of a burdened lot for the benefit of an adjoining benefitted lot, and shall serve as the shared lot line between the burdened and benefitted lots for purposes of applying this chapter and Chapter 46 to both lots. The location of a proposed artificial lot line must not create a violation of this chapter or Chapter 46, if treated as the shared lot line between the burdened and benefitted lots.
 - (2) All owners of each burdened lot agree that for the limited purpose of applying this chapter and Chapter 46: i) the artificial lot line shall serve as the shared lot line between the burdened lot and the benefitted lot; ii) any construction, alteration, addition or demolition of a building on the burdened lot shall conform with the provisions of this chapter and Chapter 46 when using the artificial line as the shared lot line with the benefitted lot; and, any construction, alteration, addition or demolition of a building on the benefitted lot shall have the benefit of using the artificial lot line as the shared lot line with the burdened lot.

- (3) All provisions of the easement or declaration of covenants shall run with the land and shall be binding upon the owners of the burdened lot, and such owners' successors and assigns, for the benefit of the City, the owners of the benefitted lot, and such owners' successors and assigns. Each owner of any portion of the benefitted lot shall be given the benefit of the obligations under the easement or declaration of covenants imposed upon the owners of the burdened lot, and may enforce such obligations by an action for specific performance.
- (4) The easement or declaration of covenants shall not be amended or terminated without the written approval of all owners of the benefitted lot, and the prior written consent of the building official. The building official is authorized to consent to any such amendment or termination only if appropriate measures have been taken to the reasonable satisfaction of the building official to remedy any violations of this chapter and Chapter 46 that would otherwise exist upon such amendment or termination.

(C00, § 26-308; 15,861)

Secs. 26-309. Reserved.

Division 2. International Residential Code

Sec. 26-310. General.

The provisions of International Residential Code (IRC), ~~2018~~2021 edition are hereby amended as follows:

- (a) Delete section R105.2
- (b) Delete section R105.5
- (c) Delete section R112

(C00, § 26-310; 15,861)

Sec. 26-310.1. Scope.

Delete section R101.2 and insert in lieu thereof the following new section:

R101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the following:

1. Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. Detached one- and two-family dwellings and townhouses that contain ~~offices~~ business areas of up to 20 percent of the dwelling unit area.

4. Live/work units within detached one- and two-family dwellings and townhouses that comply with the requirements of Section ~~419~~508.5 of the International Building Code.
5. Care facilities within detached one- and two-family dwellings and townhouses with eight or fewer persons receiving care who have the ability to respond to emergency situations and evacuate.
6. In-home child care facilities within detached one- and two-family dwellings and townhouses where in-home child care is provided to no more than eight children, and of these eight children no more than six are five years old or younger, no more than four are twenty-four months old or younger, and no more than three are eighteen months old or younger.
7. In-home child care facilities that provide custodial care for 16 or fewer persons in detached one- and two-family dwellings and townhouses that were registered with the State of Iowa Department of Human Services as child development homes and have held such registration continuously in good standing since on or before January 1, 2017.
- ~~8. Care facilities within detached one- and two-family dwellings and townhouses that are provided with a residential fire sprinkler system complying with Section P2904 or NFPA 13D with eight or fewer persons receiving care who have impairments that prevent them from responding to emergency situations and evacuating.~~

(C00, § 26-310.1; 15,861)

Sec. 26-310.2. Exterior wall fire protection.

Delete Table 302.1(1) and insert in lieu thereof the following new table: Table 302.1 (1)

Table 302.1(1) Exterior Walls			
Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E119 or UL263 with exposure from both sides	< 5 feet
	Not-fire resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	N/A	< 2 feet
	Fire-resistance rated	1 hour on the underside ^{a, b}	≥ 2 feet to < 4 feet
	Not-fire resistance rated	0 hours	≥ 4 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

- (a) Roof eave fire-resistance rating shall be reduced to 0 hours on the underside of the eave if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

- (b) Roof eave fire resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided that gable vent openings are not installed.

(C00, § 26-310.2; 15,861)

Sec. 26-310.3. Bathroom ventilation.

Delete section R303.3 and insert in lieu thereof the following new section:

R303.3 Bathrooms. Bathrooms, water closet compartments and similar rooms shall be provided with natural or artificial light and be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

(C00, § 26-310.3; 15,861)

Sec. 26-310.4. Egress window sill height.

Section R310.2.2-3 is amended by adding the following exception.

Exception: A landing may be provided to meet the maximum sill height of forty-four (44) inches above the floor or landing provided. The landing shall be not less than thirty-six (36) inches wide, not less than twelve (12) inches out from the exterior wall, and not more than twenty-four (24) inches in height. The landing shall be permanently affixed to the floor below or the wall under the window it serves.

(C00, § 26-310.4; 15,861)

~~Sec. 26-310.5. Emergency escape windows under decks and porches.~~

~~Delete section R310.2.4 and insert in lieu thereof the following new section.~~

~~Section R310.2.4 Emergency escape windows under decks and porches. Emergency escape and rescue openings installed under decks and porches shall be fully openable and provide a path not less than 36 inches (914mm) in height to a yard or court. Cantilever areas of all construction elements shall be regulated in accordance with this section.~~

(C00, § 26-310.5; 15,861)

Sec. 26-310.6. Stair risers.

Section R311.7.5.1 is amended by adding the following exception.

Exception: 3. The dimension of the top and bottom riser may vary up to 1 inch (25.4 mm) from the stairway riser dimension. In no case shall the riser height exceed the maximum height of 7-3/4 inches.

(C00, § 26-310.6; 15,861)

Sec. 26-310.7. Floor elevations at other exterior doors

Delete the section R311.3.2 and insert in lieu thereof the following new section.

R311.3.2 Floor elevations at other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 7-3/4 inches(196 mm) below the top of the threshold.

Exception: A top landing is not required where a stairway of not more than four risers is located on the exterior side of the door, provided that the door does not swing over the stairway.

(C00, § 26-310.7; 15,861)

Sec 26-310.8. Handrail continuity.

Section ~~R311.7.8.2~~R311.7.8.4 is amended by adding the following exception:

3. Handrails shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

(C00, § 26-310.8; 15,861)

Sec. 26-310.9. Guards.

Delete section R312.1.1 and insert in lieu thereof the following new section.

R312.1.1 Where required. *Guards* shall be provided for those portions of open-sided walking surfaces, including stairs, ramps and landings, driveways, sidewalks, patios, and decks that are located more than 30 inches (762 mm) measured vertically to the floor or *grade* below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a *guard*.

Exception: Portions of retaining wall where the horizontal distance between the edge of the walking surface and the face of the wall is greater than 36-inches.

(C00, § 26-310.9; 15,861)

Sec. 26-310.10. Automatic fire sprinkler systems.

- (a) Delete section R313.1 and insert in lieu thereof the following new section: 313.1 Townhomes automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in *townhouses*.

Exceptions:

- (1) An automatic residential fire sprinkler system shall not be required where *additions* or *alterations* are made to existing *townhouses* that do not have an automatic residential fire sprinkler system installed.
 - (2) Townhouse structures that contain eight (8) or less dwelling units.
 - (3) Townhouse structures less than eighteen thousand (18,000) square feet floor space, exclusive of any garages.
- (b) Delete section R313.2 and insert in lieu thereof the following new section:

R313.2 One- and two-family dwelling automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one-and two-family dwellings that contain 8,000 square feet or more floor space, excluding attached garages and other unenclosed areas.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing buildings that are not already provided with an automatic residential fire sprinkler system.

(C00, § 26-310.10; 15,861)

Sec. 26-310.11. Footing Size.

Delete section R403.1.1 and insert in lieu thereof the following new section:

R403.1.1 Minimum Footing Size. The minimum width for all footings shall be 16 inches. The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001.2. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3). Footings for precast foundations shall be in accordance with the details set forth in Section R403.4, Table R403.4, and Figures R403.4(1) and R403.4(2). Residential conventional footings are allowed in Table 403.5 based on the following dimensions and soil bearing pressure.

Exception: Detached accessory structures are not required to have minimum 16 inch wide footings.

Table 403.5 Residential Conventional Footing Dimensions

Soil Bearing Pressure (pounds per square foot)	Conventional Footing Dimension		Required Reinforcement ^{a, b} (All reinforcing bars shall
	Thickness (inches)	Width (inches)	
2,000 psf	8	16	2 - #4 bars
1,850 psf	9	20	2 - #4 bars
1,500 psf	10	20	2 - #5 bars
1,250 psf	11	28	3 - #5 bars
1,000 psf	12	32	3 - #5 bars

- The minimum yield strength of reinforcing steel shall be 40,000 psi.
- All reinforcement shall be installed in the middle third of the footing and in accordance with R4031.3.5.3.
- Residential conventional footings shown in Table 403.5 are only allowed for conventionally designed one or two-family dwelling structures not exceeding two stories in height, intended to be constructed on undisturbed, non-expansive soils. Townhouse structures are not allowed to utilize this table.

(C00, § 26-310.11; 15,861)

Sec. 26-310.12. Footings for accessory structures.

Amend section R403.1.4.1 by deleting exception #1 and inserting in lieu thereof the following

Exception:

- Detached accessory structures of light frame wood construction with an area of 1024 square feet or less may be provided with a floating slab; where all the following conditions are met:
 - The bottom portion of the thickened slab area shall be twelve (12) by twelve (12) inches with one (1) number four (4) bar placed near the top and bottom of the edge.
 - The slab floor shall be not less than four (4) inches thick with one (1) number four (4) bar placed every two (2) feet on center or in a 6 by 6 mesh.
 - The slab pour shall be continuous.

(C00, § 26-310.12; 15,861, 16,224)

Sec. 26-310.13. Alternate design for foundation walls.

R404.1.3.2.3 Foundation Walls for Conventional Light Frame Wood Construction. Concrete and masonry foundation walls shall be permitted to be designed in accordance with the following Table 'Foundation Walls for Conventional Light Frame Construction' may be used:

Table R404.1.3.2.3 - 'Foundation Walls for Conventional Light Frame Construction

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall**	Reinforcement type and placement within Foundation Wall** (maximum 12' span between corners and supporting cross walls.)	Type of Mortar
Gross	Net	Concrete	Masonry	Concrete	Masonry	Masonry
8	7' 8"	7 1/2"	8"	1/2" horizontal bars, placement in the middle, and near the top & bottom - 1/2" bars @ 6' max. vertically	0.075 square inch bar 8' o.c. vertically in fully grouted cells. If block is 12" nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21 IBC
9	8' 8"	8"	See Chapter 18 IBC	1/2" bars 2' o.c. horizontally & 20" vertically o.c.	See Chapter 18 IBC	Same as above
10	9' 8"	8"	See Chapter 18 IBC	(5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18 IBC	Same as above
*Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide 1) 36" vertical #4 rebar embedded in the footing @ maximum 7' O.C. spacing -and/or- 2) full depth nominal 2" depth x 4" width keyway in footing						
** All steel reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of chapters 18, 19, and 21 of the International Building Code.						
NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs @ 28 days. Footings shall contain continuous reinforcement of minimum 2 - 1/2" diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.						
NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						
Note: Foundation plate or sill anchorage shall be installed in accordance with the respective codes as applicable						

(C00, § 26-310.13; 15,861)

Sec. 26-310.14. Appliance clearances in rooms.

~~Delete section M1305.1.1 and insert in lieu thereof the following new section:~~

~~**M1305.1.1 Appliances in rooms.** Appliances installed in a basement or similar space shall be accessed by an opening or door and an unobstructed passageway measuring not less than 24 inches (610 mm) wide and large enough to allow removal of the largest appliance in the space, provided there is a level service space of not~~

~~less than 30 inches (762 mm) deep and the height of the appliance, but not less than 30 inches (762 mm), at the front or service side of the appliance with the door open.~~

~~(C00, § 26-310.14; 15,861)~~

~~Sec. 26-310.15. Appliances in closets, alcoves, or similar spaces.~~

~~Delete section M1305.1.1.1 and insert in lieu thereof the following new section.~~

~~**M1305.1.1.1 Appliances in Closets, Alcoves, or similar compartments.** Appliances installed within a closet, alcove or compartment, such space shall measure no less than 30 inches wide and the opening into such space shall also be no less than 30 inches wide.~~

~~(C00, § 26-310.15; 15,861)~~

~~Sec. 26-310.16. Duct installation.~~

~~Delete section M1502.4.2 and insert in lieu thereof the following new section.~~

~~**M1502.4.2 Duct installation.** Exhaust ducts shall be supported at intervals not to exceed 4 feet, (3658 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.1 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall be of sufficient size to allow the installation of the duct, without changing the configuration of the duct.~~

~~**Exception:** Dryer duct sections that are longer than 4 feet shall be supported minimally every 6 feet.~~

Sec. 26-310.16 Townhome Gas Piping

Add the following new section

R331 Townhome Gas Piping

R331.1 General. Fuel gas piping installed downstream of the point of delivery shall not extend through any townhome unit other than the unit served by such piping.

(C00, § 26-310.16; 15,861)

Sec.26-310.17 Whole House Mechanical Ventilation.

Delete section M1505.4.1 and insert in lieu thereof the following new section.

M1505.4.1 System Design. The whole-house ventilation system shall consist of one or more outside air supply and exhaust fans with the associated ducts and controls. Local

exhaust and supply fans are permitted to serve as such a system. Outdoor air ducts connected to the return side of an air handler shall be considered as providing supply ventilation.

(C00, § 26-310.17; 15,861)

Sec. 26-310.18. Duct Insulation Materials.

Amend section M1601.3 by inserting the following:

5. The use of air-inflated/encapsulated duct wrap to achieve required R-values shall be prohibited.

(C00, § 26-310.18; 15,861)

Sec. 26-310.19 Return Air.

Amend section M1602.2 by inserting the following:

5. Return air openings shall be located a minimum of four feet away from supply air openings.

(C00, § 26-310.19; 15,861)

Sec. 26-311. Definitions

Care facility. A building or structure where care is provided to persons who need some level of assistance or supervision.

In-home child care. A dwelling where care is provided to children by a person other than the child's parent, guardian, or custodian for periods of less than twenty-four hours per day per child on a regular basis.

(C00, § 26-312; 15,861)

Sec. 26-312—324. Reserved.

Division 3. International Building Code

Sec. 26-325. General.

The provisions of the International Building Code (IBC), ~~2018~~2021 edition, are amended with the revision of the following text as stated:

- (1) Delete section 105.2.
- (2) Delete section 105.5.

- (3) Delete section ~~410.3.5~~110.3.6.
- (4) Delete section 113.
- (5) Delete section 2901.1.
- (6) Delete section 2902.2.
- (7) Delete section 2902.6.

(C00, § 26-325; 15,861, 16,224)

Sec 26-325.1. Day care occupancies.

- (a) Delete section 308.5.4 and insert in lieu thereof the following new section.

308.5.4 Eight or fewer persons receiving care in a dwelling unit. Eight or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as a group R-3 occupancy or shall comply with the International Residential Code. Automatic sprinkler systems are not required per Iowa Code 414.32 for care facilities within a dwelling.

Exception: Day care facilities that provide custodial care for 16 or fewer persons for less than 24-hours per day in a single-family dwelling, and where registered with the State of Iowa Department of Human Services as child development homes on or before January 1, 2017, are permitted to comply with the International Residential Code.”

- (b) Delete section 310.4.1. and insert in lieu thereof the following new section.

310.4.1 Care facilities within a dwelling. Care facilities within a dwelling refer to 308.5.4.

(C00, § 26-325.1; 15,861)

Sec. 26-325.2. High rise fire pump requirements.

Delete section 403.3.2 and insert in lieu thereof the following new section: 403.3.2 Water supply to required fire pumps.

Required fire pumps shall be supplied by connections to a minimum of two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through at least one of the connections

(C00, § 26-325.2; 15,861)

Sec. 26-325.3. Live/ work units

- (a) Delete section ~~419.1508.5~~ and insert in lieu thereof the following new section.

419.1 General. A *live/work unit* shall comply with Sections ~~419.1508.5~~ through ~~419.9508.5.11~~

Exceptions:

1. Dwelling or sleeping units that include an office that is less than 10 percent of the area of the *dwelling unit* are permitted to be classified as *dwelling units* with accessory occupancies in accordance with Section 508.2
2. Detached one- and two-family dwellings and townhouses that include ~~an office~~*business areas* that is less than 20 percent of the area of the dwelling unit and constructed in accordance with the International Residential Code are not required to comply with Sections ~~419.1508.5~~ through ~~419.9508.5.11~~.

- (b) Delete ~~419.1.1508.5.1~~, item #3, and insert in lieu thereof the following new item #3.

3. The nonresidential area function shall be limited to floors of the *live/work unit* with exit at the 1st story or a basement walkout of the *live/work unit*.

- (c) Add the following exception to ~~419.2508.5.2~~.

The nonresidential area function shall be limited to floors of the *live/work unit* with exit at the 1st story or a basement walkout of the *live/work unit*.

(C00, § 26-325.3; 15,861)

Sec. 26-325.4. Storm shelters for educational occupancies.

Delete section ~~423.4423.5~~ including subsections 423.4.1 and 423.4.2 and insert in lieu thereof the following new section.

~~423.4423.5~~ Group E occupancy. In areas where the shelter design wind speed for tornadoes is 250 mph in accordance with Figure 304.2 (1) of ICC 500, all Group E occupancies with a program occupant load of 50 or more shall have a storm shelter constructed in accordance with Chapters 1 through 5 & 8 of ICC 500.

The installation of portable buildings for utilization on the campus or site for educational purposes is considered new construction and classified as Group E occupancies.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to place of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.

4. Accessory structures to existing group E sites where the occupancy classification of said structures are classified as Groups A-5 and U

423.4.1 **423.5.1 Required Occupant Capacity.** The required occupant capacity of the storm shelter shall include all buildings classified as a Group E occupancy on the campus or site (whichever is larger) and shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

Exceptions:

1. Where a new building is being added on an existing Group E site, and where the new building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on-site, the storm shelter shall at a minimum accommodate the required capacity for the new building.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the campus or site.

423.4.2 **423.5.2 Location.** Storm shelters shall be located within the buildings they serve, or shall be located where the maximum distance of travel from not fewer than one exterior door of each building to a door of the shelter serving that building does not exceed 1,000 feet.

(C00, § 26-325.4; 15,861)

Sec. 26-325.5 Address Identification

Delete section 502.1 and insert in lieu thereof the following new section: 502.1 Address identification.

New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be black or white and shall contrast with their background. Where required by the *fire code official*, address numbers shall be provided in greater dimension or additional *approved* locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers and letters shall be a minimum height and a minimum stroke width as dictated by Table 505.1. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

Table 502.1
Minimum Height and Stroke Width^{a b}

Distance from the centerline of the Public Way (ft)		Minimum Height (in)	Minimum Stroke Width (in)
Less than 100		4	1/2
100	199	6	3/4
200	299	8	1
For each additional 100		Increase 2	Increase 1/2

^a Exterior suite identification, minimum height shall be 4 inches and stroke width shall be 1/2 inch. ^b Interior suite identification, minimum height shall be 2 inches and stroke width shall be 1/4 inch.

(C00, § 26-325.5; 15,861)

Sec. 26-325.6. Repealed by Ord. No. 16,224.

Sec. 26-325.7. Penetrations of fire rated walls with coiling overhead fire doors.

Add the following new section: ~~714.3.1.3~~714.4.1.3. Penetrations for the operation of rolling fire doors. One open ended 1/2" electrical metallic tubing (EMT) conduit shall be allowed for each rolling overhead fire door to allow the installation of fusible link hardware. The conduit shall be fire stopped where penetrating the wall in accordance with section 714, but the ends shall remain open to allow proper function of the fusible link.

(C00, § 26-325.7; 15,861)

Sec. 26-325.8. Fire sprinkler riser room requirements.

Add the following new section: 901.9 Fire Sprinkler Riser Room. A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices, or apparatus inside the room other than the outlets or support equipment (lighting, air compressor, and heater) required for the use of the fire sprinkler system and/or the fire alarm panel. The sprinkler riser room shall not be accessed from the electrical room, but the electrical room may be accessed from the fire riser room.

(C00, § 26-325.8; 15,861)

Sec. 26-325.9. Automatic Sprinkler Systems

a) Insert the following new section:

903.1.2 Existing Buildings. For other than new construction or where current code contains retroactive provisions an automatic sprinkler system shall be provided pursuant to the provisions of the International Existing Building Code.

b) Delete section 903.2.1.1 and insert in lieu thereof the following new section: **903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided throughout stories containing Group A-1 occupancies and throughout all stories from the Group A-1 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multiple-theater complex.

c) Delete section 903.2.1.2 and insert in lieu thereof the following new section:

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided throughout stories containing Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 1,500 square feet (1115 m²).
2. The fire area has an occupant load of 50 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multiple-theater complex.

d) Delete section 903.2.1.3 and insert in lieu thereof the following new section:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (1115 m²).
 2. The fire area has an occupant load of 300 or more.
- The fire area is located on a floor other than a level of exit discharge serving such occupancies

e) Delete section 903.2.1.4 and insert in lieu thereof the following new section:

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided throughout stories containing Group A-4 occupancies and throughout all stories from the Group A-4 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (1115 m²).

2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

f) Delete section 903.2.2 and insert in lieu thereof the following new section:

903.2.2 Group B. An *automatic sprinkler system* shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:

1. A Group B *fire area* exceeds 6,000 square feet (557.5 m²).
2. A Group B *fire area* is located more than three stories above grade plane.
3. The combined area of all Group B *fire areas* on all floors, including any mezzanines, exceeds 12,000 square feet (1115 m²).

g) Insert the following new section 903.2.2.1

Ambulatory care facilities. An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor as well as all floors below where such care is provided, and all floors between the level of ambulatory care and the nearest *level of exit discharge*, the *level of exit discharge*, and all floors below the *level of exit discharge*.

Exception: Floors classified as an open parking garage are not required to be sprinklered.

h) Delete section 903.2.3 and insert in lieu thereof the following new section:

903.2.3 Group E. An automatic sprinkler system shall be provided throughout stories containing Group E occupancies and throughout all stories from the Group E occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 1,500 square feet (1115 m²).
2. The fire area has an occupant load of 50 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

i) Delete section 903.2.4 and insert in lieu thereof the following new section:

903.2.4 Group F-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 *fire area* exceeds 6,000 square feet (557.5 m2).
2. A Group F-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group F-1 *fire areas* on all floors, including any mezzanines, exceeds 12,000 square feet (1115 m2).
- ~~4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m2).~~

j) Delete section 903.2.7 and insert in lieu thereof the following new section:

903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 6,000 square feet (557.5 m2).
2. A Group M *fire area* is located more than three stories above grade plane.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 12,000 square feet (2230 m2).
- ~~4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m2).~~

k) Delete section 903.2.9 and insert in lieu thereof the following new section:

903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 6,000 square feet (557.5 m2).
2. A Group S-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 12,000 square feet (1115 m2).
4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m2).
- ~~5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m2).~~
- 6.5. A Group S-1 occupancy used for Self-Service Storage Facility (mini-storage) exceeds 6,000 square feet (557 m2).

l) Delete section 903.2.9.1 and insert in lieu thereof the following new section:

903.2.9.1 Repair garages. An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

- ~~1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 m2).~~
- ~~2.1.~~ Buildings ~~not more than one story above grade plane~~, with a *fire area* containing a repair garage exceeding 3,500 square feet (325 m2).
- ~~3.2.~~ Buildings with repair garages servicing vehicles parked in *basements*.
- ~~4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 3,500 square feet (325 m2).~~

(C00, § 26-325.9; 15,861)

Sec 26-325.10. Basement sprinkler requirements.

Delete section 903.2.11.1.3 and insert in lieu thereof the following new section:

903.2.11.1.3 Basements. Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

(C00, § 26-325.10; 15,861)

Sec. 26-325.11. NFPA 13R Sprinkler Systems

Delete section 903.3.1.2 and insert in lieu thereof the following new section:

903.3.1.2 NFPA 13R sprinkler systems. *Automatic sprinkler systems* in Group R and I occupancies up to and including four stories in height in buildings not exceeding 60 feet (18 288 mm) in height above grade plane shall be installed throughout in accordance with NFPA 13, unless allowed to be sprinklered in accordance with NFPA 13D by the *International Building Code*. The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the *International Building Code* shall be measured from the horizontal assembly creating separate buildings.

(C00, § 26-325.11; 15,861)

Sec. 26-325.12. Fire sprinkler alarm exterior signals.

Delete section 903.4.2 and insert in lieu thereof the following new section: 903.4.2 Alarms. *An approved weather proof audible device suitable for outdoor use with 110 candela visual signal* shall be connected to every *automatic sprinkler system*. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an *approved* location. Where a fire alarm system is installed, actuation of the *automatic sprinkler system* shall actuate the building fire alarm system.

(C00, § 26-325.12; 15,861)

Sec. 26-325.13. Standpipe requirements for large area buildings.

Insert the following new section: 905.3.9 Building Footprint and Access. Where the most remote portion of a floor or story is more than 400 feet from a hose connection or fire department access road the fire code official is authorized to require standpipes to be provided in *approved* locations. Class I manual standpipes shall be allowed.

(C00, § 26-325.13; 15,861)

Sec. 26-325.14. Fire alarm control panels.

Insert the following new section: 907.1.4 Fire Alarm Control Panels (FACP). Each building shall have no more than one Fire Alarm Control Panel. Installation of fire alarm control panel shall not exceed six feet in height measured from the floor to the top of the control panel.

Exception: Suppression system releasing panels are not required to meet the height requirement or the limitation in the number of panels.

(C00, § 26-325.14; 15,861)

Sec. 26-325.15 Fire alarm system monitoring.

Delete section 907.6.6 and insert in lieu thereof the following new section: 907.6.6 Monitoring. Fire alarm systems required by this chapter or by the International Fire Code shall be monitored by a central station approved and listed under UL 827 in accordance with NFPA 72.

Exception: Monitoring is not required for automatic sprinkler and fire alarm systems in one- and two-family dwellings.

(C00, § 26-325.15; 15,861)

Sec. 26-325.16. Smoke and heat vents.

Delete section 910.2.1 and insert in lieu thereof the following new section: 910.2.1 Group F-1 or S-1. Smoke and heat vents installed in accordance with Section 910.3 or a mechanical smoke removal system installed in accordance with Section 910.4 shall be installed in buildings and portions thereof used as a Group F-1 or S-1 occupancy having more than 30,000 square feet (2787 m²) of undivided area. In occupied portions of a building equipped throughout with an automatic sprinkler system in accordance with 903.3.1.1, where the upper surface of the story is not a roof assembly, a mechanical smoke removal system in accordance with Section 910.4 shall be installed. Exception: Group S-1 aircraft repair hangers.

(C00, § 26-325.16; 15,861)

Sec. 26-325.17. Fire Command Center.

Delete section 911.1 and insert in lieu thereof the following new section: ~~911.1 General Where required by other sections of this code, table 911.1 and in buildings classified as high-rise buildings by this code, a fire command center for fire department operations shall be provided and shall comply with Sections 911.1.1 through 911.1.6.~~

~~Insert new section Table 911.1 with the following language:~~

Table 911.1

Fire Command Center Thresholds

<u>Occupancy Group</u>	<u>Threshold Requiring a Fire Command Center</u>
<u>A</u>	<u>1,000 occupants</u>
<u>E, H, I-2, I-3, M</u>	<u>100,000 square feet (gross)</u>
<u>F, S</u>	<u>200,000 square feet (gross)</u>
<u>R-1</u>	<u>Greater than 200 dwelling units or sleeping units</u>

911.1 General. Where required by other sections of this code, Table 508.1, and in all buildings classified as high-rise buildings by the *International Building Code*, a *fire command center* for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.7

Table 911.1 Fire Command Center Thresholds

<u>Occupancy</u>	<u>Threshold Requiring a Fire Command Center</u>
<u>Group A</u>	<u>1,000 occupants</u>
<u>Group E</u>	<u>100,000 gross square feet</u>
<u>Group F</u>	<u>200,000 gross square feet</u>
<u>Group H</u>	<u>100,000 gross square feet</u>
<u>Group I-2 or I-3</u>	<u>100,000 gross square feet</u>
<u>Group M</u>	<u>100,000 gross square feet</u>
<u>Group R1</u>	<u>Greater than 200 dwelling units or sleeping units</u>
<u>Group S</u>	<u>200,000 gross square feet</u>

Modify Code Section: IBC 911.3 (Correlate IFC 508.1.3)

Replace with the following language:

911.1.3 Size. The fire command center shall not be less than 0.015 percent of the total building area of the facility served or 200 square feet (19m²) in area, whichever is greater, with a minimum dimension of 0.7 times the square root of the room area or 10 feet (3048 mm), whichever is greater. Where a fire command center is required by table 508.1, the fire command center shall have a minimum size of 96 square feet (9 m²) with a minimum of 8 feet (2348 mm) where approved by the fire code official.

(C00, § 26-325.17; 15,861)

Sec. 26-325.18. Landing frost protection.

Insert the following new section: ~~1010.1.6.1 Landing Frost Protection. For landings required by Section 1010.1.5 to be at the same elevation on each side of the door, exterior landings at doors shall be provided with frost protection.~~ **1010.1.5.1 Frost Protection.** Landings required by Section 1010.1.5 to be at the same elevation on each side of the door exterior landings at doors shall be provided with frost protection per section 1809.5.1.

Exception: Group U structures or structures built without frost depth footings.

(C00, § 26-325.18; 15,861)

Sec. 26-325.19. Handrail Continuity

Insert New Section 1014.4 item #6 with the following language:

6. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

(C00, § 26-325.19; 15,861)

~~Sec. 26-325.20. Walking surfaces.~~

~~Insert the following new section:~~

~~**1015.9 Walking surfaces.** A guard shall be provided along retaining walls where a finished walking surface such as sidewalks, patios, driveways, parking lots or similar is located on the top side of a retaining wall. The guard shall be installed along any portion of the wall measuring 30 inches or greater in height measured at any point within 36 inches horizontally to the edge of the open side. A guard shall not be required along portions of the retaining wall where the horizontal distance between the edge of the finished walking surface and the face of the wall is greater than 72 inches.~~

(C00, § 26-325.20; 15,861)

~~Sec. 26-325.21. Window well drainage.~~

~~Insert the following new section: 1030.5.3 Window well drainage. All window wells shall be provided with approved drainage.~~

(C00, § 26-325.21; 15,861)

Sec. 26-325.22. Ventilation.

Delete section ~~1203.1~~1202.1 and insert in lieu thereof the following new section: 1203.1 General. Buildings shall be provided with mechanical ventilation in accordance with the International Mechanical Code. Where the air infiltration rate in a dwelling unit is less than 5 air changes per hour when tested with a blower door at a pressure 0.2 inch w.c. in accordance with Section R402.1.1.2 of the International Energy Conservation Code – Residential Provisions, the dwelling unit shall be ventilated by mechanical means in accordance with section 403 of the State Mechanical Code. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with 407 of the State Mechanical Code.

(C00, § 26-325.22; 15,861)

Sec. 26-325.23. Ground Snow Load.

Delete subsection 1608.2 and insert in lieu thereof the following new section:

1608.2 Ground Snow Load. The ground snow load to be used in determining the design snow load for roofs is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code , except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

(C00, § 26-325.23; 15,861)

Secs. 26-326--26-344 Reserved.

Division 4. International Existing Building Code

Sec.26-345. Generally.

The provisions of International Existing Building Code (IEBC), ~~2018~~2021 edition are hereby amended as follows:

- (1) Delete section 103.
- (2) Delete section 105.2.
- (3) Delete section 105.5.
- (4) Delete section 109.3.5.
- (5) Delete section 112.
- (6) Delete section 115.

(C00, § 26-345; 15,861)

Sec. 26-345.1 Fire Protection in Existing Buildings

Any references requiring automatic fire sprinkler systems to be provided per the International Building Code shall comply with the ~~2018~~2021 International Building Code published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C., 20001. For the purposes of this code, no local amendments to the automatic sprinkler system

thresholds in the ~~2018~~ 2021 International Building Code, other than the amendments to section 903.2.11.1.3, shall apply.

(C00, § 26-345.1; 15,861)

Sec. 26-345.2. Fire Protection for R-2 Occupancies

Insert the following new section.

Section 302.7 Fire Protection. Existing buildings containing R-2 occupancies shall be made to comply with the International Building Code section 903.2.8 within two (2) years of any of the following situations:

1. Fire damage to three or more dwelling units, not including smoke or water damage or other damage from fire-fighting operations.
2. Issuance of a building permit for a Level III alteration as identified in Chapter 6 of the International Existing Building Code.

(C00, § 26-345.2; 15,861)

Sec. 26-345.3. Storm Shelters Installed in Existing E Occupancies

Delete section 1106 including subsection 1106.1, 1106.1.1, and 1106.1.2 and insert in lieu thereof the following new section.

Section 1106 Storm Shelters

Section 1106.1 Addition to a Group E occupancy. Where an addition is added to an existing Group E occupancy located in an area where the shelter design wind speed for tornadoes is 250 mph in accordance with Figure 304.2 (1) of ICC 500 and the occupant load of the addition is 50 or more, the addition shall have a storm shelter constructed in accordance with Chapters 1 through 5 & 8 of ICC 500.

For the purposes of this section the installation of portable buildings for utilization on the campus or site for educational purposes shall be considered as an addition.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to place of religious worship.
3. Additions meeting the requirements for shelter design in ICC 500.
4. Accessory structures and additions to existing group E sites where the occupancy classification of said structures are classified as Groups A-5 and U

The aggregate area of all additions within a 10 (ten) year period shall be factored when determining the requirements of this section.

1106.1.2 Required Occupant capacity. The required occupant capacity of the storm shelter shall include all buildings classified as a Group E occupancy on the campus or site, whichever is larger and shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

Exceptions:

1. Where an addition is being added on an existing Group E site, and where the addition is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on-site, the storm shelter shall at a minimum accommodate the required capacity for the addition.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the campus or site.

1106.1.3 Location. Storm shelters shall be located within the buildings they serve or shall be located where the maximum distance of travel from not fewer than one exterior door of each building to a door of the shelter serving that building does not exceed 1,000 feet.

(C00, § 26-345.3; 15,861)

Division 5. Swimming Pools

Sec. 26-346. Adoption of Swimming pool code.

The provisions of the International Swimming Pool and Spa Code, ~~2018~~ 2021 edition, published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001 are hereby adopted by reference and subject to the additions, deletions, and modifications hereinafter regulating the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment in the City of Des Moines.

Note: The Iowa Department of Public Health regulates swimming pools, spas, wading pools, water slides, wave pools, spray pads, and bathhouses connected to swimming pools owned or operated by local or state government, or commercial interests or private entities including, but not limited to, public or private school corporations, hotels, motels, camps, apartments, condominiums, health clubs, and country clubs. Please see <https://idph.iowa.gov/swimmingpoolsandspas> for further details.

(C00, § 26-346; 15,861)

Sec. 26-347. Deletions.

The following are deleted from the swimming pool code and are of no force or effect in this article:

- (1) Delete section 105.
- (2) Delete section 106.
- (3) Delete section 107.
- (4) Delete section 108.
- (5) Delete the last sentence in section 301.1.
- (6) Delete sections 302 through 304, 305.5, and 306 through 323.
- (7) Delete Chapter 4.
- (8) Delete Chapter 5.
- (9) Delete Chapter 6.
- (10) Delete Chapter 7.
- (11) Delete Chapter 8.
- (12) Delete Chapter 9.
- (13) Delete Chapter 10.

(C00, § 26-347; O.15,861)

Sec 26-348. Amendments.

- (a) The remaining sections in this article are and represent amendments and additions to the requirements contained in the International Swimming Pool and Spa Code (ISPSC) and where their requirements conflict with those of the ISPSC the requirements of this article shall prevail.
- (b) The following sections of this article shall be construed in the context of the enumerated chapter of the ISPSC.

(C00, § 26-348; O.15,861)

Sec. 26-349. Definitions.

Insert a new definition in Chapter 2, “Swimming pool” is defined as any structure intended for swimming or recreational bathing capable of containing water more than 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

(C00, § 26-349; O.15,861)

*Cross reference(s)--Skywalks generally, § 102-316 et seq.

Division 6. Skywalk System

Sec. 26-350. Scope of Division.

Notwithstanding anything contained in this chapter and chapter 46 of the Municipal Code, the provisions of this division also shall be part of the building code and fire prevention code requirements for the skywalk system and shall take precedence over anything in conflict with this division.

(C00, § 26-350; O.15,861)

*Cross reference(s)--Definitions generally, § 1-2.

Sec. 26-351. Definitions.

The definitions for the terms "skywalk system," "skywalk corridor," and "skywalk bridge" as used in this division shall be the same as in article IV of chapter 102 of the city code.

(C00, § 26-351; O.15,861)

Sec. 26-352. Skywalk system exceptions.

Skywalk system. Notwithstanding the provisions of Chapter 32 of the International Building Code, the structures of a duly authorized portion of the public skywalk system may project into an alley to the extent authorized by the city council pursuant to article IV of chapter 102 of the city code.

(C00, § 26-352; 15,861)

Sec. 26-353. Easement required for skywalk corridor prior to building permit issuance.

Where a skywalk corridor is shown on an approved site plan for a proposed development, no building permit shall be issued for that proposed development until the city council has accepted a right to an easement for such skywalk corridor.

(C00, § 26-353; 15,861)

Sec. 26-354. Exit requirements from skywalk system.

- (a) There must be two means of egress, as described in this section, from any point in the skywalk system during the hours that the portion of such skywalk system including such point is open in accordance with article IV of chapter 102 of the Municipal Code.
- (b) In addition to those exits defined in chapter 10 of the International Building Code, any fire door assemblies in a skywalk bridge may constitute an exit from the skywalk system within the meaning of such chapter 10, provided that there is a continuous and unobstructed means of egress from such fire doors assemblies in the direction of exit to a public way on the ground level and provided, further, that such means of egress may include passage through one or more skywalk bridges, one or more skywalk corridors, or portions of one or more

buildings, and such skywalk bridges, skywalk corridors or portions of buildings need not satisfy the requirements for corridors or exit passageways contained in such chapter 10.

- (c) Doors or other barriers may be locked so as to block passage through a portion of the skywalk system during the hours such portion of the skywalk system is not required to be open in accordance with article IV chapter 102 of the Municipal Code. Any such door or other barrier equipped with a locking device shall have a readily visible, durable sign on or adjacent to the door or other barrier stating "this door to remain unlocked during skywalk system hours." The sign shall be in letters not less than one inch high on a contrasting background.
- (d) When a portion of the system is closed, the portion of the skywalk system that is open shall be so arranged that it is possible to go in either direction from any point in the system to an exit, except for dead ends not exceeding 20 feet in length within a building, or 50 feet in length within a sprinklered building.

(C00, § 26-354; 15,861)

Sec. 26-355. Materials of construction for skywalk bridges and corridors.

- (a) The materials of construction for skywalk bridges and skywalk corridors between buildings shall be noncombustible.
- (b) The materials of construction for skywalk corridors exterior to and structurally supported by any building, as defined in subsections 26-356(1) and (2), shall be as required by the most restrictive type of construction for the building.

(C00, § 26-355; 15,861)

Sec. 26-356. Protection of openings onto the skywalk system which are located within 25 feet of property line.

Notwithstanding anything to the contrary contained in the International Building Code, openings onto the skywalk system which are located within 25 feet of the property line shall be protected as follows:

- (1) If two buildings are joined by a skywalk corridor constructed between such buildings:
 - a. The centerline of the skywalk corridor easement shall be deemed the property line, and no opening shall be permitted in any wall of such skywalk corridor which is less than seven feet from the property line;
 - b. Such skywalk corridor shall be protected by an approved automatic sprinkler system;
 - c. Any wall of the skywalk corridor which is less than seven feet from the adjacent property line shall be of at least two-hour fire resistive construction; and
 - d. Any openings in the skywalk corridor walls shall be either:
 - 1. Of approved opening protective set in metal frames in accordance with the International Building Code, provided a draft curtain of at least one-hour fire resistive construction and not less than 12 inches

in height shall be provided to protect the skywalk corridor from the adjacent building area, which draft curtain shall be located above the glass and extend a minimum of 12 inches below the lowest finished ceiling of either such adjacent building area or the skywalk corridor, or, if the finished ceiling is not a fire-rated assembly, the draft curtain shall extend from the opening protective to a rated ceiling or floor assembly; or

2. Protected in the following manner:
 - i. The adjacent building area onto which such opening occurs is protected by an approved automatic sprinkler system;
 - ii. A draft curtain of at least one-hour fire resistive construction and not less than 12 inches in height and including an approved water curtain of sprinkler heads six feet on center immediately adjacent to such draft curtain and above the opening within the building area shall be provided to protect the skywalk corridor from the adjacent building area, which draft curtain shall be located above the opening and shall extend a minimum of 12 inches below the lowest finished ceiling area of either such adjacent building area or the skywalk corridor or, if such finished ceiling is not a fire-rated assembly, the draft curtain shall extend from the opening to a rated ceiling or floor assembly; and
 - iii. Either (i) the ceiling, walls and floor of the adjacent building area onto which such opening occurs shall be separated from the rest of such building by at least two-hour fire resistive construction and all duct penetrations in such building area shall be protected with fire dampers in accordance the International Building Code, or (ii) the entire story is protected by an approved automatic sprinkler.
- (2) If a skywalk corridor is constructed exterior to and attached to any one building, but is not between two or more buildings, and such skywalk corridor extends over the adjacent property line related to such building:
 - a. The centerline of the skywalk corridor easement shall be deemed the property line, and no opening shall be permitted in any wall of such skywalk corridor which is less than seven feet from the property line; and
 - b.
 1. If the adjacent building is protected or is required to be protected by an approved automatic sprinkler system, such skywalk corridor shall be protected by an approved automatic sprinkler system; or
 2. If the adjacent building does not have and is not required to be protected by an approved automatic sprinkler system, such skywalk corridor need not be provided with an approved automatic sprinkler system at the time of construction, provided that the property owners and/or lessees who are responsible for such skywalk corridor under a skywalk agreement with the city shall also agree in such skywalk agreement to provide an approved automatic sprinkler system if a

second building is constructed within ten feet of such skywalk corridor; and

- c. Any wall of the skywalk corridor which is less than seven feet from the adjacent property line shall be of at least two-hour fire resistive construction;
 - d. Any openings from such skywalk corridor into the adjacent building shall be in accordance with subsection (1)d of this section; and
 - e. Any windows in the wall of such skywalk corridor opposite the building to which it is adjacent either:
 - 1. Shall be of approved opening protective set in metal frames in accordance with section 716 of the International Building Code; or
 - 2. May be of other glass, provided that the property owners and/or lessees who are responsible for such skywalk corridor under a skywalk agreement with the city shall also agree in such skywalk agreement to:
 - i. Replace such glass with approved opening protective set in metal frames in accordance with the International Building Code if any building subsequently is constructed which is within ten feet, but not attached to, such skywalk corridor wall; and
 - ii. Pay the equivalent of the cost of providing such approved opening protective towards the cost of reconstructing all openings in such skywalk corridor wall in accordance with subsection (1)d of this section if any building subsequently is constructed which is attached to such skywalk corridor wall.
- (3) Two buildings may be joined by a wall opening, provided:
- a. The wall opening shall be protected by a fire assembly having at least a 1 1/2-hour fire protection rating; or
 - b. The wall opening may be unprotected if the entire building on both sides of wall opening are protected by an approved automatic sprinkler system; and
 - c. In either case, there is a draft curtain of at least two-hour fire resistive construction and not less than 12 inches in height, which draft curtain shall be located above the opening and shall extend a minimum of 12 inches below the lowest finished ceiling on either side of the wall opening, or, if the finished ceiling is not a fire-rated assembly on either side, the draft curtain shall extend from the opening to a rated ceiling or floor assembly on such side of the opening.
- (4) If two buildings are connected by a skywalk bridge:
- a. If such skywalk bridge is not connected to a skywalk corridor which is exterior to any building to which such skywalk bridge is connected, it shall be sufficient if the opening at one end of such skywalk bridge is protected by approved fire assemblies having at least a 1 1/2-hour fire protection rating with gasketed frames, and the remaining construction where such end of the skywalk bridge penetrates the adjacent building is of at least two-hour fire rating construction; or

- b. If such skywalk bridge is connected to a skywalk corridor which is exterior to any building to which such skywalk bridge is connected, all openings from such skywalk bridge into the adjacent buildings shall conform to the requirements of subsection (1) of this section.

(C00, § 26-356; 15,861)

Secs. 26-357—26-399. Reserved.

ARTICLE IV. ELECTRICAL CODE

*Cross reference(s)--City electric light and power, § 118-476 et seq.; electric franchise, app. C.

Division 1. Generally

Sec. 26-400. Adoption of the State Electrical Code.

- (a) The State Electrical Code, which consist of the 2020 edition of the National Electrical Code, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA, 02169-7471, ("NEC"), with amendments, as provided in 661 I.A.C. 504.1(103), is adopted and incorporated by this reference in its entirety, as though set forth in this article, except as otherwise indicated in this article. This adoption of the State Electrical Code is pursuant to the Iowa Code Section 103.6.
- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the electrical code. References to section numbers not preceded by "26-" will be to articles in the State Electrical Code.

(C00, § 26-400; 15,545, 15,632, 15,944, 15,967)

Sec. 26-401. Electrical permit required.

No person shall perform any electrical work nor install electrical equipment in or upon any building or property without first securing from the Permit and Development Center a permit therefore; nor shall any alteration or change be made in the wiring of any building, or in any electrical installation therein or thereon, either before or after inspection, nor shall any electric current be connected to any wires, or apparatus, without notifying the electrical inspector and securing a permit therefore. A separate permit shall be obtained for each building. A fee for each electrical permit shall be paid to the building official in the amount set in the schedule of fees adopted by the city council by resolution.

(C00, § 26-401; 15,545)

Sec. 26-402—26-404. Reserved.

Division 2. Deletions and Amendments

Sec. 26-405. Repealed by Ord. No. 15,967.

Sec. 26-406. Amendments and additions.

- (a) The remaining sections in this article are and represent amendments and additions to the requirements contained in the State Electrical Code which are more restrictive than the State Electrical Code, and where their requirements conflict with those of the State Electrical Code, the requirements of this article shall prevail.
- (b) The following sections of this article shall be construed in the context of the enumerated chapter of the NEC.

(C00, § 26-406; 15,545, 15,967)

Sec. 26-407. Scope.

- (a) The provisions of this article shall apply to the following:
 - (1) The electrical conductors and equipment installed within or on public and private buildings and other premises.
 - (2) The conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises.
 - (3) Mobile homes.
- (b) Additions to, alterations of, and repairs to existing electrical equipment shall comply with the electrical code. Furthermore, existing electrical equipment that is temporarily exposed or made accessible because of any remodeling or repair of an existing structure, shall be made to comply with the electrical code. In any event, the building official may, when any additions, alterations, or repairs are made, order other reasonable additions or alterations in the electrical equipment of a structure or on any premises when a danger to life or property may result if such other additions or alterations were not made.
- (c) Installations which were in compliance with the electrical code in existence at the time such installations were made shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
- (d) If the classification of a building has been changed due to a change in occupancy, the wiring in the entire building shall comply with all the electrical standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall be wired in compliance with the electrical standards of its particular classification.
- (e) No permits are required for electrical wiring of 50 volts or less. Such systems shall comply with the NEC.
- (f) The provisions of sections 26-135 through 26-143 and 26-450 through 26-451, inclusive, of this article shall not apply in any respect to persons who are licensed by law to engage in the business of supplying and distributing electricity or the transmission of

communication, when the person is installing, operating or maintaining electrical equipment or doing electrical work as an integral part of such business.

- (g) Whenever service entrances are altered or upgraded, residential structures shall be updated throughout to the requirements consistent with the electrical code in accordance with the City of Des Moines Electrical Residential Update Requirements, as amended from time to time.

(C00, § 26-407; 15,545)

Sec. 26-408. Applicability to moved buildings.

Residential buildings or structures moved into or within the boundaries of the city shall comply with the electrical code in accordance with the City of Des Moines Electrical Residential Update Requirements, as amended from time to time.

(C00, § 26-408; 15,545)

Sec. 26-409. Service entrance requirements.

- (a) All service entrances in and upon buildings and structures within the city shall be of the class known as "rigid metal conduit (RMC), intermediate metallic conduit (IMC), or electrical metallic tubing (EMT)," except as provided in this section.
- (b) Underground service entrances for all buildings except in single-family, two-family, and row dwellings shall be of moisture resistant wire installed in rigid metal conduit or approved non-metallic raceway such as schedule 40 polyvinylchloride (PVC) or its equivalent.
- (c) Other provisions of this section to the contrary notwithstanding, that portion of an underground service lateral that is installed by an electrical contractor, but is owned and maintained by a business licensed by law to engage in the business of supplying and distributing electricity, may be of a type used by such a business for such an installation.
- (d) All direct burial cable used by the utility company for the purpose of distributing electrical current within the city, shall be placed and located in the ground a minimum depth of 30" below the proposed final grade. No separation shall be required between electrical conductors and communications conductors when laid in a common trench.
- (e) Underground service entrance risers, to the meter, may be schedule 40 PVC, when not subject to physical damage.

(C00, § 26-409; 15,545, 15,632, 15,944)

Sec. 26-410. Conformity with standards.

Conformity with standards established by any nationally recognized third-party testing and certification agency approved by the American National Standards Institute shall be evidence of conformity with approved standards for electrical equipment.

(C00, § 26-410; 15,545)

Sec. 26-411. Repealed by Ord. No. 15,632.

Sec. 26-412. Repealed by Ord. No. 15,632.

Sec. 26-413. Repealed by Ord. No. 15,967.

Secs. 26-414—26-449. Reserved.

Division 3. Licenses

Sec. 26-450. Electrical contractor's license.

- (a) Except as provided in section 26-452, only those individuals or business entities holding an electrical contractor license as recognized in this section may apply for and obtain permits to conduct electrical work in the city.
- (b) Any person, firm or business engaged in, or which presents itself as engaging in any electrical systems activity or business within the city, shall present for copying by the building official, all licenses issued by the electrical examining board to any of its workers or employees prior to such workers or employees engaging in such work within the city.
- (c) No new electrical contractor licenses shall be issued by the city.
- (d) Except as otherwise provided in this chapter, no person, firm or business shall engage in, or present itself as engaging in any electrical work or business regulated by article IV of this chapter unless it is one of the following:
 - (1) An electrical contractor licensed as such by the Iowa electrical examining board and is, or employs, a class A master electrician licensed as such by such board.
 - (2) A residential electrical contractor licensed as such by the Iowa electrical examining board and is, or employs, a residential master electrician licensed as such by such board.
- (e) Residential electrical contractors shall be limited to residential electrical work. Residential electrical work is defined as electrical work in buildings that contain no uses other than residential dwellings, no more than four dwelling units; and work within accessory structures, which are located on the same parcel as the dwelling unit or units, are no greater than 3,000 square feet in floor area, not more than two stories in height, the use of which is not commercial in nature, and is incidental to the use of the dwelling unit or units. For the purpose of this definition, fire walls and property lines will not be considered to create separate buildings when those buildings are attached. Buildings will only be considered separate for purposes of this section when detached.

(C00, § 26-450; 15,545)

Sec. 26-451. Master, journeyman, and apprentice licenses.

Except as provided in section 26-452 or as otherwise specifically allowed by this chapter, no person shall work in the electrical trades or perform any work regulated by article IV of this chapter without a license recognized by this chapter.

- (1) Those persons working in the electrical trades who have been issued a license, exclusive of class B licenses, by the Iowa electrical examining board pursuant to Iowa Code chapter 103, shall be recognized as licensed and eligible to work in the city within the scope of activities authorized by such licenses.
- (2) Those persons working in the electrical trades who have been issued a class B license by the Iowa electrical examining board pursuant to Iowa Code chapter 103, shall be recognized as licensed and eligible to work in the city within the scope of activities authorized by such licenses only if they previously held a comparable electrical license issued by the City.
- (3) A master electrician may not be listed as the master electrician of record for more than one electrical contractor at one time.

(C00, § 26-451; 15,545, 15,632)

Sec. 26-452. Exemptions from licensing requirements.

The provisions of sections 26-450 and 26-451 shall not apply to the following:

- (1) The electrical work of a public utility company, telephone, or telegraph company, nor the persons performing electrical work for such companies, if that electrical work is an integral part of the plant used by such public utility company or telephone or telegraph company in rendering its duly authorized service to the public.
- (2) A regular employee of any railroad who does electrical work only as part of that employment.
- (3) The connection or disconnection of any heating, ventilation, air conditioning, or refrigeration equipment by any person who is licensed as a journeyman or master in HVAC or refrigeration under the provisions of article V of this chapter of the City Code, provided that such connection or disconnection shall include electrical work only on electrical equipment that is part of any heating, ventilation, air conditioning, or refrigeration equipment. This work shall include the connection or disconnection of any heating, ventilation, air conditioning, or refrigeration equipment to an existing individual branch circuit.
- (4) Routine maintenance performed by a city employee, county employee, or employee of any political subdivision of the state. Routine maintenance means the repair or replacement of existing electrical apparatus or equipment, including but not limited to wires, cables, switches, receptacles, outlets, fuses, circuit breakers, and fixtures, of the same size and type for which no changes in wiring are made, but does not include any new electrical installation or the expansion or extension of any circuit.
- (5) The work performed on traffic signals or streetlights by an employee of a contractor qualified according to the standard specifications of the state department of transportation and acting pursuant to a contract of the city or the state that is included in a jointly approved project agreement.

- (6) In cases in which an owner-occupant of an existing single family dwelling desires to conduct work on electrical systems in the owner-occupant's single family dwelling the owner-occupant may appear before the respective discipline inspector to demonstrate that he or she is competent to do the specific work to be accomplished, and after successful demonstration of competence as determined by the inspector, may obtain the permit(s) by paying the proper fee. For purposes of this section a single family dwelling unit shall mean a detached residence designed for or occupied by one family only which is the primary residence of the owner-occupant with record of homestead and qualifies for the homestead tax exemption. Electrical service work must be completed by an electrical contractor licensed in accordance with section 26-450.
- (7) Or any other provision contained within Iowa Code section 103.22

(C00, § 26-452; 15,545, 15,632)

Secs. 26-453--26-499. Reserved.

ARTICLE V. MECHANICAL CODE

Division 1. Generally

Sec. 26-500. Adoption of State Mechanical Code.

- (a) The State Mechanical Code which, consists of the 2021 edition of the International Mechanical Code, published by the International Code Council, 4051 West Flosmoor Road, Country Club Hills, IL 60478 ("IMC"), with amendments, as provided in 641 I.A.C. 61.2(105), is adopted and incorporated by this reference in its entirety, as though set forth in this article, except as otherwise indicated in this article. This adoption of the State Mechanical Code is pursuant to Iowa Code Section 105.4.
- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the mechanical code. References to section numbers not preceded by "26-" will be to sections in the State Mechanical Code.

(C00, § 26-500; 15,545, 15,834, 16,065)

Sec. 26-501. Mechanical permit required.

- (a) Mechanical permits are required for any installation, alteration, repair, replacement, or remodel to a mechanical system regulated by the State Mechanical Code.
- (b) A fee for each mechanical permit shall be paid to the building official in the amount set in the schedule of fees adopted by the city council by resolution.

(C00, § 26-501; 15,545, 15,834)

Sec. 26-502. Mechanical permit exemptions.

The following are also excluded from the permit requirements of IMC section 106:

- (1) Section 106.2 shall not be interpreted to exclude any walk-in refrigerating systems of any kind from the permit requirements.
- (2) Minor repair, cleaning, adjustment, or replacement of minor parts of any heating, ventilating, cooling, or refrigeration equipment where the total cost of the work does not exceed \$100.00. This exemption shall be deemed to include adjustments by a gas supplier in a gas piping system due to the exchange or relocation of a gas meter.

(C00, § 26-502; 15,545)

Sec. 26-503—26-504. Reserved.

Division 2. Repealed by Ord. No. 15,834.

Sec. 26-505—26-520. Reserved.

Division 3. Repealed by Ord. No. 15,834

Sec. 26-521—26-449. Reserved.

Division 4. Licenses

Sec. 26-550. Mechanical and plumbing contractor's license.

Only those individuals or business entities holding a mechanical or plumbing contractor license issued by the Iowa plumbing and mechanical systems licensing board may apply for and obtain permits to conduct mechanical and plumbing work in the City of Des Moines.

(C00, § 26-550; 15,545, 15,834)

Sec. 26-551. Master, journeyman, and apprentice license required.

A person shall not install or repair plumbing, HVAC, refrigeration, or hydronic systems without first obtaining a license issued by the State of Iowa for the applicable trade or discipline, or install or repair medical gas piping systems without first obtaining a valid certification approved by the Iowa plumbing and mechanical systems examining board. Those persons working in the mechanical and plumbing trades or disciplines who have been issued a license by the Iowa plumbing and mechanical systems examining board pursuant to Iowa Code Chapter 105, shall be recognized as licensed and eligible to work in the city within the scope of activities authorized by such licenses.

(C00, § 26-551; 15,545, 15,834)

Secs. 26-552—26-599. Reserved.

ARTICLE VI. PLUMBING CODE

*Cross reference(s)--Sewers and sewage disposal, § 118-31 et seq.; industrial waste, § 118-316 et seq.; water, § 118-586 et seq.; sewer districts, app. G.

Division 1. Generally

Sec. 26-600. Scope.

- (a) The provisions of the plumbing code shall apply to all new construction, relocated buildings, and to any alterations, repairs or reconstruction, except as otherwise provided for in the plumbing code.
- (b) Additions to, identified faulty work, alterations of and repairs to any part of an existing plumbing or drainage system, if covered by the plumbing code, shall comply with the provisions of the plumbing code. Further, the building official may, when such additions, alterations or repairs are made, order further reasonable additions or alterations in a building, structure, or premises when any work or installation regulated by the plumbing code is dangerous, unsafe, insanitary, constitutes a nuisance or is a menace to life, health or property, or is otherwise in violation of the plumbing code. The order shall be issued to the property owner or his or her authorized agent. Refusal, failure or neglect to comply with any lawful order of the building official shall constitute a violation of the plumbing code.
- (c) Installations which were in compliance with the city plumbing ordinances in existence at the time the installations were made shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation is insanitary, dangerous, unsafe, constitutes a nuisance or is a menace to life, health or property, or is contrary to generally accepted standards of good practice.
- (d) Excavations within the public rights-of-way or upon city land are also subject to the requirements in article IX of chapter 102.

(C00, § 26-600; 15,545)

Sec. 26-601. Adoption of Uniform Plumbing Code.

- (a) The State Plumbing Code, which consists of Sections 101 and 102 and Chapters 2 to 17 of the 2021 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761, with amendments, as provided in 641 I.A.C., Chapter 25, and the 2021 edition of the National Fuel Gas Code ("NFPA 54") published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, and the 2017 edition of the Liquefied Petroleum Gas Code ("NFPA 58") published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, as provided in 661 I.A.C., Chapter 226, are adopted and incorporated by this reference in their entirety as though set forth in this article, except as otherwise indicated in this article. This adoption of the State Plumbing Code is pursuant to I.C. Section 105.4.

- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the plumbing code. References to section numbers not preceded by "26-" will be to sections in the State Plumbing Code.

(C00, § 26-601; 15,545, 15,835, 16,065)

Sec. 26-602. Applicability to moved buildings.

Buildings or structures moved into the city shall comply with the provisions of the plumbing code for new buildings or structures.

(C00, § 26-602; 15,545)

Sec. 26-603. Applicability to subsurface drainage.

The provisions of section 26-650 of this article which relate to subsurface drainage shall apply to all such subsurface drainage from buildings, whether new or existing, if such drainage would, but for compliance therewith, discharge to a point upon or so adjacent to a public sidewalk or street as to permit the water so discharged to drain upon a public sidewalk or street. Failure to comply with this section shall constitute a violation of the plumbing code. It is specifically provided, however, that no offense shall be charged under this section for such discharge during periods of community emergency generated by extraordinarily high levels of precipitation.

(C00, § 26-603; 15,545)

Sec. 26-604. Applicability to county park property.

The provisions of this article shall not apply or be enforced within or upon county park property situated within the corporate boundaries of the city so long as the county shall maintain in force within the county a nationally recognized plumbing code and shall provide for the enforcement of such plumbing code within and upon such park property.

(C00, § 26-604; 15,545)

Sec. 26-605. Authority of building official.

The building official is responsible for the enforcement of the plumbing code and the rules and regulations of the state board of public health governing plumbing. When used in this article, the term "administrative authority" shall mean the building official or his or her duly authorized representative.

When it is impossible or impractical to install plumbing in strict compliance with the provisions of the plumbing code or any other applicable law, ordinance, rule or regulation, the building official may, with the approval of the state department of public health, permit minor variations which are safe and reasonable.

(C00, § 26-605; 15,545)

Sec. 26-606. Plumbing permits required.

- (a) Plumbing permits are required for any installation, alteration, repair, replacement, or remodel to a plumbing system regulated by the State Plumbing Code.
- (b) A fee for each plumbing permit shall be paid to the building official in the amount set in the schedule of fees adopted by the city council by resolution.
- (c) Excavation permits issued by the city engineer pursuant to chapter 102 to open streets, parking or other public property for the purpose of installation or repair shall be issued only after plumbing permits for the work have been obtained in accordance with this division. Each excavation permit shall contain the plumbing permit number.

(C00, § 26-606; 15,545, 15,835)

Sec. 26-607. Plumbing permit exceptions.

No plumbing permits shall be required for the following:

- (1) Any work generally known as maintenance work, such as the repairing of leaks, the removal of stoppage in sewer or waste pipes, or the repairing of faucets and closet tanks. However, nothing in this subsection shall be construed as permitting the excavation of any part of a street, parking or sidewalk without a plumbing permit.
- (2) When a private sewer, other than a building or house sewer, is constructed under the jurisdiction, standard specifications and inspection of the city engineer, or when lateral sewer stubs are constructed under the jurisdiction and standard specifications and inspection of the city engineer.
- (3) When a storm sewer service, or a private storm sewer main, to city owned property I.E. Parking lots, Parks, Cemeteries, or other city owned properties, is constructed, installed or repaired under the jurisdiction, standard specifications and inspection of the city engineer.

(C00, § 26-607; 15,545)

Sec. 26-608. Plumbing permit issuance criteria; plans and specifications.

- (a) *Issuance.* Plumbing permits shall be issued only in the name of the person holding a current plumbing contractor's license issued by the city or by the State of Iowa, a copy which shall be kept on file with the building official. The application for a plumbing permit shall recite the name of the person holding the plumbing contractor's license, the personal signature of the certified or licensed master plumber or the master plumber's duly authorized agent, the street and building number of the proposed work, the owner's name and address, the occupancy or use of the premises, the specific items of work to be performed, and such other pertinent information as may be required by the building official. The contractor and any master, journeyman or apprentice plumber shall keep a copy of their license readily accessible at the premises to which the permit applies.
- (b) *Plans and specifications.* Plans and specifications shall be submitted as follows:

- (1) When required by the building official for the enforcement of any provisions of the plumbing code, plans and specifications for the installation of any plumbing or plumbing system shall be filed with and approved by the ~~permit and development administrator~~building official before the issuance of any permit.
- (2) The building official may require such plans and specifications to be prepared and designed by an engineer licensed by the state to practice as such.
- (3) One set of plans and specifications may be filed for checking, provided that not less than two sets of corrected plans and specifications are filed before the building official gives approval. After approval, one set of plans shall be retained by the building official and the other set shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized is in progress.
- (4) When the plans and specifications do not comply with provisions of the plumbing code, the necessary changes or revisions shall be made thereto.
- (5) Every plan shall be a print or other type of approved plan. The information contained on the plans shall be clearly legible and specifically indicated. Plans shall be drawn to an appropriate scale.
- (6) Specifications, legibly and definitely stated, shall be included either on the plan or on separate sheets.
- (7) The approval of any plans or specifications shall not be construed to sanction any violation of the plumbing code.
- (8) No person shall deviate materially from any approved plans or specifications or fail, neglect, or refuse to comply therewith unless permission to do so has been obtained from the building official.
- (9) The plans or specifications shall show the following data, along with such other information as may be required by the building official:
 - a. Layout for each floor drawn to accurate scale or dimensions of all working spaces and a legend of all symbols used.
 - b. Locations, size, and material of all piping and fixtures.
 - c. The first sheet of each set of plans and specifications shall show the address of the proposed work and the name and address of the owner or lessee of the premises.
 - d. Plans and specifications shall be of sufficient clarity to show that the proposed installation will conform to the provisions of the plumbing code and all applicable laws, ordinances, rules, regulations and orders.

(C00, § 26-608; 15,545)

Sec. 26-609. Repealed by Ord. No. 15,835.

Secs. 26-610—26-619. Reserved

Division 2. Amendments and Additions

Sec. 26-620. Repealed by Ord. No. 15,835.

Sec. 26-621. Amendments and additions.

The remaining sections in this article are and represent amendments and additions to the requirements contained in the State Plumbing Code which are more restrictive than the State Plumbing Code, and where their requirements conflict with those of the State Plumbing Code, the requirements of this article shall prevail.

(C00, § 26-621; 15,545, 15,835)

Sec. 26-622. Repealed by Ord. No. 15,835.

Sec. 26-623. Repealed by Ord. No. 15,835.

Sec. 26-624. Repealed by Ord. No. 15,835.

Sec. 26-625. Repealed by Ord. No. 15,835.

Sec. 26-626. Repealed by Ord. No. 15,835.

Sec. 26-627. Repealed by Ord. No. 15,835.

Sec. 26-628. Backflow prevention with containment.

- (1) For the purpose of backflow prevention with containment within the City of Des Moines, the Administrative Authority means the Des Moines Water Works and the building official.
- (2) Administrative Authority Right of Entry.
 - (a) Des Moines Water Works or the building official shall have the right to enter, with the consent of the customer or upon the basis of suitable warrant issued by a court of appropriate jurisdiction, any property to inspect for possible cross connections.

(C00, § 26-628; 16,065)

Sec. 26-629. Repealed by Ord. No. 15,835.

Sec. 26-630. Repealed by Ord. No. 15,835.

Sec. 26-631. Repealed by Ord. No. 15,835.

Sec. 26-633. Repealed by Ord. No. 15,835.

Sec. 26-634. Repealed by Ord. No. 15,835.

Sec. 26-635. Repealed by Ord. No. 15,835.

Sec. 26-636. Repealed by Ord. No. 15,835.

Sec. 26-637. Repealed by Ord. No. 15,835.

Sec. 26-638. Repealed by Ord. No. 15,835.

Sec. 26-639. Repealed by Ord. No. 15,835.

Sec. 26-640. Repealed by Ord. No. 15,835.

Sec. 26-641. Repealed by Ord. No. 15,835.

Sec. 26-642. Grease interceptors and FOG.

Notwithstanding provisions of section 1014.1, regulation of Fat Oil and Grease (FOG) and sizing of FOG removal devices shall be in accordance with chapter 118, article III of this code for the regulation of industrial wastewater and commercial wastewater. Grease drainage lines shall be clearly identified by one of the following ways:

- (1) Stenciled with “Grease Drainage”. Letters size shall be 1½” for 2” piping, and 2” for 3” and larger piping. Stenciling shall be applied every 3 feet of piping and labeled at the future stubbed locations; or
- (2) Prior approval of an identification system approved by the AHJ.

(C00, § 26-642; 15,545, 15,835)

Sec. 26-643. Repealed by Ord. No. 15,835.

Sec. 26-644. Repealed by Ord. No. 15,835.

Sec. 26-645. Existing Sewers.

Replacement of existing building sewer and building storm sewers using trenchless methodology and materials shall be installed in accordance with ASTM F1216. Cast-iron soil pipes and fittings shall not be repaired or replaced by using this method aboveground or belowground. Replacement using cured-in-place pipe liners shall not be used on collapsed piping or when the existing piping is compromised. Compromised piping is determined by the AHJ that would consist of significant cracks, out of alignment piping, missing pieces from piping, and or fittings. If any portion of a bituminous fiber (“Orangeburg”) building sewer fails, the Orangeburg sewer shall be replaced in its entirety from the building to the public sanitary sewer with new sewer that fully complies with this Code.

(C00, § 26-645, O.15,835)

Secs. 26-646—26-649. Reserved.

Division 3. Storm Drainage Systems

Sec. 26-650. General requirements.

Subsections 1101.6 and 1101.7 of the UPC are hereby amended by deleting said sections and inserting in lieu thereof the following:

- (1) *Disposal of subsurface drainage and stormwater.* Where a storm sewer is not available, the disposition of stormwater and subsurface drainage shall be as follows:
 - a. For one- and two-family dwellings, to sump and pump to grade or drywell seepage pit as shown in the illustration of proper disposal of subsurface drainage and stormwater, on file in the office of the senior plumbing inspector.
 - b. For other than one- and two-family dwellings, to sump and pump to drywell seepage pit, or use lateral system similar to septic system with overflow on end.
 - c. Exception to subsections (c)(1) and (2) of this section, gravity drainage approved if footing and area drainage elevation is higher than drywell seepage pit drain discharge flow line.
- (2) *Traps.* Leaders or downspouts, when connected to a combined sewer, shall be trapped.
- (3) *Subsoil drain.* Where subsoil drains are placed under the cellar or basement floor or are used to surround the outer walls of a building, they shall be installed in accordance with the building code and shall be made of open-jointed, horizontally split, or perforated clay tile or asbestos-cement pipe or rigid plastic pipe not less than four inches in diameter. They shall be drained into an open sump with protective cover. Such sumps need not be vented. The building storm and subsoil drainage systems shall be connected to a storm sewer when such a sewer abuts the property. Where a sump pump is used, the discharge piping to the storm sewer, drywell seepage pit, or lateral system shall be inspected and approved before use.
- (4) *Parking lot and retention pond drains.* Parking lot and retention pond drains shall be installed as directed by the city engineer and in accordance with the approved site plan, a copy of which shall be available on the job site.

(C00, § 26-650; 15,545)

Sec. 26-651. Outside leaders.

Notwithstanding provisions of section 1101.4, when outside leaders are of sheet metal and connected with a building storm drain or storm sewer, they shall be connected to a cast iron drain extending above the finish grade, or the sheet metal leader shall be protected against injury.

(C00, § 26-651; 15,545)

Sec. 26-652. Traps.

Notwithstanding provisions of section 1101.15, conductor traps shall be so located that an accessible cleanout may be installed on the building side of the trap.

(C00, § 26-652; 15,545)

Sec. 26-653. Size of leaders and storm drains.

Notwithstanding provisions of section 1103, vertical leaders, horizontal storm drains, and gutters shall be sized based on a 4 inch per hour rainfall.

(C00, § 26-653; 15,545)

Sec. 26-654. Size of combined drains and sewers.

Notwithstanding provisions of section 1103, in computing the size of combined building drains or sewers to which storm drains serving a roof, court, or paved area are to be connected, the area drained may be converted to equivalent fixture unit loads by placing a value of 256 fixture units on the first 1,000 square feet or portion thereof of area to be drained and one additional fixture unit for each 3.9 square feet thereafter.

(C00, § 26-654; 15,545)

Secs. 26-655—26-669. Reserved.

Division 4. Licenses

Sec. 26-670. Mechanical and plumbing contractor's license.

Only those individuals or business entities holding a valid mechanical or plumbing contractor license issued by the Iowa plumbing and mechanical systems licensing board may apply for an obtain permits to conduct mechanical and plumbing work in the City of Des Moines.

(C00, § 26-670; 15,545, 15,835)

Sec. 26-671. Master, journeyman, and apprentice license required.

A person shall not install or repair plumbing, HVAC, refrigeration, or hydronic systems without first obtaining a license issued by the State of Iowa for the applicable trade or discipline, or install or repair medical gas piping systems without first obtaining a valid certification approved by the Iowa plumbing and mechanical systems examining board. Those persons working in the mechanical and plumbing trades or disciplines who have been issued a license by the Iowa plumbing and mechanical systems examining board pursuant to Iowa Code chapter 105, shall be recognized as licensed and eligible to work in the city within the scope of activities authorized by such licenses.

(C00, § 26-671; 15,545, 15,835)

Sec. 26-672. Repealed by Ord. No. 15,835.

Secs. 26-673—26-699. Reserved.

**ARTICLE VII.
(REPEALED BY ORD. NO 16,165)**

Sec. 26-700—26-799. Repealed by Ord. No 16,165.

ARTICLE VIII. SIGNS AND BILLBOARDS

Division 1. Generally

Sec. 26-800. Definitions.

For the purpose of this division, certain terms, phrases, words and their derivatives shall be construed as specified in either this section or as specified in the building code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1993, shall be considered as providing ordinary accepted meanings.

Approved plastic materials means those which are defined in the International Building Code.

Billboard means all structures, regardless of the material, used in the construction of the structures that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which such signs or billboards are located.

Curb line means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city engineer.

Legal setback line means a line established by ordinance beyond which no building may be built. A legal setback line may be a property line.

Marquee means a permanent roofed structure attached to and supported by the building and projecting over public property.

Noncombustible, applied to building construction material, means a material which, in the form in which it is used, is either one of the following:

- (1) Material of which no part will ignite and burn when subjected to fire. Any material conforming to International Building Code shall be considered noncombustible within the meaning of this section.
- (2) Material having a structural base of noncombustible material as defined in subsection (1) of this definition with a surfacing material not over one-eighth inch thick which has a flame-spread rating of 50 or less.

The term "noncombustible" does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to subsection (1) of this definition. No material shall

be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits established in this definition, through the effects of age, moisture or other atmospheric condition. The term "flame-spread rating" as used in this definition refers to rating obtained according to tests conducted as specified in International Building Code.

Nonstructural trim means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

Portable display surface means a display surface temporarily fixed to a standardized advertising structure and which may be moved from structure to structure at periodic intervals.

Projection means the distance by which a sign extends over public property or beyond the building line.

Sign means any structure, including but not limited to a device or display, other than buildings or landscaping, used primarily for visual communication for the purpose of or having the result of bringing the subject thereof to the attention of a person, group of persons, or the public generally. The term "sign" includes but is not limited to any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, inscriptions, and patterns, whether affixed to a building, painted or otherwise, depicted on a building, or separate from any building. Nothing in this division shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.

Sign area means the total area contained within the faces of a sign; provided, however, that the area of a sign containing back-to-back sign faces or V-type sign faces with an internal angle of 45 degrees or less, attached to a single supporting structure, shall be the area of the larger separate sign face. The area of a sign composed of characters or words attached directly to a building or wall surface is the smallest rectangle which encloses the group.

Sign, electric means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Sign, ground means a sign, other than a pole sign, that is supported in or upon the ground and not attached to any building or wall.

Sign, illuminated means any sign that is artificially lighted, by any direct, indirect, or internal light source.

Sign, pole means a sign that is supported by one or more uprights or braces in or upon the ground.

Sign, projecting means a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Sign, roof means a sign erected upon or above a roof or parapet of a building.

Sign structure means any structure which supports or is capable of supporting any sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of a building.

Sign, wall or fascia sign means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall.

Structure means a structure which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

*Cross reference(s)--Definitions generally, § 1-2.

(C00, § 26-800; 15,545)

Sec. 26-801. Scope of division.

This division is intended to regulate the construction, erection, alteration, repair, and maintenance of all signs and sign structures in the city.

(C00, § 26-801; 15,545)

Sec. 26-802. Sign and billboards permits required.

- (a) Except as provided in this division, it shall be unlawful for any person to erect, alter, relocate or maintain within the city any sign or sign structure, as defined in section 26-800, without first obtaining a permit issued by the zoning enforcement officer and making payment of the permit fee provided in this division.
- (b) A sign permit shall not be required for the following:
 - (1) Identification signs not exceeding one square foot in area.
 - (2) Memorial signs on buildings, showing only the building's name and date of erection, when such sign is carved into or made an integral part of the exterior of the building or when such sign is constructed of bronze or other metal alloy and securely and permanently attached to such building.
 - (3) A sign that is painted on or attached to an operative self-propelled vehicle.
 - (4) Flags bearing only the official design or recognized symbol of a governmental entity, an educational institution, or a company or other organization.
 - (5) Traffic or other municipal signs such as legal notices, railroad crossings, danger and other emergency signs as may be approved by the enforcement authority.
 - (6) For the replacement of the removable display board or other removable display surface of a sign having a stationary framework or structure so designed that a display board or panel or other display surface may be inserted therein or attached thereto or removed whenever desired without unfastening or removing the stationary framework or structure from its supports.
 - (7) Private traffic direction signs directing traffic movement into a premises or within a premises, provided such signs do not exceed four square feet in area and are not illuminated.
 - (8) Horizontal directional signs painted on or installed flush with paved areas.
 - (9) Non-illuminated real estate signs with an area of six square feet or less.
- (c) The permit fee for every sign permit required by this division shall be in the amount set in the Schedule of Fees adopted by the city council by resolution.
- (d) Every sign, whether existing or erected, shall be classified by the zoning enforcement officer according to its type as a "combination," "ground," "pole," "projecting," "roof," "wall" or "fascia," or "marquee" sign.

(C00, § 26-802; 15,545, 15,819)

Sec. 26-803. Sign and billboard permit application; plans and specifications.

- (a) Application for a sign permit shall be made in writing upon forms furnished by the zoning enforcement officer. Such application shall contain the street address or legal description, as required, of the property upon which the sign is to be located, the name and address of the owner and the sign erector, and such other information as may be required by the zoning enforcement officer.
- (b) Two copies of plans and specifications shall be submitted when required with the application for each sign permit. Such plans shall show complete details, methods of attachment or support, location, and materials to be used. Computations, stress diagrams, and other data sufficient to show the correctness of the plans shall be submitted when required by the neighborhood services department.

(C00, § 26-803; 15,545, 16,224)

Sec. 26-804. Design.

- (a) *Generally.* General requirements for signs and sign structures shall be as follows:
 - (1) Signs and sign structures shall be designed and constructed to resist wind and forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof.
 - (2) The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted.
- (b) *Wind loads.* Wind loads shall comply with the following:
 - (1) Signs and sign structures shall be designed and constructed to resist wind forces as specified in the International Building Code.
 - (2) In the absence of plans certified by an engineer registered in this state, simple pole or ground sign supports shall provide a section-modulus at the point of maximum bending equal to or greater than that obtained from the following formula:

$$S.M. - 0.0004615 \times (AS) \times (PW) \times (HC)$$

Where:

S.M. = Section modulus.

AS = Area of sign face in square feet.

PW = Pressure of wind in pounds per square feet as determined from the building code

HC = Height of in feet of centroid of sign area from point of maximum bending

- (c) *Combined loads.* Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind loads.

- (d) *Allowable stresses.* Allowable stresses shall be as follows:
- (1) The design of wood, concrete, steel or aluminum members shall conform to the requirements of the International Building Code. Loads, both vertical and horizontal, exerted on the soil, shall not produce stresses exceeding those specified in the building code.
 - (2) The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.
 - (3) Working stresses for wind loads combined with dead loads may be increased as specified in the building code.

(C00, § 26-804; 15,545)

Sec. 26-805. Construction.

- (a) *Generally.* The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of the International Building Code.
- (b) *Materials.* Materials of construction shall be as follows:
- (1) Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the International Building Code.
 - (2) In all signs and sign structures, the materials and details of construction shall, in the absence of specified requirements conform with the following:
 - a. Structural steel shall be of such quality as to conform with the International Building Code. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in the International Building Code and, in addition, shall be galvanized. Secondary members, when formed integrally with the display surface shall be not less than no. 24 gauge in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be no. 12 gauge. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch, except that if galvanized such members shall be not less than one-eighth inch thick. Steel pipes shall be of such quality as to conform with International Building Code. Steel members may be connected with one galvanized bolt provided the connection is adequate to transfer the stresses in the members.
 - b. Anchors and supports when made of wood and embedded in the soil or within six inches of the soil shall be of all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.
- (c) *Restriction on combustible materials.*
- (1) All signs and structures erected in fire zone no. 1 shall have structural members of noncombustible materials. Ground signs may be constructed of any material meeting the requirements of the International Building Code, except as provided in subsection (b) of this section.

- (2) Roof signs, wall signs, projecting signs, and signs on marquees shall be constructed of noncombustible materials, except as provided in subsection (d) of this section. No combustible materials other than approved plastics shall be used in the construction of electric signs.
- (d) *Nonstructural trim.* Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics, or any combination thereof.
- (e) *Anchorage.*
- (1) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frostline. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in the International Building Code. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
 - (2) No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except for signs attached to wood framing.
 - (3) No anchor or support of any sign shall be connected to or supported by an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in Chapter 16 of the International Building Code.
 - (4) Adjustable turnbuckles shall be safely secured to prevent movement.
- (f) *Display surfaces.* Display surfaces in all types of signs may be made of metal, glass, or approved plastics, except that glass shall not be used in any pole or projecting signs. Glass thickness and area limitations shall be as set forth in table no. 4-A in this section. Sections of approved plastics on wall signs shall not exceed 150 square feet in area. Exceptions:
- (1) In fire zone no. 3 the area may be increased by 50 percent.
 - (2) Sections of approved plastics on signs other than wall signs may be of unlimited area if approved by the building official.

TABLE NO. 4-A SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS

Maximum Size of Exposed Glass Panel			
Any Dimension (in inches)	Area (in square inches)	Minimum Thickness of Glass (in inches)	Type of Glass
30	500	1/8	Plain, plate or wired glass
45	700	3/16	Plain, plate or wired glass
144	3,600	1/4	Plain, plate or wired glass

Over 144	Over 3,600	1/4	Wired glass
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- (g) *Approved plastics.* The zoning enforcement officer shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he or she may approve its use.
- (h) *Concealment of structural framework.* No structural framework of any sign shall be covered or concealed.
- (i) *Electrical wiring.* All signs containing electrical wiring shall be subject to all provisions of the electrical code.
- (j) *Maintenance and repair.* All signs, together with all of their supports, braces, guys, and anchors, shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.
- (k) *Name of erector and date of erection.* Every general advertising sign, as defined in chapter 134 of the city Code, and every sign which projects over any public right-of-way erected after January 1, 1966, shall have painted or otherwise attached on the exterior of the sign the name of the sign erector and date of erection. Such name and date shall be of sufficient size and contrast to be easily read from a reasonable distance.

(C00, § 26-805; 15,545, 15,819)

Sec. 26-806. Projection and clearance.

- (a) *Generally.* All types of signs shall conform to the clearance and projection requirements of this section.
- (b) *Clearance from high voltage power lines.* Signs shall be located not less than six feet horizontally or eight feet vertically from overhead electrical conductors which are energized in excess of 600 volts. The term "overhead conductors" as used in this subsection means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.
- (c) *Clearance from fire escapes, exits or standpipes.* No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.
- (d) *Obstruction of openings.* No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the building code. Signs erected within five feet of an opening in an exterior wall shall be constructed of noncombustible material or approved plastics.
- (e) *Projection over alleys.* No sign or sign structure shall project into any public alley below a height of 14 feet above grade, nor project more than 18 inches when such sign is 14 feet to 18 feet above grade. The sign or sign structure may project not more than 36 inches into the public alley where the sign or sign structure is located more than 18 feet above grade.

(C00, § 26-806; 15,545)

Sec. 26-807. Ground signs.

- (a) Ground signs may be constructed of any material meeting the requirements of the building code, except as provided in sections 26-804 and 26-805 of this division.
- (b) Ground signs shall be designed in accordance with the requirements specified in section 26-805 of this division.
- (c) Ground signs may have display surfaces of combustible materials except in fire zone no. 1 with further exceptions as provided in section 26-805 of this division.

(C00, § 26-807; 15,545)

Sec. 26-808. Roof signs.

- (a) Roof signs shall be constructed of noncombustible materials, except as specified in section 26-805 of this division.
- (b) Roof signs shall be thoroughly secured and anchored to the frame of the building over which they are constructed and erected, and shall be designed in accordance with the requirements specified in section 26-804 of this division.
- (c) Passage clear of all obstructions shall be left under or around and immediately adjacent to all signs exceeding a height of four feet above the roof thereunder. Such passages shall be not less than three feet wide and four feet high and shall be at parapet or roof level. There shall be one such passage or access opening as follows:
 - (1) For each roof sign upon a building.
 - (2) An access opening for every 50 lineal feet of horizontal roof sign extension.
 - (3) Within 20 feet of walls and parapets when roof signs are at right angles to a face of the building.

(C00, § 26-808; 15,545)

Sec. 26-809. Wall or fascia signs.

- (a) Wall signs in fire zones no. 1 and 2 shall be constructed of noncombustible material, except as provided in section 26-805 of this division.
- (b) Wall signs shall be designed in accordance with the requirements specified in section 26-804 of this division.
- (c) When otherwise permitted, no wall sign shall have a projection over public property or beyond a legal setback line greater than the distances set forth in section 26-806 of this division.

(C00, § 26-809; 15,545)

Sec. 26-810. Projecting signs.

- (a) Projecting signs shall be constructed of noncombustible materials, except as specified in section 26-805 of this division.
- (b) Projecting signs shall be designed in accordance with the requirements specified in section 26-804 of this division.

- (c) Subject to all other city regulations, the height of signs projecting over public property shall be determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in section 26-806 of this division.

(C00, § 26-810; 15,545)

Sec. 26-811. Marquees.

Signs may be placed on, attached to, or constructed in a theater marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in the International building code.

(C00, § 26-811; 15,545)

Secs. 26-812—26-819. Reserved.

Division 2. Licenses

Sec. 26-820. Billboard license and bond required.

Any person or any agent thereof, before erecting, constructing or maintaining any billboard as defined in section 26-800, must procure a class A sign erector's license and furnish a bond when so required by section 26-823 of this division.

(C00, § 26-820; 15,545)

Sec. 26-821 Sign erector's license required; to whom issued; classes; expiration; annual fees.

- (a) Every person erecting or installing signs for which permits are required by section 26-802 shall obtain a sign erector's license to conduct such operations, except that the occupant of a premises may obtain a permit to erect or install a sign on the premises without a license if the sign is not electrical, does not exceed 15 square feet, does not exceed 50 pounds, and is attached flat against the side of a building or parapet wall.
- (b) The license to erect signs shall be known as a sign erector's license, of which there shall be three classes, as set out in this subsection, and shall be issued only to those persons who show sufficient knowledge and experience to satisfy the zoning enforcement officer as to their ability to erect signs of a size and weight allowed by the class of license for which they are applying in a safe and substantial manner in accordance with the provisions of division IV of article III of this chapter. The three classes of license and the allowable size and weight of signs that may be erected thereunder shall be as follows:
 - (1) Class A. A class A sign erector's license shall entitle the holder thereof to erect any sign or billboard that may be erected in accordance with the provisions of this division.
 - (2) Class B. A class B sign erector's license shall entitle the holder thereof to erect any sign, but not a billboard, which does not exceed 75 square feet in area or 400 pounds in weight.

- (3) Class C. A class C sign erector's license shall entitle the holder thereof to erect any sign, but not a billboard or roof sign, which does not exceed 20 square feet in area or 150 pounds in weight.
- (c) All sign erector's licenses shall expire on December 31 of each even-numbered year and may be renewed prior to expiration by payment of the license fee for the next biennial term. Any expired license may be renewed without examination within 30 days after the expiration date upon payment of the license fee plus a late renewal fee in the amount set in the Schedule of Fees adopted by the city council by resolution. When more than 30 days have passed after the expiration date, no expired license shall be renewed except upon the recommendation of the zoning enforcement officer and payment of the license fee plus the late renewal fee.
- (d) The license fees for sign erector's licenses shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

(C00, § 26-821; 15,545)

Sec. 26-822. Sign erector's license application; examination of qualifications of applicant; issuance.

Applications for sign erector's licenses shall be made to the zoning enforcement officer and shall contain the name and address of the proprietor, president or other senior officer in charge of the applicant's business and such other pertinent information as may be requested. The zoning enforcement officer shall examine the qualifications of each applicant and shall cause licenses to be issued to all those properly qualified after their bonds have been filed and approved by the legal department and license fees have been paid.

(C00, § 26-822; 15,545)

Sec. 26-823. Sign erector's bond.

- (a) Prior to the issuance of a sign erector's license, the person desiring such a license shall file with the zoning enforcement officer a good and sufficient bond running to the city, the penal sum of which shall be \$10,000.00 for a class A license, \$5,000.00 for a class B license, \$2,500.00 for a class C license, to indemnify, save and keep harmless the city from any and all costs, damages, or expenses of any kind whatsoever which may be suffered by the city or which it may be put to or which may accrue against it by charging to or recovering from the city from or because of the granting of permission to erect such signs or because of any acts or things done under or by authority of permission granted by the zoning enforcement officer to erect such signs in the city or because of the negligence, failure or refusal of any person to comply with all the sections of this division applicable to such signs, or to pay any sign permit fees.
- (b) At any time the bond of any sign erector is permitted to lapse, such sign erector's license shall be automatically suspended and shall remain suspended until such sign erector again files a bond as required in this section.

(C00, § 26-823; 15,545)

Secs. 26-824—26-899. Reserved

**ARTICLE IX.
ENERGY AND WATER USE BENCHMARKING**

Sec. 26-900. Purpose.

The purpose of this article is to preserve and improve the safety, health, welfare, comfort and convenience of city residents by advancing energy efficiency and reducing greenhouse gas emissions as outlined in and in furtherance of the Guide DSM: Strategic Plan 2015-2030 adopted by the city council in 2015 and the Plan DSM: Creating Our Tomorrow plan as an amendment to the city's comprehensive plan adopted by the city council in 2016. The terms and provisions of this article shall serve as a vital component in reaching the goals set forth in the adopted plans to reduce greenhouse gas emissions, to reduce energy consumption in City-owned buildings, and to foster a sustainable local economy through environmentally sound building practices and energy efficiency.

(C00, § 26-900; 15,779)

Sec. 26-901. Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section unless context indicates otherwise:

Aggregated whole-building data means energy use or water use data that has been summed for an entire property, which may include a single occupant or a group of separately metered tenants.

Anonymized data means data that does not reveal names, addresses or any other information that would identify a person or business.

Audit means a systematic evaluation process to identify appropriate modifications and improvements of a covered property base building systems for energy and/or water distribution and use, including proposed alterations to and installation of new equipment for such systems, insulation installation or other generally recognized energy and water efficiency technologies to optimize energy and water use performance and achieve energy and water savings for the covered property.

Base building systems means the systems or subsystems of a building that use or distribute energy and/or water and/or impact energy and/or water consumption, including:

- (1) The building envelope;
- (2) The heating, ventilating, and air conditioning (HVAC) systems;
- (3) Energy conveying systems;
- (4) Electrical and lighting systems;
- (5) On-site energy generation systems;
- (6) Domestic hot water systems;
- (7) Water distribution systems;
- (8) Plumbing fixtures and other water use equipment; and
- (9) Landscape irrigation systems and water features, including fountains.

Except base building systems does not include:

- (1) Systems or subsystems within a leased premises or an apartment established pursuant to Iowa Code Chapters 499A or 499B that are owned or fully maintained and for which all energy and/or water bills are paid for pursuant to separate meter or sub-meter by the person who has ownership or possessory interest in the leased premises or apartment.
- (2) Systems or subsystems used in conjunction with industrial applications or processes.

Benchmarking means to input and submit the total energy and water consumed as part of integral building operations for a covered property and to input and submit additional descriptive information for such covered property required by the benchmarking tool for each calendar year.

Benchmarking tool means the United States Environmental Protection Agency Energy Star portfolio manager, or such additional or alternative tool used to track and assess the energy and water consumption of a covered property relative to properties with similar characteristics which, at a minimum, provides an Energy Star score and measures energy use intensity, water use intensity and emissions.

City covered property means a covered property that is entirely owned or leased by the city.

Covered property means any property that exceeds 25,000 square feet in total building gross floor area except covered property does not include property:

- (1) Classified for assessment purposes as residential real estate;
- (2) Classified for assessment purposes as multi-residential real estate containing fewer than five dwelling units;
- (3) Classified for assessment purposes as industrial real estate;
- (4) Owned or leased by the federal, state or county governments or the municipal housing agency for the city;
- (5) Utilized primarily for an elementary and/or secondary school;
- (6) Utilized primarily for religious assembly;
- (7) Of a type not meeting the underlying public purposes of this article, as determined by the director.

Director means the community development director or his or her designees.

Energy means electricity, gas, steam, or other product sold by a utility to a public or private customer, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses as recorded in the benchmarking tool.

Energy Star score means the numeric rating generated by the Energy Star portfolio manager tool developed and maintained by the United States Environmental Protection Agency as a measurement of a property's relative energy performance and efficiency.

Energy use intensity means the energy use per square foot of gross floor area for the calendar year calculated by total year kBtu divided by total square footage.

Gross floor area means the total area, included within the exterior walls of a building, including lobbies, leased premises, common areas, shared use rooms, restrooms, elevator shafts, stairwells, mechanical equipment areas, basements and storage rooms.

Owner means any of the following:

- (1) An owner as defined in section 1-2 of this Code;

- (2) A tenant in the case of a property subject to a triple net lease between an owner and a single tenant;
- (3) The council of co-owners for property subject to a declaration recorded pursuant to Iowa Code Chapter 499B;
- (4) The board of directors for property subject to articles filed pursuant to Iowa Code Chapter 499A; or
- (5) An agent authorized to act on behalf of any of the above.

Property means any of the following:

- (1) A single building;
- (2) Two or more buildings subject to the same declaration recorded pursuant to Iowa Code Chapter 499B or subject to the same articles filed pursuant to Iowa Code Chapter 499A; or
- (3) A campus of two or more buildings which are owned and operated by the same person, have a shared primary function, and:
 - a. Utilize a common electric utility meter or utilize common base building systems which prevent the owner from determining the energy use attributable to each of the individual buildings; and/or
 - b. Are used primarily for one of the following:
 - 1. College or university.
 - 2. Hospital
 - 3. Hotel or motel
 - 4. Office
 - 5. Retail sales
 - 6. Household living
 - 7. Group living.

Retuning means a systematic process for optimizing building performance through the assessment, identification and correction of deficiencies of the base building systems for energy and/or water distribution and use of the covered property, including repairs of defects, cleaning, adjustments of valves, sensors, controls or programmed set points, and changes in operational practices.

Tenant means a person occupying leased premises in a building under a rental or lease agreement;

Utility means MidAmerican Energy Company, city water works or such other entity that distributes and sells gas, electric energy, water, or thermal energy services for public and private use.

Water use intensity means the water use from all water sources and from all indoor water sources per square foot of gross floor area for the calendar year calculated by total year water use from all sources divided by total square footage and calculated by total year metered indoor use divided by total square footage.

(C00, § 26-901; 15,779)

Sec. 26-902. Benchmarking Data Collection.

- (a) Each year the owner of a covered property shall collect and enter data on the energy and water consumption of the covered property during the prior calendar year into the

benchmarking tool in a manner that conforms to latest guidance provided by the United States Environmental Protection Agency. The data entered into the benchmarking tool shall provide for an assessment of the aggregated total energy and water consumed for all the covered property for the entire prior calendar year for incorporation in the energy and water benchmarking report. Data for the covered property's energy use and water use shall be compiled using the following methods that apply to the property: a) obtaining aggregated whole-building data from each utility; b) collecting data from all nonresidential tenants; and/or c) reading a master meter.

- (b) If the owner of a covered property does not have access to aggregated whole-building data on energy use and water use, the owner shall request such aggregated whole-building data for the covered property from each utility. If aggregated whole-building data is not provided by the utilities, the owner of the covered property shall exercise all lease rights, in compliance with applicable federal and state laws, to request energy use and water use data from its nonresidential tenants exclusively for benchmarking data collection purposes in accordance with subsections (c) and (d) of this section.
- (c) Each nonresidential tenant with leased premises in a covered property shall, within 30 days of a written request by the owner and in the form approved by the director, allow reasonable access to base building systems and provide all information regarding its energy use and water use that cannot otherwise be acquired by the owner from the utilities and is needed by the owner to comply with the benchmarking data collection requirements of this article.
- (d) When a nonresidential tenant intends to vacate its leased premises in a covered property, the tenant shall within 30 days of a written request by the owner and in the form approved by the director, provide all information regarding its energy and water use that cannot otherwise be acquired by the owner from the utilities and is needed by the owner to comply with the benchmarking data collection requirements of this article.

(C00, § 26-902; 15,779)

Section 26-903. Benchmarking Reporting.

- (a) The owner of a covered property shall annually submit to the city electronically an energy and water benchmarking report for the prior calendar year containing the benchmarking information required by the director in such form and content determined by the director, by the reporting due dates specified in section 26-904. A submittal fee in the amount set in the schedule of fees adopted by the city council by resolution will be charged to the owner of the covered property for a benchmarking report that is submitted to the city and filed more than 30 days after the applicable reporting due date.
- (b) Prior to submitting the benchmarking report to the city, the owner of the covered property shall run all automated data quality checker functions within the benchmarking tool, and shall verify that all data has been accurately inputted. The owner shall correct all missing or incorrect information identified by the automated data quality checker prior to submitting the benchmarking report to the city.
- (c) When the owner of the covered property becomes aware that any information in the submitted benchmarking report is inaccurate or incomplete, the owner shall enter corrective and supplemental information in the benchmarking tool, and shall provide to the city an amended benchmarking report within 30 days.

(C00, § 26-903; 15,779)

Sec. 26-904. Benchmarking Reporting Schedule.

- (a) The owner of a covered property shall ensure that a benchmarking report of the covered property for the prior calendar year is generated, completed and submitted to the city annually.
- (b) The initial benchmarking report for each covered property shall be submitted in accordance with the schedule set out in the following table. Subsequent benchmarking reports for each covered property shall be due by July 1 of each year thereafter.

Property	Initial Reporting Due Date
City covered properties	June 1, 2019 (for 2018)
Covered properties other than city covered properties	May 1, 2020 (for 2019)

- (c) The city shall make available on the city's internet website the shared benchmarking information for the prior calendar year for each covered property, listed by address.
- (d) The shared benchmarking information for each city covered property shall first be made available on the city's internet website commencing on July 1, 2020 and the shared benchmarking information for each covered property other than a city covered property shall first be made available on the city's internet website commencing on December 31, 2022.

(C00, § 26-904; 15,779, 15,983)

Sec. 26-905. Benchmarking Exemptions.

- (a) Benchmarking is not required for a city covered property for any calendar year if the covered property is subject to any of the following circumstances:
 - (1) The covered property did not have a certificate of occupancy for the entire calendar year;
 - (2) A demolition permit was issued for the covered property and occupancy of the covered property was vacated during the calendar year;
 - (3) The covered property did not receive energy or water utility services for a cumulative 30 days or more during the calendar year; or
 - (4) The covered property had average daily occupancy of no more than one person during the calendar year.
- (b) Benchmarking is not required for a covered property other than a city covered property for any calendar year if the owner, prior to May 1 succeeding the calendar year, submits to the director an exemption request and supporting documentation in such form and with such certifications as required by the director to establish to the reasonable satisfaction of the director that the covered property is subject to any of the following circumstances:
 - (1) The covered property is subject to any of the circumstances set out in subsections (a) (1)-(4) of this section;

- (2) The covered property is subject to financial stress during the calendar year as may be demonstrated by calendar year covered property expenses significantly exceeding calendar year covered property revenues, the covered property is sold at tax sale under Iowa Code Chapter 446, the covered property is subject to foreclosure or forfeiture proceedings initiated under Iowa Code Chapters 654 or 656, or the covered property is otherwise under court appointed receivership;
 - (3) Due to unique features, functions or uses of the covered property, compliance with the benchmarking requirements will cause undue hardship to the owner, will reveal owner proprietary information or trade secrets recognized and protected as such by law, or will not further the underlying public purposes of this article, as determined by the director;
 - (4) The covered property is classified for assessment purposes as multi-residential real estate, more than four energy utility meters are associated with the covered property, the electric utility does not provide access to aggregated whole-building data for the covered property and the owner does not have access to other reasonable means to obtain such aggregated whole-building data.
 - (5) The covered property has obtained Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building council (USGBC).
 - (6) The covered property is classified for assessment purposes as multi-residential real estate and constructed within five years prior to the calendar year as evidenced by a certificate of occupancy for the completed construction.
- (c) The decisions of the director on whether a covered property qualifies for exemption to benchmarking pursuant to this section may be appealed by any person affected by the decisions pursuant to the administrative appeal process set forth in Chapter 3 of this Code.

(C00, § 26-905; 15,779, 15,983)

Sec. 26-906. Sharing of Data.

- (a) If an owner of a covered property in good-faith reasonably determines that any portion of its benchmarking reports submitted to the city constitute a confidential record under Iowa Code Chapter 22 or federal law, the owner may submit a confidentiality request to the city identifying the portion requested to be kept confidential. The burden will be on the owner to make such confidentiality request and justify application of a confidentiality exception by citation to applicable law. In the absence of a court order or final order or decision of the Iowa Public Information Board, the city may, but is not required to, protect the claimed confidential records contained in such reports from release to the public for examination.
- (b) Provided the city has received written permission from the owner of a covered property, the city may provide non-anonymized data from benchmarking reports submitted to the city to any utility serving the covered property or to any federal, state, county or city managed energy efficiency or management program for purposes of offering programs, services, and incentives related to energy use and water use efficiency and management for the covered property.

- (c) The city may make available anonymized data from benchmarking reports to an entity for academic, non-commercial research or other purposes in furtherance of the underlying public purposes of this article.

(C00, § 26-906; 15,779)

Sec. 26-907. Annual Report and Analysis.

The city shall make available on the city's internet website annual reports on the benchmarking of all covered properties in the city compiled by the director which reports shall include data, statistics and analysis in furtherance of the underlying public purposes of this article.

(C00, § 26-907; 15,779)

Sec. 26-908. Notice of violations--Administrative penalties.

- (a) The director is authorized to issue a notice of violation imposing an administrative penalty upon any person who fails to perform an act required by this article or who commits an act prohibited by this article.
- (b) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the city council by resolution.
- (c) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to the owner of a covered property by the director. Service of the notice may be by regular mail or delivery in person. Penalties shall be paid in full within thirty (30) days of the issuance of the notice.

(C00, § 26-908; 15,779)

Sec. 26-909. Civil penalties.

Any person who fails to pay an administrative penalty issued upon that person pursuant to section 26-908 shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1- 15 of this Code.

(C00, §26-909; 15,918)