

TITLE V - BUILDING AND PROPERTY REGULATIONS
BUILDING STANDARDSCHAPTER 130
BUILDING CODE
AND BUILDING AND HOUSING BOARD OF APPEALS

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130.01 PURPOSE. The purpose of this chapter is to protect public health, property, welfare and safety by establishing reasonable minimum requirements for the construction, repair, moving, demolition and use of buildings, structures and related equipment, fixtures and systems.

130.02 CODES ADOPTED BY REFERENCE. The specifications and regulations which are mentioned by title and date below are hereby adopted and declared to be part of this code when not in conflict with a specific statement contained herein. Official copies of such standard codes shall be on file in the office of the City Clerk.

(Code of Iowa, Sec. 380.10)

1. The International Building Code, 2006 edition, published by the International Code Council.
2. The International Mechanical Code, 2006 edition, as published by the International Code Council.
3. The International Code Council Electrical Code, 2006 edition, published by the International Code Council.
4. The International Residential Code for One- and Two-Family Dwellings, 2006 edition, published by the International Code Council. This code replaces all provisions of codes adopted in Section 130.02(1) to 130.02(3), which apply to one- and two-family dwellings and multifamily dwellings not more than three stories in height with a separate means of egress and their accessory structures.
5. The State Plumbing Code for Iowa promulgated by the Iowa Department of Public Health.

(Code of Iowa, Sec. 101.6, Sec. 104B.1, Sec. 135.11 and IAC, 641-25[135])

(Ord. 930 – Aug. 06 Supp.)

130.03 STATE RULES AND REGULATIONS TAKE PRECEDENCE. Certain provisions of the Iowa State Building Code promulgated by the State Building Code Commissioner or State Fire Marshal as provided by Iowa Code, Chapters 100 and 103A, are mandatory, and supersede the above standard codes when they conflict. Other State agencies may have additional requirements for specific conditions or occupancies. Such provisions include but are not limited to the following:

1. Manufacture and installation of factory-built homes (previously called mobile home).

(IAC, 661-16.600[103A])

2. All buildings owned by the State or any agency of the State.

(IAC, 661-16.130[103A], IAC, 661-16.131[103A])

3. Accessibility rules and regulations for the physically handicapped for buildings and structures, and parking facilities, used by the general public.

(Code of Iowa, Ch. 104A, IAC, 661-16.700[103A], IAC, 661-18[321L])

4. Thermal and Lighting Efficiency standards for new construction which will contain more than 100,000 cubic feet of enclosed space that is heated or cooled.

(Code of Iowa, Sec. 103A.10.4a, IAC, 661-16.800[103A])

5. Life cycle cost analysis for any public agency defined by Iowa Code Section 470.1(1) for new construction having 20,000 square feet of usable floor space which is heated or cooled by a mechanical or electrical system or for any renovations described by the code.

(Code of Iowa, Ch. 470, IAC, 661-16.132[470])

6. State Fire Marshal rules for automatic fire extinguishing systems in high rise buildings.

(Code of Iowa, Sec. 100.39)

7. State Fire Marshal rules for smoke detectors in multiple-unit residential buildings (two or more units, hotel, motel, dormitory or rooming house) and single-family rental units.

(Code of Iowa, Sec. 100.18, IAC, 661-5.800[100])

8. State Fire Marshal rules for flammable liquids and liquefied petroleum gases.

(Code of Iowa, Sec. 101.6, IAC, 661-250[101])

9. Installation, major alteration and operating permits for elevators.

(IAC, 875-71[89A])

10. Swimming pools and spas operated by local or State government, or commercial interests.

(Code of Iowa, Sec. 135I.2, IAC, 641-15[135I])

(Ord. 898 – Jul. 04 Supp.)

130.04 MODIFICATIONS TO BUILDING CODE. The following are deletions, revisions and amendments to the standard codes above:

1. The International Building Code:
 - A. Delete Chapter 1 (Administration) except subsections 105.1 and 105.2 and sections 107 and 109, Section 412 (Aircraft Related Occupancies), Chapter 11 (Accessibility), Chapter 29 (Plumbing), Chapter 30 (Elevators), and the following appendix Chapters: A to J. Delete references to the International Fire Code, the International Property Maintenance Code and the International Existing Building Code. All references to the International Fuel Gas Code and the International Plumbing Code shall mean the Iowa State Plumbing Code.
2. The International Mechanical Code:
 - A. Delete Chapter 1 except subsections 106.1 and 106.2 and section 107, and Appendix B.
3. The International Code Council Electrical Code:
 - A. Delete Chapter 3, 4 except subsection 401.3, 10, and 11.
4. The International Residential Code for One- and Two-Family Dwellings:
 - A. Delete Chapter 1 (Administration) except subsections R105.1 and R105.2 and section R109, 24 (fuel gas), 25 through 32 (Plumbing), and all appendices.
 - B. The following sections are hereby revised:

Table R301.2(1) Insert: ground snow load 30, wind speed 90, seismic design category 0, frost line depth 3.5, subject to damage from termite and decay – slight to moderate.

Section P2603.6.1 Insert: see Plumbing Code

Section P3103.1 Insert: see Plumbing Code

(Ord. 898 – Jul. 04 Supp.)
5. National Electric Code:
 - A. Article 210.19 **Conductors - Minimum Ampacity and Size** is modified by adding the following:

"Conductors shall be of copper only and any references to the use of aluminum in the NEC shall be superseded by this rule. "
 - B. Article 230.42 **Minimum Size and Rating** is deleted and substitute the following therefore:

(1) General. Service-entrance conductors shall be of copper to the main over-current protective device (i.e. circuit breaker panel/fuse box). EXCEPTION: When the service is an underground installation, connection from the Utility supply to the line side of the meter socket may be of a suitable size aluminum conductor as determined from Article 310 Table 310-16, ampacities of insulated conductors. Conductors from the load side of the meter to the main over-current protective device (i.e. circuit breaker panel/fuse box) shall be of copper.

(2) Service Entrance Conductors. Conductors for all one hundred (100) amp services have the ampacity of three (3) number four (4) copper THWN or equivalent as per the governing NEC article Table 310.15(B)(6) for Single-Phase Dwelling services and Feeders. The neutral **shall not** be reduced. Conductors for one hundred fifty (150) amp services shall have the ampacity of three (3) number one (1) copper THWN or equivalent as per the governing NEC article Table 310.15(B)(6) for single-phase dwelling services and feeders. The neutral **shall not** be reduced. Conductors for two hundred (200) amp services shall have the ampacity of three (3) number 2/0 copper THWN or equivalent as per the governing NEC article Table 310.15(B)(6) for single-phase dwelling services and feeders. The neutral **shall not** be reduced. The size of service shall be determined as follows:

(a) Individual homes with less than 1,000 square feet of finished floor space shall be served by a minimum of one and one quarter (1¼) inch metal conduit and equipped with a one hundred (100) amp three (3) pole solid neutral switch or equivalent with not less than (20) available general purpose branch circuits.

(b) Individual homes with 1,000 to 1,500 square feet of finished floor space shall be served by a minimum of one and one-half (1.5) inch metal conduit and equipped with a one hundred fifty (150) amp three (3) pole solid neutral switch or equivalent with not less than twenty-four (24) available general purpose branch circuits.

(c) Individual homes with greater than 1,500 square feet of finished floor space shall be served by a minimum of two (2.0) inch metal conduit and equipped with a two hundred (200) amp three (3) pole solid neutral switch or equivalent with not less than thirty (30) available general purpose branch circuits.

(d) Each unit of a multiple family dwelling shall be served with not less than a one hundred (100) amp service with one and a quarter (1¼) inch metal conduit and equipped with a one hundred (100) amp three (3) pole solid neutral entrance switch or equivalent with sixteen (16) available general purpose circuits.

(e) All home and multiple family dwellings wherein the electrical entrances are to be converted from a two (2) wire line service to a three (3) line service shall be governed by the regulations and rules established in paragraphs one (a) through four (d).

(f) Underground services would allow the use of the NEC permitted Schedule 80 PVC from below finished grade to the meter socket at the residence only. This applies only where physical damage exposure is minimum. All other locations would require the use of rigid metal conduit extending eight (8) feet above finished grade. All PVC must be clearly marked Schedule 80 for identification purposes.

C. Article 300.4 **Protection Against Physical Damage** is modified by adding the following:

In Commercial and Industrial Structures, the fixed wiring method on all commercial or industrial structures for wiring carrying over fifty-two (52) volts shall be by conduit notwithstanding any provisions to the contrary in the National Electric Code.

(Subsection 5 - Ord. 935 – Aug. 06 Supp.)

130.05 BUILDING DEPARTMENT ESTABLISHED. There is established a “building department” which shall be under the jurisdiction of the building official designated by the appointing authority. The building official shall enforce all provisions of these codes as prescribed by ordinance and as outlined by Iowa Code Section 103A.19.

130.06 BUILDING AND HOUSING BOARD OF APPEALS. A building board of appeals is hereby established, hereinafter referred to as the Board, consisting of five members who are qualified by experience and training to pass on matters pertaining to building construction and property maintenance and who are not employees of the City. Members shall be appointed by the Mayor, subject to Council approval, in January. One member shall be a member of the Council or the Planning and Zoning Commission and shall serve a term of two years coinciding with the term of the Mayor. Four member shall serve terms of four years, and which shall be overlapping terms with two terms ending every two years. A vacancy on the Board shall be filled in the same manner as the original appointment. The building official shall be an ex-officio member of and

shall act as secretary to said Board but shall have no vote on any matter before the Board, and may call meetings. The building official shall keep minutes of the Board's proceedings, showing the vote of each member upon each question, or if absent or failing to vote, and a record of all official actions. The Board shall adopt rules or procedures for conducting its business, and shall annually select one of its members to serve as chairman. Three members of the Board shall constitute a quorum for the transacting of all business but any action taken by the Board shall require a majority vote of all members of the Board. The Board shall have no authority relative to interpretations of the administrative provisions of this code. The purpose of the Board is as follows:

1. To hear and decide appeals on orders, decisions or determinations made by the building official relative to the application and interpretation of the Building Codes.
2. To hear and decide on the acceptance of alternate materials, design and methods of construction and equipment provided the alternate material or method of construction complies with the intent of the provisions of the applicable codes.
3. To hear and decide on appeals by any person directly affected by a decision of the code official or a notice or order issued under a Housing Code, Property Maintenance Code, Sign Code or parts thereof that may be adopted in the Code of Ordinances.

(Ord. 871 – May 03 Supp.)

130.07 APPEAL PROCEDURE. Any person or persons adversely affected by any notice or order, decision or determination made by the building or housing official may appeal to the Building and Housing Board of Appeals. An appeal fee as set by Council resolution shall accompany each appeal. An appeal to the Board shall be made in accordance with the following:

1. Appeals. A request for a hearing before the Board of Appeals shall be granted when a signed Appeal Request Form or signed letter setting forth the issues is received by the Secretary of the Board within 35 days of the date of the initial notice of violation, order or determination under the applicable code. However, if a notice or order required the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period.
2. Waiver. Failure of any person to file an appeal request in accordance with the provisions of this section shall constitute a waiver of his/her right to an administrative hearing and adjudication of the notice or order, or to any portion thereof.
3. Open Hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.
4. Postponed Hearing. When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

5. Decisions. The Board of Appeals may sustain, modify, extend or revoke a notice or determination from the code official which decision shall be deemed to be an order and the owner, operator or occupant as the case may require, shall comply with all provisions of such order within a reasonable time.
6. Records and Copies. The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.
7. Court Review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.
8. Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board.

(Ord. 875 – Oct-03 Supp.)

130.08 BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered, nor any mechanical or plumbing system installed, altered, repaired, replaced or remodeled, nor any electric conductors or equipment regulated by this chapter installed without first obtaining a permit therefor, issued by the building official. No building permit shall be issued except in conformity with the provisions of this chapter, and except in conformity with all other applicable provisions of this Code of Ordinances.

130.09 WORK EXEMPT FROM PERMIT. *(Repealed by Ord. 898 – Jul. 04 Supp.)*

130.10 APPLICATION. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications and other data as required by the building official.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.

6. Be signed by the applicant or the applicant's authorized agent.

130.11 EXPIRATION OF PERMIT. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

130.12 PERMIT FEES. The fee for each permit shall be as set forth by resolution of the Council. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The official may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with the code. The official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

130.13 WORK COMMENCING BEFORE PERMIT ISSUED. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the permit fees.

(New Section 130.13 added and following sections renumbered by Ord. 924 – Dec. 05 Supp.)

130.14 INSPECTIONS. All construction or work for which a permit is required shall be subject to inspection as set forth in the individual codes adopted by reference in the State Code.

1. A survey of the lot may be required by the building official to verify that a structure is located in accordance with the approved plans.
2. The permit holder or an agent of the permit holder shall post or otherwise make available an inspection record card such as to allow the building official to

conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

3. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection.

4. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

130.15 STOP WORK ORDERS. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code shall immediately cease. Such notice shall be in writing and shall be served upon the owner or the owner's authorized agent personally or by certified mail at the address set forth in the application for permission to construct a building or structure, and shall state the specific violations and the conditions under which work may resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. The building official shall have authority to disconnect fuel-gas utility service, energy supplies or a plumbing system to a building, structure, premises or equipment regulated by this code in case of emergency when necessary to eliminate an immediate hazard to life or property.

130.16 CERTIFICATE OF OCCUPANCY. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid.

1. Exception.

A. Single and two family dwellings, lodging houses and congregate residents (each accommodating 10 persons or less).

B. Private garages, carports, sheds and agricultural buildings. Fences over 6 feet high, tanks and towers.

(Code of Iowa, Sec. 103A.19)

(Ord. 844 – Sep. 02 Supp.)

2. Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy that shall contain the following:

A. The building permit number.

- B. The address of the building.
- C. The name and address of the owner.
- D. A description of that portion of the building for which the certificate is issued.
- E. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
- F. The name of the building official. *(Ord. 844 – Sep. 02 Supp.)*

3. Temporary Certificate. If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for a portion or portions of a building or structure prior to the completion of the entire building or structure.

4. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

5. Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

(Subsections 2-5 renumbered by Ord. 844 – Sep. 02 Supp.)

130.17 ADOPTION OF DANGEROUS BUILDING CODE. *(Repealed by Ord. 878 – Oct-03 Supp.)*

130.18 ADOPTION OF SIGN CODE. *(Repealed by Ord. 873 – Oct-03 Supp.)*

130.19 VIOLATIONS. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, improve, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Each violation shall constitute a separate offense.

(Ch. 130 - Ord. 752 - Jul. 98 Supp.)

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