

ORDINANCE NO. 14,165

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing subsection (c) of Section 26-37, subsection (e) of Section 26-38, subsections (a) and (b) of Section 26-113, subsection (c), (e) and (f) of Section 26-178, Section 26-190, and subsections (c) and (d) of Section 26-191 thereof, and enacting a new subsection (c) of Section 26-37, subsection (e) of Section 26-38, subsections (a) and (b) of Section 26-113, subsection (c), (e) and (f) of Section 26-178, Section 26-190, and subsections (c) and (d) of Section 26-191, to place all fees under the Building Code in Article II of Chapter 26 into a Schedule of Fees to be adopted by the City Council by resolution.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa, as follows:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as amended by Ordinance No. 14,074 passed April 22, 2002, be and is hereby amended by repealing subsection (c) of Section 26-37, subsection (e) of Section 26-38, subsections (a) and (b) of Section 26-113, subsection (c), (e) and (f) of Section 26-178, Section 26-190, and subsections (c) and (d) of Section 26-191 thereof, and enacting a new subsection (c) of Section 26-37, subsection (e) of Section 26-38, subsections (a) and (b) of Section 26-113, subsection (c), (e) and (f) of Section 26-178, Section 26-190, and subsections (c) and (d) of Section 26-191, to place all fees under the Building Code in Article II of Chapter 26 into a Schedule of Fees to be adopted by the City Council by resolution, as follows:

Sec. 26-37. Demolition of buildings and structures.

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(c) Permit issuance, validity, expiration, revocation, fees.

(1) Except as otherwise provided in this section, the issuance, validity, expiration, and revocation of any permit to demolish a building or structure shall be administered in accordance with section 26-113 of this article and section 303 of the building code.

(2) The permit fee shall be in the amount set in the Schedule of Fees adopted by the city council by resolution.

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Sec. 26-38. Obstruction permit, bond, and insurance.

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(e) The fee for an obstruction permit shall be as set forth in the Schedule of Fees adopted by the city council by resolution.

Sec. 26-113. Permit fees.

(a) *Building permit fees.* Building permit fees shall be as follows:

(1) 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.

(2) The determination of value or valuation under any of the provisions of the building code 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.

(3) 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 thermal efficiency standards of division 8 of the Iowa State Building Code. The

amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.

(4) 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 handicap provisions of division 7 of the Iowa State Building Code and to cover the costs of the handicapped review certificates and insignia or replacement insignia, which shall issue from his or her office. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.

(5) Except in emergency situations, as determined by the building official, whenever any work for which a permit is required by the building code has been commenced without first obtaining such permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this section. The minimum investigation fee shall be the same as the minimum building permit fee under paragraph (1), above. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the building code nor from any penalty prescribed by law.

(b) *Plan-checking fees.* Plan-checking fees shall be as follows:

(1) When a plan is required to be submitted by subsection (b) of section 302, 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 of group U occupancy 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) 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.

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Sec. 26-178. Permits required, fees.

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(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.

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(e) If, within 30 days of the date of issuance, the holder of a sign permit decides not to commence the work described in such permit, he or she may, upon application to the zoning enforcement officer, be refunded that portion of the permit fee which is in excess of the sign permit refund fee set in the Schedule of Fees adopted by the city council by resolution.

(f) Except in emergency situations, as determined by the senior zoning inspector, where work for which a sign permit is required by the building code is started or proceeded with by any person prior to obtaining a required permit, an additional investigation fee shall be charged in the amount set in the Schedule of Fees adopted by the city council by resolution. . The payment of such additional fee shall not relieve any person from fully complying with the requirements of the building code in the execution of the work nor from any other penalties prescribed in this article. No additional permits of any type shall be issued to any person who owes the city the additional fee described in this paragraph.

Sec. 26-190. Billboard license and bond required.

Any person or any agent thereof, before erecting, constructing or maintaining any billboard in the city, must procure a billboard license and furnish a bond when so required by section 26-194 of this division. The billboard license fee shall be payable in advance in the amount set in the Schedule of Fees adopted by the city council by resolution.

Sec. 26-191. Sign erector's license required; to whom issued; classes; expiration; annual fee.

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(c) All 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.

Sec. 2. This ordinance shall be in full force and effect from and after the later of January 1, 2003, or its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02-2918), passed by the City Council of said City at a meeting held December 16, 2002 signed by the Mayor on December 16, 2002 and published as provided by law in the Polk County Press Citizen on December 27, 2002 Authorized by Publication Order No. 3491.

Donna V. Boetel-Baker, City Clerk