

ORDINANCE NO. 14,762

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, and amended by Ordinance No. 14,447 passed May 3, 2005, and Ordinance No. 14,490 passed September 26, 2005 and Ordinance No. 14,685 passed August 20, 2007 by amending Sections 26-161, 26-162, 26-163-, 26-164, 26-329, 26-430, 26-431, 26-575, 26-576, 26-577, 26-578, 26-579 and 26-580 thereof, relating to building and building regulation licensing.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,447 passed May 3, 2005, and Ordinance No. 14,490 passed September 26, 2005 and Ordinance No. 14,685 passed August 20, 2007 is hereby amended by amending Sections 26-161, 26-162, 26-163-, 26-164, 26-329, 26-430, 26-431, 26-575, 26-576, 26-577, 26-578, 26-579 and 26-580 thereof, relating to building and building regulation licensing relating to, as follows:

**Sec. 26-161. Application.**

- (a) Any person desiring to take any examination for the licenses required by this article shall make application on forms furnished by the building official. Each application shall be accompanied by a receipt from the city treasurer for the examination fee, which shall be paid for each examination or reexamination. All applications shall be made and the application fee shall be paid at least 20 calendar days prior to the date of the examination.
- (b) Any person desiring a license required by this article shall make application on forms furnished by the building official. Each application shall include evidence of passing the required examination with a score of 75 percent or greater. Supplementary information related to experience, bonds, insurance, and fees shall be supplied at the time of application, if required for the license or certification sought.
- (c) The fees for the examinations, licenses, and sponsorship required by this article shall be in the amounts set in the Schedule of Fees adopted by the city council by resolution.
- (d) This section is repealed and will be of no further force and effect as of the following dates or events, whichever occurs first:
  - 1. For those contractors or persons regulated by the state of Iowa electrical examining board established pursuant to chapter 103 of the Iowa code, as amended July 1, 2008 or the date upon which the electrical examining board assumes the powers, duties and responsibilities regarding licensing mandated by chapter 103;

2. For those contractors or persons regulated by the plumbing and mechanical system licensing board established pursuant to 104C of the Iowa code, as amended July 1, 2008, or the date upon which the State of Iowa Plumbing and Mechanical Systems Licensing Board assume the powers, duties and responsibilities regarding licensing mandated by that chapter.
- (e) Notwithstanding any provision in this chapter to the contrary, after December 31, 2012, only those persons working in the electrical trades who have been issued Class A Contractor, Class A Master Electrician, or Class A Journeyman Electrician licenses issued by the State of Iowa Electrical Examining Board shall be recognized as licensed and eligible to work in the city of Des Moines.
  - (f) Notwithstanding any provision in this chapter to the contrary, after December 31, 2012, only those persons working in the mechanical or plumbing trades who have been issued Master, Journeyman or Apprentice licenses for plumbing, HVAC, refrigeration or hydronic work by the State of Iowa Plumbing and Mechanical Systems Examining Board shall be recognized as licensed and eligible to work in the city of Des Moines.
  - (g) The city of Des Moines will renew previously issued city of Des Moines electrical, mechanical and plumbing licenses, including inactive licenses, which will remain effective to and until December 31, 2012, after which date the city shall recognize only Class A Contractor, Class A Master Electrician, or Class A Journeyman Electrician licenses issued by the State of Iowa Electrical Examining Board and Master, Journeyman and Apprentice licenses issued by the State of Iowa Plumbing and Mechanical Systems Licensing Board.

**Sec. 26-162. License fees.**

- (a) The fees for examinations, licenses, certificates, and unexpired license renewals shall be as set in the Schedule of Fees adopted by the city council by resolution, except that any certificate holder who is designated by the building official to perform duties for the city may be issued a renewal of such certificate without a fee. A sponsorship fee must be paid for city sponsorship of an applicant to an exam.
- (b) This section is repealed and will be of no further force and effect as of the following dates or events, whichever occurs first:
  1. For those contractors or persons regulated by the state of Iowa electrical examining board established pursuant to chapter 103 of the Iowa code, as amended July 1, 2008 or the date upon which the electrical examining board assumes the powers, duties and responsibilities regarding licensing mandated by chapter 103;
  2. For those contractors or persons regulated by the plumbing and mechanical system licensing board established pursuant to 104C of the Iowa code, as amended July 1, 2008, or the date upon which the State of Iowa Plumbing and Mechanical Systems Licensing Board assume the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-163. Expiration, renewal, inactive, revocation.**

- (a) All licenses and certificates required by the electrical and mechanical codes shall expire on January 31 in each odd-numbered year. All licenses and certificates required by the plumbing code shall expire on December 31 in each even-numbered year.
- (b) Any expired license or certificate may be renewed within 90 days after the expiration date. The biennial fee and the late renewal fee are set in the Schedule of Fees adopted by the city council by resolution. Once the 90-day grace period has elapsed the applicant may not be issued any further permits until the applicant appears before the licensing and appeals board for determination whether re-testing is required for reissuance of a license.
- (c) Any class of license held for at least a year and with no outstanding work may be converted to and maintained as an inactive license. Holders of inactive licenses shall not be issued permits.
- (d) All applicants seeking renewal of a license or maintenance of an inactive license are required to provide proof that the applicant attended at least eight hours of acceptable workshops or classes for the purpose of code update and review during the biennial period.
- (e) A willfully false statement in an application for a license shall be sufficient cause for revocation.
- (f) This section is repealed and will be of no further force and effect as of the following dates or events, whichever occurs first:
  - 1. For those contractors or persons regulated by the state of Iowa electrical examining board established pursuant to chapter 103 of the Iowa code, as amended July 1, 2008 or the date upon which the electrical examining board assumes the powers, duties and responsibilities regarding licensing mandated by chapter 103;
  - 2. For those contractors or persons regulated by the plumbing and mechanical system licensing board established pursuant to 104C of the Iowa code, as amended July 1, 2008, or the date upon which the State of Iowa Plumbing and Mechanical Systems Licensing Board assume the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-164. Contractor's bond.**

- (a) Prior to the issuance or renewal of any contractor's license issued by the city or by the state of Iowa, and unless otherwise indicated in this article, the contractor shall file with the office of the building official a surety bond running to the city in the sum of \$5,000.00 to be approved by the building official and by the city legal department, to save the city harmless on account of any and all failures on the part of such applicant to comply in all particulars with the provisions of the building codes and all other applicable laws and ordinances, rules and regulations relating to the work for which a permit has been issued and to ensure the rectification of defective work to the satisfaction of the building official.
- (b) This section is repealed and will be of no further force and effect as of the following dates or events, whichever occurs first:
  - 1. For those contractors or persons regulated by the state of Iowa electrical examining board established pursuant to chapter 103 of the Iowa code, as amended July 1, 2008 or the date upon which the electrical examining board

assumes the powers, duties and responsibilities regarding licensing mandated by chapter 103;

2. For those contractors or persons regulated by the plumbing and mechanical system licensing board established pursuant to 104C of the Iowa code, as amended July 1, 2008, or the date upon which the State of Iowa Plumbing and Mechanical Systems Licensing Board assume the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-329. Maintenance electrician's certificate.**

- (a) A maintenance electrician's certificate shall be required of any regular employee of a manufacturing or industrial establishment who does electrical work for that establishment only, and who maintains and keeps in a state of repair the existing electrical equipment within a building or group of buildings. A maintenance electrician's certificate shall be issued to any person who shall satisfactorily pass the examination given by the licensing and appeals board. Any person holding a maintenance electrician's certificate issued by the city prior to passage of the ordinance from which this article derives shall be reissued renewals of his or her certificate without taking the examination provided for in this article.
- (b) The installation of any new or additional electrical equipment of any kind by the holder of a maintenance electrician's certificate is prohibited.
- (c) This section is repealed and will have no further force and effect on July 1, 2008 or the date upon which the state of Iowa electrical examining board assumes the powers, duties and responsibilities regarding licensing mandated by Iowa Code chapter 103, as amended.

**Sec. 26-430. Contractor's license classification, exceptions.**

- (a) *Classification.* Contractors' licenses shall be classified in accordance with the type of equipment to be installed, altered, or repaired by the licensee. No license holder shall engage in work which is not included under the classification for which he or she holds a license. Classes of licenses and the corresponding scope of work authorized thereby shall be as follows:
  - (1) *Class A, mechanical contractor (unrestricted).* Holders of this license may obtain permits for any of the work or equipment regulated by the mechanical code and chapters 10-24 of the IRC. This license shall be available only to the following:
    - a. Any person who has qualified for a class B, class C, and class D license; or
    - b. Any firm or business in which the active managers wish to combine their respective class B, class C, and class D licenses for the purpose of obtaining a class A license for such firm or business, in which case each manager must maintain his or her respective individual license simultaneously with the firm's or business' class A license. The class A license shall be issued in the name of the firm or business and each of the holders of the class B, class C, and class D licenses. All permit applications shall be made by one of the managers so named.

- (2) *Class B, comfort heating contractor.* Holders of this license may obtain permits for any of the work or equipment regulated under IMC chapters 4 through 9, 12-14 inclusive, and sections 1002.1-1002.3, all in the and IRC chapters 10, 12-19 and 21-24. For purposes of this subsection, the term "comfort heating" shall be deemed to include "comfort cooling."
  - (3) *Class C, refrigeration contractor.* Holders of this license may obtain permits for any of the work or equipment regulated under IMC chapter 11 and IRC chapters 13, 17, and 24; and sections M1404, M1411 – M1413 and M2104.
  - (4) *Class D, boiler contractor.* Holders of this license may obtain permits for any of the work or equipment regulated under IMC chapters 7, 8, 10 and 12 and IRC chapters 13, 17, 18, 20, 21, 22, and 24.
  - (5) *Class E, special appliance contractor.* Holders of this license or a class A, B or D license may obtain permits for any work or equipment regulated under IMC chapters 7, 8, and 9 and IRC chapters 10, 13, 17, and 18 for the installation of solid fuel burning appliances, such as manufactured stoves and fireplaces. All installations shall be in accordance with appliance listings, manufacturer's recommendations, and applicable requirements of the mechanical code. The homeowner's exemptions contained in section 26-141 of this division shall apply to this class of work.
- (b) A contractor's license is not required for the following:
- (1) Any public utility or gas supply company that is regularly engaged in the business of supplying gas service to the public shall be permitted to perform the following services without holding any of the licenses otherwise required in this article:
    - a. Make minor repairs to or adjustments on gas appliances or equipment.
    - b. Install gas piping and fittings incidental to the installation or relocation of gas meters and domestic gas appliances such as kitchen appliances, clothes dryers, and incinerators.
  - (2) Any person holding a current plumbing contractor's license may obtain permits for the installation or repair of gas piping, boilers, and water heaters without holding any of the licenses prescribed in this article.
  - (3) A mechanical contractor's license shall not be required for the repair and maintenance of HVAC facilities in city-owned buildings when the work is performed by a regular city employee who has qualified for the authorized class of contractor as specified in subsection (b) for the type of repair or maintenance activity intended. Any person working under the provisions of this subsection shall obtain the required mechanical permits and inspections.
  - (4) A mechanical contractor's license shall not be required for installing, altering, or relocating incinerators or cooling towers.
  - (5) This section is repealed and will have no further force and effect as of July 1, 2008, the effective date of Iowa Code chapter 104C establishing the State of Iowa Plumbing and Mechanical Systems Licensing Board, or the date upon which the board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-431. Contractor's bond.**

- (a) Prior to the issuance or renewal of any mechanical contractor's license, the applicant shall file with the office of the building official a bond running to the city in the sum of \$10,000.00 for a class A mechanical contractor's license, and \$5,000.00 for each of the other classes of licenses, to be approved by the building official and by the city legal department, to save the city harmless on account of any and all failures on the part of such applicant to comply in all particulars with the provisions of the mechanical code and all other applicable laws and ordinances, rules and regulations relating to the work for which a permit has been issued and to ensure the rectification of defective work to the satisfaction of the senior mechanical inspector.
- (b) To ensure the collection of permit fees and the rectification of defective work, the applicant shall in addition to filing the bond required before the license is issued file with the treasurer for each license applied for a cash bond in the sum of \$100.00 or a certificate of deposit in a like amount made payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall remain on deposit with the city for 90 days after the expiration or surrender of the license. Upon the death of the licensee, the treasurer may, upon approval of the building and fire code board of appeals and the building official, release the bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.
- (c) This section is repealed and will have no further force and effect as of July 1, 2008, the effective date of Iowa Code chapter 104C establishing the State of Iowa Plumbing and Mechanical Systems Licensing Board, or the date upon which the board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-575. Contractor's license.**

- (a) *Required.* Except as otherwise provided in this article, no person, firm or business shall engage in, or represent to the public as engaging in the activity or business of contracting, reconstructing, altering, or repairing any plumbing or building drainage system in or for any building within the city without first having obtained from the city a plumbing contractor's license. The owner, in the case of a sole proprietorship, or one active manager of plumbing operations, in the case of any other form of business organization, shall hold a master plumber's certificate of competency before such person, firm or business may be granted a plumbing contractor's license. The license issued shall recite the name of the person holding the master plumber's certificate of competency and the name of the firm or business. The plumbing contractor's license shall be automatically revoked in the event the person named thereon ceases to hold a master plumber's certificate of competency or ceases to actively manage plumbing operations conducted under the plumbing contractors license.
- (b) *Exceptions.* Exceptions to license requirements of subsection (a) of this section shall be as follows:
  - (1) A plumbing contractor's license shall not be required in cases where a private sewer, other than a building or house sewer, is constructed under the jurisdiction, standard specifications, and inspection of the city engineer, or in cases where lateral sewer studs, extending from a public sewer to the property line, are

constructed under the jurisdiction, standard specifications and inspection of the city engineer.

- (2) The city waterworks shall not be required to hold a plumbing contractor's license in order to perform the following work:
  - a. Reconnection of an existing water service from an existing water main to a new water main, provided that the city waterworks obtained a plumbing permit for such work prior to the commencement of the work and that such work is inspected and approved by the building official.
  - b. Minor adjustments to a stop box in order to terminate water service when such service must be terminated because of leaks in the service or delinquent payment of water bills, provided the affected property owner refuses to cause such minor adjustments to be made.
  - c. Minor temporary water service adjustments to control flows in emergency situations where damage is caused or a hazard is created. Upon termination of the service the city waterworks shall notify the owner that permanent repair work must be done.
  - d. All work done by the city waterworks shall be the responsibility of the city waterworks, and the city waterworks shall correct all damage caused to stop boxes by the city waterworks.
- (3) Any person holding a Class A, B, or D mechanical contractor's license may install water heaters in accordance with the Uniform Plumbing Code, provided such person has first obtained a mechanical permit , and provided further, that no water heater installed under this exception shall exceed 65 gallons capacity or 50,000 Btu fuel input.
- (4) A plumbing contractor's license shall not be required for the repair and maintenance of plumbing facilities in city-owned buildings when the work is performed by a regular city employee who holds a current journeyman plumber's certificate of competency. Any person working under the provisions of this subsection shall obtain plumbing permits and inspections as required by section 26-135 and 26-177, respectively.
- (5) In cases which an owner-occupant of a single-family dwelling desires to perform any plumbing work within his or her single-family dwelling the owner may obtain a plumbing permit by paying the proper fee. For purposes of this section an owner-occupied single-family dwelling shall mean a detached residence designed for or occupied by one family only and occupied by the recorded owner of the property. This exception does not allow a homeowner to install or repair building sewers, private disposal systems, water services or required testable backflow devices.

In this case, the permittee is required to obtain all required inspections and the homeowner must be the individual doing the work. This individual must be knowledgeable of plumbing systems, applicable code provisions and capable of designing and laying out their work.
- (6) This section is repealed and will have no further force and effect as of July , 2008, the effective date of Iowa Code chapter 104C establishing the State of Iowa Plumbing and Mechanical Systems Licensing Board, or the date upon which

the board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-576. Contractor's bond.**

- (a) Prior to the issuance or renewal of any plumbing contractor's license, the applicant shall file with the building official a bond running to the city in the sum of \$5,000.00 to be approved by the building official and the city legal department, to save the city harmless on account of any and all failures on the part of such applicant to comply in all particulars with the provisions of the plumbing code and all other applicable laws, ordinances, rules and regulations, and to ensure the rectification of defective work for which a permit has been issued.
- (b) To ensure the collection of permit fees, the applicant shall, in addition to the bond required in subsection (a) of this section and before the license is issued, deposit with the city treasurer \$100.00 in cash or a certificate of deposit in a like amount made payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall remain on deposit with the city for 90 days after the expiration or surrender of the license. Upon the death of the licensee, the treasurer may, upon the approval of the building and fire code board of appeals and the building official, release such bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.
- (c) This section is repealed and will have no further force and effect as of July 1, 2008, the effective date of Iowa Code chapter 104C establishing the State of Iowa Plumbing and Mechanical Systems Licensing Board, or the date upon which the board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-577. Master plumber's certificate of competency.**

- (a) To obtain a master plumbers certificate of competency a person shall meet the following conditions:
  - (1) They shall have successfully passed a master plumber's examination administered and/or approved by the building and fire code board of appeals.
  - (2) They must have been certified by the city, or any other approved jurisdiction, as a journeyman plumber for a period of two years and been actively engaged in the plumbing trade during that period, unless exempt under subsection 26-578 (b) (4).
- (b) Exceptions: The requirements to obtain a master plumber's certificate of competency may be waived for individuals qualifying under the following:
  - (1) Holders of plumbing contractor's licenses granted by the city prior to the date of the ordinance from which this subsection derives shall be issued a master plumbers certificate of competency.
  - (2) A master plumbers certificate of competency may be issued without examination, as required by subsection (a) (1) of this section, for any person holding a similar certificate or license if so denoted from another municipal corporation in this State that is recognized by the building and fire code board of appeals as having similar certification standards.



- (3) This section is repealed and will have no further force and effect as of July 1, 2008, the effective date of Iowa Code chapter 104C establishing the State of Iowa Plumbing and Mechanical Systems Licensing Board, or the date upon which the board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-578. Journeyman plumber's certificate of competency.**

- (a) *Required.* Except as otherwise provided in this article, no person shall engage in the work or practice the trade of installing, altering, maintaining or repairing any plumbing or building drainage system within the scope of the plumbing code unless such person has obtained a journeyman plumber's certificate of competency and is either the holder of a plumbing contractor's license or is performing such work while in the employ of another person holding a plumbing contractor's license.
- (b) *Exceptions.* Exceptions to subsection (a) of this section shall be as follows:
  - (1) Employees of the city water works shall not be required to hold a journeyman plumber's certificate of competency when performing work for the city water works under the provisions of section 26-575 of this division.
  - (2) A journeyman plumber's certificate of competency shall not be required when a private sewer, other than a building or house sewer, is constructed under the jurisdiction, standard specifications, and inspection of the city engineer.
  - (3) A journeyman plumber's certificate of competency shall not be required for the installation of water heaters not exceeding 65 gallons capacity or 50,000 btuhr provided that a plumbing or a mechanical permit is obtained.
  - (4) Upon written request of the individual to the License and Appeals Board the board shall review for consideration any post secondary training in the plumbing field, from an accredited educational institution or trade school and being employed full time for a period of two years with a plumbing contractor, under a master or journeyman's direct supervision. The educational training may not occur simultaneously.
- (c) *Qualifications.* An applicant for a journeyman plumber's certificate of competency must be able to read mechanical drawings and do appropriate mathematical problems and must know the provisions of the plumbing code and all other applicable laws, ordinances, rules and regulations governing plumbing. The applicant shall have at least four years' practical experience as an apprentice assisting in the installation of plumbing work. The applicant shall furnish the board with bona fide affidavits as to the applicant's practical experience and satisfactorily pass an examination for a certificate of competency as a journeyman plumber.
- (d) This section is repealed and will have no further force and effect as of July 1, 2008, the effective date of Iowa Code chapter 104C establishing the State of Iowa Plumbing and Mechanical Systems Licensing Board, or the date upon which the board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-579. Reissuance of current licenses and certificates of competency.**

- (a) Any person holding a current plumbing contractor's license, master plumber's certificate of competency, or a journeyman plumber's certificate of competency, on the effective date of the ordinance from which this section derives, shall be reissued the respective license or certificate without taking the examinations required in this article. In addition, such license or certificate may be issued without examination to any person holding a certificate from another governmental jurisdiction recognized by the building and fire code board of appeals as having licensing standards similar to those of the board.
- (b) This section is repealed and will have no further force and effect as of July 1, 2008, the effective date of Iowa Code chapter 104C establishing the State of Iowa Plumbing and Mechanical Systems Licensing Board, or the date upon which the board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

**Sec. 26-580. Apprentice.**

- (a) The term "apprentice" shall include any person who, while learning the trade of plumbing under the direction and control of a certified journeyman plumber, is working in the installation, alteration or repair of plumbing equipment.
- (b) No person shall engage in the work of an apprentice without first obtaining an apprentice license.
- (c) No plumbing contractor shall hire or employ any apprentice who does not have a license, and no plumbing contractor shall hire or employ more than two apprentices for each certified journeyman plumber in his or her employ. The same ratio shall apply to every permittable job.
- (d) This section is repealed and will have no further force and effect as of July 1, 2008, the effective date of Iowa Code chapter 104C establishing the State of Iowa Plumbing and Mechanical Systems Licensing Board, or the date upon which the board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Michael F. Kelley, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 08-804), passed by the

City Council of said City at a meeting held May 5, 2008 signed by the Mayor on May 5, 2008 and published as provided by law in the Business Record on May 19, 2008. Authorized by Publication Order No. 6080.

Diane Rauh, City Clerk