

ORDINANCE NO. 14,883

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 23, 2005, and Ordinance No. 14,685 passed August 20, 2007 and Ordinance 14,762 passed May 5, 2008 by amending paragraph (a) of Section 26-101, Sections 26-124, 26-125, 26-135, 26-136, 26-137, 26-138, 26-139, 26-140, 26-142, 26-160, 26-161, 26-162, 26-175, 26-176, 26-177, 26-180, 26-300, 26-301, 26-302, 26-303, 26-306, 26-320, 26-321, 26-322, 26-323, 26-324, 26-327 and 26-328 and repealing Sections 26-163 and 26-305 thereof, amending Chapter 26, Article III to update the National Electric Code and General Article I.

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 23, 2005, and Ordinance No. 14,685 passed August 20, 2007 and Ordinance 14,762 passed May 5, 2008 is hereby amended by amending paragraph (a) of Section 26-101, Sections 26-124, 26-125, 26-135, 26-136, 26-137, 26-138, 26-139, 26-140, 26-142, 26-160, 26-161, 26-162, 26-175, 26-176, 26-177, 26-180, 26-300, 26-301, 26-302, 26-303, 26-306, 26-320, 26-321, 26-322, 26-323, 26-324, 26-327 and 26-328 and repealing Sections 26-163 and 26-305 thereof, amending Chapter 26, Article III to update the National Electric Code and General Article I, as follows:

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.
 - (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.
 - (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.
-

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.

Sec. 26-125. Legal counsel.

The building and fire code board of appeals shall have the right to legal counsel from the city attorney.

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 separate permit shall be obtained for each building, individual address and each trade discipline unless otherwise indicated.

Sec. 26-136. Issuance of permits.

- (a) A licensed contractor shall sign all applications for electrical, mechanical and plumbing permits. The building official shall issue electrical, mechanical and plumbing permits in the name of the person holding a contractor's license and the name of the firm or business with whom the contractor is associated. A person holding a contractor's license shall secure permits only for the firm or corporation named on the contractor's license. 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 his or her 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. 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.

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

- (a) Permits may only be issued to licensed contractors pursuant to this article and are not transferable. Either the contractor securing the permit or another qualified employee from the same firm or business shall perform the work.
- (b) A licensed contractor shall secure permits only for himself or herself and his or her 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.

Sec. 26-138. Permit fees.

- (a) There shall be paid to the community development department for the issuance of each permit the base fee and the unit fees in the amounts set in the schedule of fees adopted by the city council by resolution.
- (b) Persons performing work on government owned public properties for the federal, state or county 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.
- (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 a new base fee and any unit fees pursuant to paragraph (a).
- (d) If an inspection is requested and performed and the building official determines that the work was not ready, the inspection fails two or more times, or the permit card was not available for sign-off, 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) No permit shall be issued to any person or firm that owes the city any

outstanding fees or fines.

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

- (a) Except in emergency situations, as determined by the building official, if work for which a permit is required by the building codes is started or continued by any person before obtaining a required permit, the regular total fees as specified in this article for such work shall be doubled. The payment of such investigation or 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 community development department; and
 - (3) No plan review is required prior to issuance of the permit.

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

- (a) All fees due the city for examinations, licenses, certificates and permits pursuant to this article shall be collected in the office of the building official and paid thereafter to the city treasurer.
- (b) If, within 30 days of the date of issuance, the holder of a permit does not commence the work described in the permit, upon application to the building official the holder may be refunded that portion of the permit fee which is in excess of the permit refund fee set by the schedule of fees adopted by the city council by resolution. Eighty percent (80%) of the permit fee may be refunded after review by the building official of the application for cancellation and fee refund request, provided that at least \$15.00 shall be retained to cover administrative costs related to the initial permitting and subsequent refund process.

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 under this article a violation may be grounds for filing a civil infraction against that person or firm.
- (b) A willfully false statement in an application for a permit shall be sufficient cause for revocation.
- (c) Every permit issued under this chapter shall expire by limitation and shall become void if the work authorized by it is not commenced within 60 days from the date of its issuance or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before the work can recommence a new permit shall be obtained, and the fee

shall be one-half of the amount required for a new permit, provided that the suspension or abandonment has not exceeded the following:

- (1) Three years for building permits for commercial buildings valued over \$10,000,000.00;
 - (2) Two years for building permits for commercial buildings valued at \$10,000,000.00 or less;
 - (3) One year for all other construction permits.
 - (4) Thirty days for demolition permits.
- (d) Extensions of permits may be granted if an application for an extension is received by the building official on or before the expiration date of the permit. The schedule for extensions shall be as follows:
- (1) For commercial buildings no more than two 180-day extensions shall be granted after which time an application for a new permit must be submitted based on the percentage of work remaining to be completed.
 - (2) For noncommercial work no more than two 90-day extensions shall be granted after which time an application for a new permit must be submitted based on the percentage of work remaining to be completed.

Sec. 26-160. Electrical, plumbing and mechanical contractor's license.

Except as otherwise provided in this chapter, no person, firm or business shall engage in, or hold itself out as engaging in any activity or business within the city regulated by this chapter unless it has in its employ a class "A" electrical master, master plumber or mechanic licensed as such by the State of Iowa and it has a contractor's license from the city or the State of Iowa.

Sec. 26-161. Application.

- (1) Any person desiring to take any examination for the licenses required by this article shall make application on forms furnished by the State of Iowa.
- (2) 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.
- (3) Notwithstanding any provision in this chapter to the contrary, after July 1, 2009, 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.
- (4) 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) 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 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:
for those contractors or persons regulated by the plumbing and mechanical system licensing board established pursuant to Chapter 104C of the Iowa Code, as amended, July 1, 2009, or the date upon which the State of Iowa Plumbing and Mechanical Systems Licensing Board assumes the powers, duties and responsibilities regarding licensing mandated by that chapter.

Sec. 26-163. Expiration, renewal, inactive, recovation.

For those contractors or persons regulated by the plumbing and mechanical system licensing board established pursuant to chapter 104C of the Iowa Code this section is repealed and will be of no further force and effect upon the happening of the earlier of July 1, 2009, 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. 26-175. 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, if the work complies with the provisions of the building codes, issue written verification noting the date and results of the inspection. If the work does not comply with the provisions of the building codes, the building official shall post a violation tag in a conspicuous place on or near the work. The violation tag shall contain the date and results of the inspection and, when requested, shall note specific violations. No tag shall be removed by any person other than the building official.
- (b) When the work is completed, the person doing it shall notify the building official that the work is ready for final inspection.
- (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.

Sec. 26-176. 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.

Sec. 26-177. Correcting defective work.

When a contractor is notified that defects exist in the work, the contractor shall make corrections within 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.

Sec. 26-180. 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.

Sec. 26-300. Adoption of the National Electrical Code.

- (a) This article shall consist of the National Electrical Code, 2008 edition, published by the National Fire Protection Association, commonly known as and referred to in this article as the "National Electrical Code" or "NEC", a copy of which is on file in the office of the city clerk and which is incorporated by this reference in its 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 electrical code. References to section numbers not preceded by "26-" will be to sections in the National Electrical Code.

Sec. 26-301. Amendments, deletions and additions.

- (a) The remaining sections in this article are and represent amendments and additions to the requirements contained in the National Electrical Code (NEC) and where their requirements conflict with those of the NEC 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:
- (c) The provisions of Article 210-8 of the 2005 National Electric Code shall remain in full force and effect in accordance with the amendments set forth by the State of

- Iowa's adoption of the NEC.
- (d) The provisions of Article 210-8 of the 2008 National Electric Code are hereby deleted in their entirety

Sec. 26-302. 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 permit or inspections are required for electrical wiring of 50 volts or less.
- (f) The provisions of section 26-181, sections 26-175 through 26-179 and sections 26-161 through 26-142, 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 National Electrical Code adopted in accordance with the updated policy guidelines as issued by the City of Des Moines Permit and Development Center.

Sec. 26-303. Applicability to moved buildings.

Buildings or structures moved into or within the boundaries of the city shall comply with the provisions of the electrical code as set forth in the City of Des Moines

Electrical update requirement policy promulgated by the building official.

Sec. 26-305. Repealed by Ord. No. 14,---

Sec. 26-306. 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.

Sec. 26-320. Electrical contractor's license.

- (a) Only those individuals or business entities holding a current State of Iowa Electrical Contractor's License may apply for and obtain permits to conduct work in the City of Des Moines.
- (b) Exceptions. The provisions of this section 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 service or maintenance of comfort heating equipment by any person who is licensed as a comfort heating contractor under the provisions of article V of this chapter of the City Code, provided that such service or maintenance shall include electrical work only on electrical equipment that is part of comfort heating equipment. This work shall include the connection of the comfort heating equipment to an existing individual branch circuit.
 - (4) The electrical work performed in or on city-owned buildings or equipment when such work is performed by regular city employees who are classified as electricians in the city's position classification plan.
 - (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.

Sec. 26-321. Master electrician's license.

The City of Des Moines recognizes the Class "A" Master License as issued by the State of Iowa. Individuals holding this class of license may work as such within the corporate limits of the city. Those individuals holding a Class "B" license issued by the State of Iowa must also provide proof that they hold or previously held a Des Moines Masters License. The Des Moines license is in effect until December 31, 2012. There will be no renewal fees associated with the Des Moines license during this period after which date the Des Moines license becomes invalid. A holder of a class "B" license shall have

until December 31, 2012 to obtain a class "A" license.

Sec. 26-322. Journeyman electrician's license.

The City of Des Moines recognizes the Class "A" Journeyman's License as issued by the State of Iowa. Individuals holding this class of license may work as such within the corporate limits of the city. Those individuals holding a Class "B" license issued by the State of Iowa must also provide proof that they hold or previously held a Des Moines Journeyman's License. The Des Moines license is in effect until December 31, 2012. There will be no renewal fees associated with the Des Moines license during this period after which date the Des Moines license becomes invalid. A holder of a class "B" license shall have until December 31, 2012 to obtain a class "A" license

Sec. 26-323. Apprentice electricians.

The term "*apprentice*" is defined as any person who assists in the installation of electrical systems or equipment, including individuals serving as trainees, helpers, or individuals that are participating in an established apprentice training program. Apprentice electricians shall work under the direct supervision and control of an individual holding a master or journeyman electrician's license as issued by the State of Iowa and recognized by the city as specified in 26-321 and 26-322. The ratio of apprentices to journeyman shall be as set forth in Iowa Code chapter 103. **[I.C. or Regulations]**

Sec. 26-324. Residential wireman.

- (a) The term "*residential wireman*" is defined as any person performing work on single or multi-family dwellings not exceeding three stories in height above grade and limited to single family, duplex, triplex or quad configurations. Residential wiremen shall work under the direct supervision and control of an individual holding a master or journeyman electrician's license as issued by the State of Iowa and recognized by the city as specified in 26-321 and 26-322.
- (b) No person shall perform residential electrical work without first obtaining a residential wireman's license as issued by the State of Iowa.

Sec. 26-327. Sign wireman's bond.

To ensure the collection of inspection fees and the rectification of defective work, the holder of a sign wireman's certificate shall file with the city treasurer a cash bond in the sum of \$100.00 or a certificate of deposit in a like amount payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall be deposited before the holder actively engages in the installation, repair, or replacement of electrical signs, and it shall remain on deposit for 90 days after the expiration or surrender of the license. Upon the death of the holder, the treasurer may, upon approval of the licensing and appeals board 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.

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. 26-328. Regulations governing sign wiremen.

Except as specifically provided in this article, the regulations governing sign wiremen shall be the same as described for electrical contractors.

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. 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. 09-1672), passed by the City Council of said City at a meeting held September 14, 2009, signed by the Mayor on September 14, 2009 and published as provided by law in the Business Record on September 28, 2009. Authorized by Publication Order No. 6641.

Diane Rauh
City Clerk

