

Date September 14, 2009

An Ordinance entitled, " 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",

which was considered and voted upon for the first time under Roll Call No. 09-1370 of July 27, 2009, and considered and voted upon for the second time under Roll Call No. 09-1470 of August 10, 2009, again presented, and continued to the September 14, 2009 Council meeting by Roll Call No. 09-1575 of August 14, 2009.

Moved by \_\_\_\_\_ that this ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

September 10, 2009

The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines



**Re: Proposed Amendment to City's Electrical Code**

At the Council meeting of August 24, 2009, by Roll Call Numbers 09-1575 and 09-1576, Council requested that staff provide a comprehensive response to issues raised about the proposed amendment to the City's electrical code.

Nancy Suby-Bohn's specific concerns were as follows:

**1. The fiscal additions the 2008 NEC code will add over the 2005 NEC code?**

There are minimal increases in the cost of implementation of new technology and safety. This was pointed out in previous correspondence addressing the issues. The additional costs to the citizens of Des Moines that the adoption of the 2008 NEC and our proposed ordinance amendments will have, in actuality, limits the scope of the cost of implementation in numerous areas and at several levels.

**2a. The fiscal additions of keeping Section 26-302 SCOPE additions to the 2008 NEC adopted by the state, for the state does not require this Scope section.**

The State of Iowa does not have the manpower available at this time to conduct inspections to this level. The State's electrical inspection program is in its infancy having only become active in May of this year. The Electrical Examining Board still has to develop rules that will accurately reflect what legislation has been passed. This includes any Scoping. By state statute any municipality having an inspection program in place at the time of inception of the State's programs is mandated to maintain that program until 2012.

**2b. The fiscal additions of ADDING (g) to Section 26-302 SCOPE additions to the 2008 NEC adopted by the state, for the state also does not require this.**

In bringing forward Section 26-302(g) Residential Update Requirements for adoption, it now enables us to clarify what the minimal acceptable standards are for this activity. It allows the average citizen to comprehend what the NEC has required for some time.

**3. The fiscal addition of changing the permit process for being able to hire a state registered, state licensed electrician to a CLASS A "MASTER" ELECTRICAL LICENSE\* (Commercial Installation level)—ONLY - limiting the permit process (for all permits—from residential to industrial) to a certain "classification" of**

**people (preferred treatment). What is the difference between a Master Electrician and a Journeyman Electrician?**

There has been no change in the permit issuing process and no preferential treatment as alleged in Question 3. A State of Iowa Class "A" Licensed Master Electrician has the same rights and privileges afforded to them as did those licensed in the same capacity by the city previously. Only Master Electricians working for or having an Electrical Contractors License are allowed to obtain permits. Homestead homeowners are able to apply for and obtain homeowner permits for their personal residence. The State Electrical Board is currently working on a Residential, Master, and Journeyman class of license for those individuals performing work at this level. The only license that has a limited ability to obtain a permit is a Class "B" that has never held a license in Des Moines. We are by state statute allowed to regulate this aspect of license acceptability.

Although oversight of and responsibility for a Journeymen's work is part of a Master Electrician's duties, the primary difference between the two is the ability to plan, layout, and organize the projects. A journeyman, by law, cannot do this. The timeline in becoming a Master Electrician is 8,000 hours as an apprentice and 4,000 hours as a journeyman. Within this time period are requirements for continuing education and several knowledge, skills, and abilities tests to ensure competency in the trade.

Allen Suby also raised the following two questions:

**1. Would someone propose to delete Section 26-302g from the ordinance?**

Staff and the City Council appointed Building and Fire Code Board of Appeals recommend adoption of these provisions, and firmly believe that it would be a mistake to delete this amendment, because of the risk associated with the hazards this policy intends to address. These conditions, addressed by Section 26-302g (known as the Electrical Service Update Policy) are allowed and provided for in the adopted codes. If deleted, we believe it will allow hazardous conditions to be expanded that could lead to fire or electrocution. Our rationale and a brief history are outlined below.

**2. The proposed amendments regarding electrical wiring are inconsistent with the State Electrical Licensing Program.**

This is inaccurate. These amendments remove the last vestiges of our former local electrical licensing program, and are necessary to put our ordinance in line with state provisions. We fully intend to accept those state licensed contractors that meet state Class A licensing requirements. These contractors have met minimum training, education, experience, and testing criteria established by the state, including "Residential Wiremen" (a class of licensed professional electrical

contractors whose work is limited to residential installations). These provisions closely follow the program previously enforced under the Des Moines Electrical Licensing Program.

The recommended amendments also intend to limit state "Class B Electricians". This is a class of electricians, who have not participated in a structured electrical training program, do not have documented work experience, and have not passed an approved electrical exam. State code allows a community to limit acceptance of Class B contractors, provided those same contractors were not previously allowed to work in the community. We also intend to implement the state provisions regarding electrical work on a property owner's principle residence.

**Background and Rationale on the amendments for the Electrical Service Update Policy:**

Following prior City Council directive, the City of Des Moines Permit Center and the City Council appointed Building and Fire Code Board of Appeals have attempted to coordinate our local amendments with those of metro area communities for the last two code update cycles. Those amendments that are unnecessary, or address issues that are not resolved on the national level, or have been made obsolete by the adoption of newer editions of the code, have been examined and reviewed by the Board, as well as other stakeholders in the community. Those amendments that remain largely reflect relaxation of code provisions where appropriate, and where unique circumstances dictate that conditions warrant specific provisions.

The Electric Code is the least amended of our adopted codes. The changes that are proposed in this cycle continue the process of amending those portions of the Code viewed as problematic, or not resolved on the national level. Examples include the deletion of the arc-fault provisions, and the retention of the 2005 NEC provisions for ground fault circuit protections.

However, the National Electric Code, adopted without amendment, contains a fundamental flaw, in that it does not contain administrative provisions that provide guidance on the application of the code to existing structures. Therefore, our amendments have attempted to take into account minimum life safety provisions in order to clarify how changes to existing structures should be addressed. Unlike all of the other construction codes adopted by this community, the lack of administrative provisions dealing with existing structures is a considerable obstacle to enforcing a minimum level of safety. The service update policy is our attempt at providing clear, concise standards that are understandable, predictable, and provide a minimum acceptable level of safety. We believe that amendments such as these are reflected in our positive ISO 2

rating, and are one of the reasons why Des Moines is regarded as one of the higher ranked communities.

The Service Update provisions of the Electrical Code have been enforced by the City of Des Moines for many decades (beginning in the late 50's or early 60's), and reflect concern regarding the increasing electrical demand in existing properties. Over time, these aging systems have been shown to be prone to fire and electrical shock hazard as increasing electric loads are placed on them, or more devices are used in areas prone to hazard. Knob and tube systems, ungrounded two wire systems, plastic insulated aluminum systems and similar, out-dated wiring methods, which were sufficient for the needs of earlier eras, now are insufficient for modern demands. Hazards often occur because of overloading of wiring systems by methods or usage not in conformity with the National Electrical Code, or because of the number or locale in which electrical devices are used. This occurs because initial installed wiring did not provide for increases in the use of electricity, or consider the locations where those devices might be used. It is not uncommon today for multiple electrical devices to be used in the kitchen, bath, and other rooms in the house, and those older systems do not have the capacity to power them, or the ability to protect the user if a curling iron is dropped in a sink full of water. We believe the policy provides for minimum safety and reasonable provisions for system changes to provide for future increases in the use of electricity.

It has been the interpretation of staff that the requirements found in the Electric Service Upgrade Policy is supported by and consistent with provisions found in the National Electric Code. We also believe that they are consistent with the other adopted construction codes which contain guidance provisions with respect to existing structures, and is consistent with the manner in which the other codes handle existing installations. This includes provisions found in the International Existing Buildings Code, which contains provisions that mirror those found in the policy.

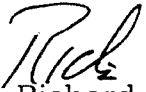
In response to comments made to the contrary, staff has not intended to mislead or make erroneous statements. Staff does not require that the whole house be upgraded to current code, or require modifications that are unnecessarily burdensome. We have not implied that the surrounding communities have adopted the same set of materials that we have, although we have attempted to encourage this uniformity. Rather, our efforts have focused, where appropriate, on convincing our metro communities to mirror our provisions, where we thought them to be right and proper given our charge of providing safe installations. This is the leadership example we believe is in the best interest of our community.

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Staff and the Building and Fire Code Board of Appeals firmly believe that these provisions are necessary, that they have and will reduce fire and injury, and that it would be a mistake to delete them from the amendments.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Richard A. Clark  
City Manager

cc: Community Development Director  
Nancy Suby-Bohn  
Allen Suby

★ Roll Call Number

09-1575

Agenda Item Number

47

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Date August 24, 2009

An Ordinance entitled, "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",

which was considered and voted upon for the first time under Roll Call No. 09-1370 of July 27, 2009, and considered and voted upon for the second time under Roll Call No. 09-1470 of August 10, 2009, again presented.

Moved by Hensley to continue to September 14, 2009 Council meeting.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

T. M. Franklin Cownie Mayor

Diane Rauh City Clerk

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ORDINANCE NO. \_\_\_\_\_

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.
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**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, ~~or the building official,~~ or 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 request legal counsel from the city attorney ~~when counsel is desired.~~

**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-

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09-1575  
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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 ~~that~~ 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, ~~government or the 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 ~~in~~ 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 ~~who 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 proceeded ~~with~~ continued by any person ~~prior to~~ 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 ~~decides~~ does not to commence the work described in the permit, ~~he or she may~~, 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 ~~in~~ 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, and 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 without first having obtained a contractor's license from the city or the State of Iowa. contractor employs a master licensed as such by the State of Iowa.

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

- (a1) Any person desiring to take any examination for the licenses required by this article shall make application on forms furnished by the ~~building official~~ State of Iowa. 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.~~

- (e2) 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.
- (f3) ~~Notwithstanding any provision in this chapter to the contrary, after December 31, 2012~~ 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.
- (g4) 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 f~~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~~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, ~~2008~~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.**

- (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.

~~(e) 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.~~

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. ~~Work that has no tag attached shall be considered unapproved. A~~ tag shall not 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 ~~and empowered~~ to inspect any and all building and environmental support systems installations within the city and ~~to order the removal,~~

reconfiguration or other modification, removed or remodeled and put into proper and safe condition for the for the protection of the public health, safety and welfare, of any system or component that is not in compliance with the provisions of the municipal ordinances and construction codes. Such order may mandate the isolation of affected systems adopted so that persons or property shall not be in danger there from or disconnection of utilities.

#### **Sec. 26-176. Notice of and failure to remedy defects.**

Any work for which a permit is required shall be subject to inspection at any time. The building official may revoke a permit at any time when the work is not being done in accordance 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 again be reinstated until all defects or improper conditions have been removed or repaired and re-inspected to assure in conformance 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 withhold issuing or refuse to issue any other permits to the contractor or for the property until defects are corrected and the work is approved approval after re-inspection given by the building official.

#### **Sec. 26-180. Furnishing utility service prior to approval of work.**

No ~~person~~ utility furnishing electrical, gas or water service in the city shall connect his or her that systems service, or furnish electricity, gas or water to any building or premises which has not been inspected and approved by the building official. ~~Any person shall, upon~~ Upon written notice from the building official to do so, 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, ~~2005-2008~~ 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 National Electrical Code 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.

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**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. ~~Commercial kitchen receptacles~~ Repealed by Ord. No. 14,---.**

~~Notwithstanding provisions of NEC section 210.8, single receptacles that are not readily accessible and are supplied from a dedicated branch circuits for kitchen equipment and for electric snow melting or deicing equipment shall be permitted to be installed in accordance with the applicable provisions of article 426.~~

**Sec. 26-306. Conformity with standards.**

~~Conformity with the standards of the Underwriters' Laboratories, Incorporated, established by any nationally recognized third-party testing and certification agency as 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) Licensed electrical contractors shall comply with the following:~~

~~(ba) 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.~~

~~(1) The owner, if a sole proprietorship, or one active manager of electrical operations, if any other form of business organization, shall hold a master electrician's certificate of competency before such person may be granted an electrical contractor's license. The license issued shall recite the name of the person holding the master electrician's certificate of competency and the name of the firm or business.~~

~~The electrical contractor's license shall be automatically revoked if the person named therein ceases to hold a master electrician's certificate of competency or ceases to actively manage the electrical operations conducted under the electrical contractor's license. If a firm's or business's master electrician ceases to be the active manager of the electrical operations of the firm or business, such firm or business shall not be permitted to do any further electrical work, except that work authorized by previously issued permits may, at the discretion of the building official, be continued and finished.~~

~~A master electrician who terminates his or her association with a business entity or who is terminated by the business entity shall notify the building official of such termination. No person holding a master electrician's certificate of competency may be named as the responsible master electrician for the licensing of more than one firm, or business or other~~

such business entity.

~~(2) Prior to the issuance or renewal of any electrical contractor's license, approved bonds, required by section 26-174, must be on file in the office of the building official.~~

~~(3) A contractor shall provide evidence that he or she is registered as a contractor with the State Department of Labor.~~

~~(b) Nothing contained in this section shall be deemed to exclude the performance of maintenance work by electrical contractors.~~

~~(e) 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.~~

~~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. 26-321. Master electrician's certificate of competency license.**

~~(a) To obtain a master electrician's certificate of competency a person shall meet the following conditions:~~

~~(1) He or she shall successfully pass a master electrician's examination administered and/or approved by the licensing and appeals board.~~

~~(2) He or she must have been certified by the city, or any other approved jurisdiction, as a journeyman electrician for a period of two years and been actively engaged in the electrical trade during that period, unless exempt under subsection 26-322(a)(2).~~

~~(b) Exceptions. The requirements to obtain a master electrician's certificate of competency may be waived for individuals qualifying under the following exceptions:~~

~~(1) Holders of electrical contractor's licenses granted by the city prior to date of the ordinance from which this subsection derives shall be issued a master electrician's certificate of competency.~~

~~(2) A master electrician's 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 licensing and appeals board as having similar certification standards. 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.~~

~~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. 26-322. Journeyman electrician's license certificate of competency.**

~~(a) 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 holders of a class "B" license shall have until December 31, 2012 to obtain a class "A" license~~

~~No person, except apprentices, shall engage in the work or practice the trade of installing, altering, maintaining, or repairing any electrical equipment within the scope of the electrical code without first obtaining a journeyman's certificate of competency through examination and meeting one or more of the following minimum requirements:~~

~~(1) Four years of working as an apprentice, as specified in section 26-323, under the direct supervision of an individual holding either a master or journeyman electrician's certificate of competency;~~

~~(2) Completion of a minimum of 60 credit hours of post secondary training in the electrical field, from an accredited educational institution or trade school and being employed full time for a period of two years with an electrical contractor, under a master or journeyman's direct supervision. The educational training may not occur simultaneously;~~

~~(b) Exceptions. All or part of the requirements, specified in subsection (a) of this section, may be waived for individuals qualifying under the following exceptions:~~

~~(1) Persons holding a master electrician's certificate of competency are not required to hold a journeyman electrician's certificate of competency;~~

~~(2) Persons who present evidence of having taken a journeyman level examination, and receiving a successful score, similar in content and difficulty to the examinations required under this code, may receive a journeyman electrician's certificate of competency without any further examination. This exception shall be reviewed and granted only by the licensing and appeals board.~~

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. 26-323. Apprentice electricians.

(a) The term "*apprentice*" shall ~~is defined as~~ include any person who is involved or assisting 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 ~~certificate of competency~~ 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]

(b) ~~No person shall engage in the work of an apprentice without first obtaining an apprentice license.~~

(c) ~~No electrical contractor shall employ any apprentice, for work with the city, who is not licensed as required by subsection (b) of this section, and no electrical contractor shall employ more than two apprentices for each individual, permanently employed by the contractor, as a journeyman or master electrician. This ratio shall apply to every permitted job with the city.~~

(d) ~~An apprentice may not maintain an inactive license.~~

~~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. 26-324. Residential wireman.

(a) The term "*residential wireman*" shall ~~include~~ is defined as any person performing work on single or multi-family dwellings that do not exceed three stories in height above grade and limited to single family, duplex, triplex or quad configurations. Residential wireman-wiremen shall work under the direct supervision and control of an individual holding a master or journeyman electrician's certificate of competency ~~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 certificate of competency. license as issued by the State of Iowa.~~

(c) ~~To obtain a residential wiremen's certificate of competency a person shall meet the following conditions:~~

(1) ~~Successfully pass a residential wireman's examination that has been approved by the licensing and appeals board.~~

(2) ~~He or she must have been actively engaged in the electrical trade under the direct supervision of a certified master or a certified journeyman electrician for a period of not less than two years.~~

~~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~~

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~~responsibilities regarding licensing mandated by Iowa Code chapter 103, as amended.~~

**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~~ Chapter 103, as amended.

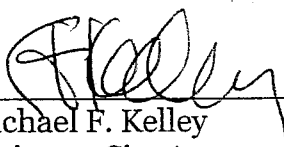
**Sec. 26-328. Regulations governing sign wiremen.**

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~~ 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