



Roll Call Number

Agenda Item Number

36B

Date July 29, 2013

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, as heretofore amended, by repealing Chapter 26 thereof, and enacting a new Chapter 26 to provide for the protection of the public health and safety by: creation of a permit and development division, a building and fire code board of appeals and a board of power engineering examiners; adoption of building codes; enforcement of penalties for the violation of the building codes; and repealing conflicting ordinances",

which was considered and voted for the first time upon under Roll Call No. 13-___ of July 15, 2013, again presented.

MOVED by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk



Roll Call Number

13-1141

Agenda Item Number

55B 36B

AMENDED

Date July 15, 2013

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, as heretofore amended, by repealing Chapter 26 thereof, and enacting a new Chapter 26 to provide for the protection of the public health and safety by: creation of a permit and development division, a building and fire code board of appeals and a board of power engineering examiners; adoption of building codes; enforcement of penalties for the violation of the building codes; and repealing conflicting ordinances",

(Council Communication No. 13.377)

presented.

MOVED by Hensley that this ordinance be considered and given first vote for passage, and to direct that City Manager and staff to review and make a recommendation to the Council regarding the adoption and implementation of a green building code such as the 2012 International Green Construction Code (Igcc) published by the International Code Council.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(First of three required readings)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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 Council Mayor

Diane Rauh City Clerk

36B

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 15, 2013
	Agenda Item No. 55B Roll Call No. [13/114] Communication No. 13-377 Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Amend Chapter 26 of the Municipal Code to adopt the 2012 editions of the International Building Code (IBC); International Residential Code (IRC); International Existing Building Code (IEBC); International Mechanical Code (IMC); International Fuel Gas Code (IFGC); Uniform Plumbing Code (UPC), and the 2009 edition of the International Energy Conservation Code (IECC).

SYNOPSIS:

Approval of this action amends Chapter 26 of Municipal Ordinance by amending and adopting the most recent published editions of the following codes:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Mechanical Code
- 2012 International Existing Building Code
- 2012 International Fuel Gas Code
- 2012 Uniform Plumbing Code
- 2009 International Energy Conservation Code

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The City of Des Moines Building & Fire Code Board of Appeals has reviewed and recommends adoption, renewal, and amendment of the codes listed in this section. Adoption of these codes assures the City's construction and fire codes remain current and up to date with nationally recognized safety standards.

Each of the referenced codes was reviewed by the Building and Fire Code Board of Appeals, significant changes and impacts identified, public comment considered, and amendments proposed. The board maintained focus on preserving minimum safety requirements and promoting consistency with neighboring communities during this process.

Changes in the 2012 IECC were identified that would significantly impact the construction industry. Because of additional costs associated with these changes, and a consistent metro area approach to defer adoption of the 2012 IECC, the board recommends maintaining the 2009 edition of the IECC until the 2012 edition is mandated by the State of Iowa. This is expected to take place later in 2013.

The board considered adopting the 2012 International Green Construction Code (IgCC), but determined this code would best not be adopted through the typical adoption process. This is the first year the IgCC has been published, and it is expected to be changed significantly in the next edition. The board's decision was based on the additional costs for building design, construction, and lifelong maintenance and monitoring requirements. The IgCC requires a great deal of preliminary planning, calculation, and design work to be provided that is not common in today's construction industry and requires additional features that go above and beyond those required by the 2012 IECC. For example, the IgCC requires solar photovoltaic, solar water heating, or wind energy systems on many buildings and all buildings require additional commissioning for HVAC, plumbing, and electrical system monitoring and maintenance. Many of these requirements are foreign to today's built environment and will require a great deal of education combined with a gradual implementation to be effective. With the right approach, the construction and building maintenance industries will become able to implement and sustain the requirements of this code. However, this effort will require input from additional stakeholders, as the requirements of the IgCC come with additional costs that should be further evaluated prior to being implemented. The IgCC is always an option for those who wish to build green and voluntary designs are a good way for staff to familiarize themselves with the IgCC through actual but not mandatory implementation.

All other codes have been previously adopted and implemented, some for more than 10 years. Adopting the most current editions of these codes allows the City to keep its construction standards current and helps maintain the City's high Insurance Services Organization (ISO) rating.

Stakeholder input was gathered as part of the code review process. Stakeholders, including local mechanical, electrical, and plumbing contractors, the Greater Des Moines Homebuilders Association, and Des Moines Neighborhood Associations, were notified of public hearings held on March 14 and April 11. Public comment was accepted via email and in person at the public hearings.

The new IRC provision for floor joist protection drew public comment from the Iowa Truss Manufacturer's Association, Greater Des Moines Habitat for Humanity, and the Greater Des Moines Homebuilders Association. All were in opposition to the requirement because of increased construction costs. Additional costs identified by Beisser Lumber and the Greater Des Moines Homebuilders Association ranged from \$0.16 to \$0.94 per square foot of unfinished basement area in single family dwellings.

The requirement calls for all floor joists in single family dwellings to perform as well as solid lumber joists common in older homes. This will impact I-joist floor systems above unfinished basements in new homes. It will require these floors to be constructed of solid sawn joists (+\$0.16/sf), constructed of fire treated I-joists (+\$0.75/sf), or have a layer of sheetrock added to the ceiling (+\$0.94/sf). This provision comes in response to the increased popularity of engineered lightweight floor joists in single family dwellings that are more susceptible to failure when exposed to fire. Additional fire resistive requirements such as this are expected to be seen in future editions of the IRC as residential fire sprinkler provisions continue to be deleted and amended.

The board considered the comments, the additional construction costs, and the approach of other metro area communities who plan to delete this provision. After taking all of these into consideration, the board determined the fire safety benefits provided by the code provision outweigh the additional construction costs and recommend adopting the provision as written.

No public comment was received on other proposals.

The following summarizes the proposed amendments and functions of Chapter 26.

Article I:

Includes all administrative provisions common to the codes. It includes structure of the Permit and Development Center and Building & Fire Code Board of Appeals, requirements for permits and fees, inspections, and enforcement provisions. The major content of this article is unchanged but has been reordered to increase usability and to be more navigable for those accessing it online.

Article II: Reserved

Article III:

Adopts the IRC, IBC, IEBC, and IECC. The IRC, IBC, and IEBC are currently adopted by reference and will be upgraded to the latest edition. The 2009 edition of the IECC will be maintained until State mandates require enforcement of the 2012 edition.

Article IV:

Adopts the National Electrical Code (NEC) and contains electrical code amendments. The electrical code is updated when mandated by the State of Iowa and is largely unaltered in this proposal.

Articles V:

Adopts the IMC and IFGC. Amendments were made that clarify equipment clearances and simplify application of how gas piping size is calculated and locations where rigid gas piping materials are required.

Article VI:

Adopts the UPC. This is consistent with State of Iowa law. Redundant amendments were deleted from this article to improve usability.

Article VII:

Regulates steam and power operating equipment and remains unchanged.

Article VIII:

Regulates construction of signs and billboards. These provisions were previously located in Article III and were relocated to improve usability.

PREVIOUS COUNCIL ACTION(S):

Date: November 22, 2010

Roll Call Number: 10-1959, 10-1960 and 10-1961

Action: On Amendment of Chapter 26 of the Municipal Code to adopt the 2009 editions of the International Building Code; International Residential Code; International Existing Building Code; International Mechanical Code; International Fuel Gas Code; International Energy Conservation Code and the Uniform Plumbing Code. (Council Communication No. 10-704) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.

(A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage on all sections, excluding Sections 26- 328 and

26-329 of the International Residential Code; refer those sections to the City Manager for review and recommendation regarding how suburbs are handling sprinklers. Motion Carried 6-1. Nays: Moore.

(B) First consideration of ordinance on amendment of Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments and additions. (Council Communication No. 10-689) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Moore.

BOARD/COMMISSION ACTION(S):

Board: Building and Fire Code Board of Appeals

Date: May 9, 2013

Resolution Number: N/A

Action: Motion to recommend Council adopt the 2012 editions of the Uniform Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Residential Code, International Building Code, International Existing Building Code, and the International Fire Code with amendments as proposed by the Building and Fire Code Board of Appeals. Motion carried 9-1 (Martie Mendenhall opposed).

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

New editions of the building codes are published every three (3) years. The Community Development Department anticipates future code adoptions to occur on a three (3) year cycle.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

36 ~~SB~~
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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, as heretofore amended, by repealing Chapter 26 thereof, and enacting a new Chapter 26 to provide for the protection of the public health and safety by: creation of a permit and development division, a building and fire code board of appeals and a board of power engineering examiners; adoption of building codes; enforcement of penalties for the violation of the building codes; and repealing conflicting ordinances.

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, as heretofore amended, be and is hereby amended by repealing Chapter 26 thereof, and enacting a new Chapter 26 to provide for the protection of the public health and safety by: creation of a permit and development division, a building and fire code board of appeals and a board of power engineering examiners; adoption of building codes; enforcement of penalties for the violation of the building codes; and repealing conflicting ordinances, as follows:

CHAPTER 26. BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 26-1. Title.

This chapter shall consist of the building code, energy code, electrical code, mechanical code and fuel gas code, plumbing code, and steam power equipment code, all of which shall be referred to collectively as the "building codes" or "this chapter." A person who performs or is in the business of performing the work or activities regulated by this chapter may be referred to as a "contractor."

Sec. 26-2. Purpose.

The purpose of this chapter is to provide for the protection of the public health and safety by: creation of a permit and development division, a building and fire code board of appeals and a board of power engineering examiners; adoption of building codes; enforcement of penalties for the violation of the building codes; and repealing conflicting ordinances.

Sec. 26-3. Interpretation.

Article I consists of general provisions applicable to all articles. Articles III through VIII

contain specific provisions pertaining to particular trades and activities. In the event of a conflict with article I, the specific provisions of articles III through VIII shall control.

Secs. 26-4--26-99. Reserved

Division 1. Permit and Development Division

Sec. 26-100. Permit and development division established; officials appointed.

There is established in the city within the community development department the permit and development division which shall be under the direction and supervision of the permit and development administrator. The permit and development administrator and the building official shall be appointed by and be responsible to the director of the community development department. In the event the permit and development administrator does not also serve as the building official, the building official shall be responsible to the permit and development administrator.

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 and to the board of power engineer examiners.
 - (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.
- (b) *Reports and records.* The building official shall
- (1) Provide the director of community development and the city manager, not less than once per year a summary of the building official's recommendations as to desirable amendments to the building codes.
 - (2) Keep a permanent, accurate account of all fees and other monies collected and received under the codes assigned to the building official for enforcement, the names of the persons upon whose account the fees were paid, the date and amount thereof, together with the location of the building or premises to which they relate.
 - (3) Keep a record of the issuance of permits, inspections made, and other official work performed in accordance with this chapter.
 - (4) Keep records of building and fire code board of appeals meetings, hearings, rulings, and other matters performed in accordance with this chapter.
 - (5) Keep records of board of power engineer examiners meetings, hearings, rulings, and other matters performed in accordance with this chapter.
- (c) *Specific powers*
- (1) Whenever any condition exists that is in violation of the codes or creates a danger to

health and safety, the building official may until further notice:

- a. Order any work stopped.
- b. Order changes to any work to correct an unsafe or illegal condition.
- c. Order discontinuation of any utilities supplying the premises.
- d. Order vacation of any premises.

The building official shall give notice of such action to individuals in control of the premises, and may prescribe a period of time to comply with such notice based on the urgency of the situation.

- (2) Whenever necessary to make an inspection to enforce any of the provisions of the building codes or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the building official by the building code. However, if such building or premises is occupied, the building official shall first present proper credentials and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as provided in this subsection, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the such codes.
- (3) The building official shall have the authority to remove or cause the removal of covering, finishes, or other obstruction which may prevent the proper inspection of work or equipment.

(d) *Emergencies and public nuisances.*

- (1) Whenever the building official finds a public nuisance exists which requires immediate action to protect the public health and safety, such official may issue an order reciting its existence and requiring that action be taken as such official deems necessary. The action required by such official shall depend upon the nature of the nuisance, the danger to the public that the nuisance presents, the condition and deterioration of the premises, the potential for rehabilitation of any structure involved and the time reasonably necessary to take the required action. If the owner does not comply with the order within the time specified in such order, such official may authorize the taking of the action specified in the order. Any costs incurred may be assessed against the property.
- (2) Notice of the order shall be given to all owners, tenants, and other persons holding a property interest in the premises who are reasonably known to such official. Notice shall be given by that method which is reasonably calculated to inform each recipient within the shortest practicable period of time, considering the nature of the emergency and any difficulties in notifying the owners. If an owner or other person holding a property interest in the premises cannot be found, an affidavit shall be completed by the person attempting to locate such person, describing the efforts made, and held on file.

(e) *Cooperation of other officials and officers.* The building official may request and shall

receive so far as is required, in the discharge of the building official's duties, the assistance and cooperation of other officials of this jurisdiction.

(f) *Conflict of Interest.* Neither the building official nor any of the inspectors shall engage in any work for hire regulated by that individual, either directly or indirectly, nor shall the official or any of the inspectors have any financial interest in any firm engaged in such trade or business in the city at any time while employed by the city.

(g) *Liability.*

(1) Neither the city nor any employee is liable for damages to a person or property as a result of any act or failure to act in the enforcement of the building codes, unless the act of enforcement constitutes false arrest.

(2) The building codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated by such codes for damage to a person or property caused by its defects, nor shall the city or any city employee be held as assuming any such liability because of the inspections authorized by such codes or any approvals issued under such codes.

Secs. 26-102--26-119. Reserved.

Division 2. Building and Fire Code Board of Appeals

Sec. 26-120. Building and fire code board of appeals created; authority.

There is created a building and fire code board of appeals with authority to:

- (1) Review the building, energy, electrical, mechanical and fuel gas, plumbing, and fire codes periodically and make recommendations thereto to the city council.
- (2) Act as a board of appeals to hear grievances arising from a decision of the building official or fire chief and to provide for reasonable interpretations consistent with the provisions of the building, energy, electrical, mechanical and fuel gas, plumbing and fire codes. Any person may upon written request appeal a previous decision of the building official or fire chief in the enforcement of such codes to the board for consideration.
- (3) Determine the suitability of alternate materials and types of construction to those otherwise allowed by the building codes and to provide reasonable interpretations of the provisions of such article.
- (4) Waive building code requirements that, in the opinion of the Board, do not render the building or structure more hazardous, based on life safety, fire safety and sanitation, than the code requires.
- (5) The board shall not have authority over administrative matters or matters covered by the board of power engineer examiners.

Sec. 26-121. Terms; composition.

- (a) The building and fire code board of appeals shall consist of 17 members. Fifteen of the members shall be appointed for terms of three years, provided however that the terms of five of the initial appointed members shall be for one year, and the terms of five of the initial appointed members shall be for two years. All appointed terms shall expire on April 1st.
- (b) The appointed members of the building and fire code board of appeals shall consist of the following persons having a minimum of five years of experience in the required field:

- (1) One Iowa registered architect.
 - (2) One Iowa registered professional engineer (structural or construction).
 - (3) One Iowa registered professional engineer (mechanical).
 - (4) One Iowa registered professional engineer (electrical).
 - (5) One general contractor experienced in residential construction.
 - (6) One general contractor experienced in commercial construction.
 - (7) Two electricians who hold an active master electrician certificate of competency or license issued by the city or by the state of Iowa and are in responsible charge of the electrical installation operation of a licensed electrical contracting firm.
 - (8) One plumber who holds an active master plumber certificate of competency or license issued by the state of Iowa and is in responsible charge of the plumbing installation operation of a licensed plumbing contracting firm.
 - (9) One plumber who holds an active journeyman plumber certificate of competency or license issued by the state of Iowa.
 - (10) Two mechanical contractors who hold an active class A, B, C or D mechanical contractor license issued by the city or who hold a master's mechanical license issued by the state of Iowa.
 - (11) One licensed attorney.
 - (12) One person shall be a qualified engineer, architect, technologist, technician or safety professional trained in fire protection engineering, fire science or fire technology, including but not limited to fire protection contractors and certified technicians engaged in fire protection system design.
 - (13) One person with experience in historic preservation.
- (c) The building official and fire marshal shall serve as ex officio members of the board.
- (d) Any member of the board may be removed by the city council for malfeasance in office, incapacity, or neglect of duty.

Sec. 26-122. Hearings.

- (a) Any person affected by a decision of the building official, fire chief or their designees, may request and shall be granted a hearing before the building and fire code board of appeals on the decision, provided that the person shall file in the permit and development center a written petition requesting a hearing and setting forth a brief statement of the grounds within 15 days after receiving notice of the decision. Upon receipt of the petition, the permit and development center shall set a time and place for the hearing and shall give the petitioner written notice thereof at least three days before the hearing, unless such notice requirement is waived in writing by the petitioner. The hearing shall be commenced not later than thirty days after the day on which the petition was filed, unless for good cause shown the building official grants a postponement in writing.
- (b) At the hearing the petitioner shall be given an opportunity to be heard to show why the decision of the building official, fire chief or their designees should be modified or withdrawn. The building official or fire chief shall have the opportunity to be heard to show why their decision should be affirmed.

Sec. 26-123. Decisions.

- (a) After the hearing as provided in section 26-122, the building and fire code board of appeals shall affirm, modify or withdraw the decision of the building official, fire chief or their

- designees. The decision of the board is the final administrative decision.
- (b) The proceedings at any hearing before the board, including the findings and decision of the building official or fire chief, if applicable, shall be summarized, reduced to writing, and entered as a matter of public record in the permit and development center. This record shall include a copy of every notice or order issued in connection with the matter.

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.

Secs. 26-126--26-134. Reserved.

Division 3. Permits and Fees

Part 1. General

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. No property owner shall allow work to be performed without appropriate permits first being secured.

Sec. 26-136. Issuance of permits.

- (a) Except as otherwise provided, a contractor as defined in Sections 26-450, 26-550, and 26-670 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 contractor and the contractor's business, if any. 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 the owner-occupant's 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 and qualifies for the homestead tax exemption. 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.

- (c) A person seeking a permit to construct a swimming pool, spa or water recreational facility, or any addition, remodeling or other alteration thereto shall make application to the office of the building official for such permit. The plans and specifications and plot plan, as well as other pertinent explanatory data, shall be submitted with each application.
- (d) A person seeking to erect, alter, relocate or maintain any sign or sign structure, as defined in section 26-800, shall make application to the zoning enforcement officer for a permit to conduct such work.
- (e) No permit shall be issued to any person who has fees outstanding as required by this article or any other laws or city ordinances.

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

- (a) Electrical, mechanical, and plumbing permits issued pursuant to this chapter are not transferable. Either the person or contractor securing the permit or another qualified employee from the same firm or business as the contractor shall perform the work.
- (b) A contractor shall secure permits only for themselves and their 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.
- (c) Building permits issued pursuant to this chapter may be transferred to another individual provided the original permit applicant provides written permission to allow such transfer.

Sec. 26-138. Permit fees.

- (a) There shall be paid to the community development department for the issuance of each permit, fees in the amounts set in the schedule of fees adopted by the city council by resolution. Permit fees shall include but not be limited to fees for plumbing permits, mechanical permits, electrical permits, building permits, certificates of occupancy, building plan reviews, engineering reviews, planning reviews, zoning reviews, demolition permits, energy reviews, handicap reviews, reinspections, signs and billboards, erosion control inspections, and fees for failure to obtain permits before starting work.
- (b) The determination of value or valuation under any of the provisions of the building codes shall be made by the building official. The valuation to be used in computing the permit and plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.

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- (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 any fees pursuant to paragraph (a) for the new or amended permit.
- (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) In addition to other fees required in this section, a fee shall be paid to the building official for the review of plans and inspection of construction for compliance with the energy code. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.
- (f) In addition to other fees required in this section, a fee shall be paid to the building official for review of documents (plans, specifications and related documentation) for compliance with the accessibility provisions of Chapter 11 of the IBC for the City of Des Moines. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.
- (g) *Plan-checking fees.* Plan-checking fees shall be as follows:
 - (1) When a plan is required to be submitted a plan-checking fee in the amount set in the Schedule of Fees adopted by the City Council by resolution shall be paid to the building official at the time of submitting plans and specifications for checking. Exception: The plan-check fee for buildings of one and two family dwelling occupancies and accessory structures for compliance with the International Residential Code may be waived by the building official when the plans do not involve unusual or complex engineering design features.
 - (2) Where plans are incomplete or changed so as to require additional plan checking, an additional plan-check fee shall be charged at the rate set in the Schedule of Fees adopted by the city council by resolution.
 - (3) The plan checking process may be expedited for projects that pay an expedited plan checking fee in the amount set in the Schedule of Fees adopted by the City Council by resolution.
 - (4) Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-check fee.
- (h) No permit shall be issued to any person or firm that owes the city any outstanding fees or fines.

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

Except in emergency situations, as determined by the building official, if work for which a permit is required is started or continued by any person before obtaining a required permit, the regular total fees as specified in this article for such work may be doubled. The payment of such 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 chapter shall be collected in the office of the building official and paid thereafter to the city treasurer.

(b) *Fee refunds.* Fees may be refunded as follows:

- (1) The building official may authorize the refunding of any fee paid under this section which was erroneously paid or collected.
- (2) The building official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with the building code.
- (3) The building official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

A minimum administrative fee in the amount set in the Schedule of Fees adopted by the City Council by resolution shall be charged for fee refunds. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Sec. 26-141. Exemption from fees.

(a) 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.

(b) *Waiver of permit fees by city council.* The city council upon receipt of timely application may by resolution waive payment of permit fees required in this chapter to persons who develop a project within the Metro Center Urban Renewal Project Area which will receive assistance from the city, from Polk County or from the state of Iowa under Iowa Code, Chapter 15F, Vision Iowa Program.

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 a person may be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of the city Code, or may be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of the city Code.

(b) A willfully false statement in an application for a permit shall be sufficient cause for revocation.

- (c) Every permit, except a demolition permit, issued by the building official under the provision of the building codes shall expire under any one of the following conditions:
 - (1) Failure to begin work authorized within 180 days after issuance of the permit.
 - (2) Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
 - (3) Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
 - (4) Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.
- (d) Any permittee holding an unexpired permit may apply for an extension of the time within which the permittee may commence or continue work. The building official may give such extension of time at the building official's discretion as follows:
 - (1) For structures designed for residential uses, two extensions, each extension not exceeding 90 days.
 - (2) For structures designed for residential/ commercial uses, three extensions, each extension not exceeding 90 days.
 - (3) For structures designed for commercial or industrial uses, three extensions, each extension not exceeding 180 days.
 - (4) In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.
- (e) Any of the extensions in subsection (d) of this section may be further extended by action of the city council. An expired permit may not be reissued without a permit fee except by resolution of the city council.

Sec. 26-143. Validity of Permit.

- (a) The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of the building codes. No permit presuming to give authority to violate or cancel the provisions of the building codes shall be valid, except insofar as the work or use which it authorizes is lawful.
- (b) The issuance of a permit based upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in such plans and specifications or from preventing construction being carried on when in violation of the building codes or of any other ordinance.

Secs. 26-144—26-149. Reserved.

Division 4. Inspections and Enforcement

Sec. 26-150. 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