



Roll Call Number

Agenda Item Number

57

Date December 23, 2024

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, is hereby amended, by amending Sections 26-2, 26-101, 26-120, 26-138, 26-142, 26-300, 26-303, 26-325.3, 26-325.17, 26-325.18, 26-345.3, 26-347 and repealing Section 26-305, relating to building and building regulations.

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

Second by _____.

FORM APPROVED:

(First of three required readings)

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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

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 amending Sections 26-2, 26-101, 26-120, 26-138, 26-142, 26-300, 26-303, 26-325.3, 26-325.17, 26-325.18, 26-345.3, 26-347 and repealing Section 26-305, relating to building and building regulations.

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, heretofore amended, by amending Sections 26-2, 26-101, 26-120, 26-138, 26-142, 26-300, 26-303, 26-325.3, 26-325.17, 26-325.18, 26-345.3, 26-347 and repealing Section 26-305, relating to building and building regulations, as follows:

Sec. 26-2. Purpose.

The purpose of this chapter is to provide for the protection and improvement of the public health, safety and welfare 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; repeal of conflicting ordinances; and assessment of energy and water use of properties.

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 exclusive of article IX.
 - (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 development services 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.*

Whenever the building official determines that a public nuisance exists which constitutes an emergency requiring immediate abatement, the city may perform any emergency action necessary to abate the nuisance without prior notice or hearing.

- (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.

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) ~~The board shall not have authority over administrative matters or matters covered by the board of power engineer examiners.~~

Sec. 26-138. Permit fees.

- (a) There shall be paid to the development services 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. The building valuation shall not be less than the valuation derived from the most current Building Valuation Data published by the International Code Council (ICC).

- (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, or the inspection fails two or more times, 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) Inspections may be conducted outside of regular business hours for projects that pay an overtime inspection fee in the amount 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 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.
- ~~(g) 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.~~
- (gh) *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) Additional plan checking time may be dedicated to projects that pay an overtime 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.

- (i) No permit shall be issued to any person or firm that owes the city any outstanding fees or fines.

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 shall be guilty of a misdemeanor punishable by fine as provided by section 1-15 of this Code, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.
- (b) A willfully false statement in an application for a permit shall be sufficient cause for revocation.
- (c) Building, electrical, mechanical and plumbing permits issued by the building official 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 180 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 or a townhouse structure that is part of a townhouse development of eight (8) or fewer units within one year after issuance of a permit.
 - (4) Failure to complete work on a structure designed for commercial uses, industrial uses, or a townhouse structure that is part of a townhouse development of more than eight (8) units within two years after issuance of a permit.
 - (5) Failure to complete work on a structure designed for commercial or industrial uses that is unusually complex, as determined by the building official, within three years after issuance of a permit.
- (d) The building official is authorized to grant one 180-day extension of time for permits set to expire in one year and up to three 180-day extensions of time for permits set to expire in more than one year.
- (e) 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.
- (f) The building official is authorized to grant an extension to a building obstruction permit for an amount of time determined to be acceptable by the building official and city engineer in their exclusive discretion.

Sec. 26-300. Adoption of International Codes.

- (a) The provisions of the International Building Code, 2021 edition, published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C., 20001 are hereby adopted by reference and subject to the additions, deletions and modifications hereinafter stated as the general requirements for commercial building construction in the City of Des Moines.
- (b) The provisions of the International Residential Code, 2021 edition published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C.,

20001, except for Part VI –Fuel Gas, Part VII – Plumbing and Part VIII – Electrical; and with the adoption of appendices AG, AH, AJ, AK, and AM, are hereby adopted by reference and subject to the additions, deletions and modifications hereinafter stated as the general requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures in the City of Des Moines.

- (c) The provisions of the International Existing Building Code, 2021 edition, published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001 are hereby adopted by reference and subject to the additions, deletions, and modifications hereinafter regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Des Moines.
- (d) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the building code. References to section numbers not preceded by "26-" will be to sections in the International Building Code (IBC), the International Existing Building Code (IEBC) or the International Residential Code (IRC).
- (e) All references to the International Plumbing Code found within the IRC, IBC, and IEBC shall be interpreted to refer to the corresponding provision in the State Plumbing Code.
- (f) All references to the International Mechanical Code found within the IRC, IBC, and IEBC shall be interpreted to refer to the corresponding provision in the State Mechanical Code.
- (g) The following climatic and geographic design criteria shall be applied in the application of the International Residential Code to structures in the City of Des Moines.
 1. The frost line depth identified in the following table shall be applied in the application of the International Building Code and International Existing Building Code.

Ground Snow Load	Wind Design				Seismic Design Category	Subject To Damage From:				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temperature
	Wind Speed	Topographic effects	Special wind region	Wind-borne debris zone		Weathering	Frost Line Depth	Termite	Decay					
30 psf	115 mph	None	No	No	A	Severe	42"	Moderate to Heavy	Slight to Moderate	0°F	Yes	Mar-1984	1833	48.6°F

Elevation	Latitude	Winter Heating	Summer Cooling	Altitude correction factor	Indoor Design Temperature	Design Temperature Cooling	Heating temperature difference
965'	42°	-2°	90°	1.0	70°	75°	-

Cooling Temperature Difference	Wind Velocity Heating	Wind Velocity cooling	Coincident wet bulb	Daily Range	Winter humidity	Summer humidity	
-	-	-	75°	M	-	-	

Sec. 26-303. Demolition of buildings and structures.

- (a) Permit required; expiration. A permit shall be required for demolition of buildings and structures in accordance with the following:
- (1) No person shall commence the work of demolishing any building or structure until a permit authorizing such work has been obtained from the building official. Every demolition permit issued under the provisions of this section shall expire by limitation and become null and void if the work authorized by such permit is not commenced within thirty (30) calendar days from the date of issuance, or if the work authorized by such permit is not completed within ninety (90) calendar days of the date of issuance, unless, because of the extensiveness of the project, the building official deems at the time of issuance a longer period for either commencement or completion should be granted.
 - (2) Any permittee may request in writing an extension of time within which the demolition work may be commenced or completed. If such request contains good and satisfactory reasons showing that circumstances beyond the control of the permittee have prevented timely commencement or completion of the work, the building official may extend the applicable expiration date.
- (b) *Application for permit.* Application for a permit to demolish a building or structure shall be made to the building official. The applicant shall provide the following information:
- (1) The name and address of the person in responsible charge of the work.
 - (2) The street address and legal description of the property on which the building or structure is located.
 - (3) The name and address of the owner and, when appropriate, his or her legal agent in responsible charge of the property.
 - (4) Overall dimensions, number of stories and materials of construction of the building or structure to be demolished.
 - (5) A plan showing areas to be protected by fences, barricades, covered walkways, or other protective devices, and details of construction for such devices.
 - ~~(6) Location of the site where the demolition debris is to be discarded.~~
 - (67) Approval from other affected city departments or governmental agencies when deemed necessary by the building official and any special conditions or restrictions relating thereto.
 - (87) For demolition by explosives, the applicant shall furnish the information required in this subsection and shall furnish information regarding the person who will be conducting the demolition by explosives and shall furnish plans showing how the building or structure will be prepared for demolition, the type and amount of explosives to be used, and a detailed plan showing what safety precautions will be taken to protect persons and property.
 - (98) A permit for the demolition of a building or structure by the use of explosives may be issued by the city council subject to the following conditions:

- a. The applicant for a permit must demonstrate to the city council the need for demolition by explosives rather than demolition by conventional means and must demonstrate that demolition by explosives can be safely conducted at the specific location requested.
- b. The building official, fire chief and police chief shall review the application and submit their opinions to the city council concerning whether or not the demolition can be safely conducted, together with any recommendations they may have.
- c. The applicant shall provide a certificate of liability insurance for personal injuries, death and for property damage in an amount not less than \$1,000,000.00 naming the city as an additional named insured party. The certificate shall provide that the coverage shall not be cancelled or changed without ten days' prior written notice to the city. The city council may require additional insurance coverage when the hazard appears greater than normally expected and may also in such instance require the posting of a bond acceptable to the city in an amount commensurate with the severity of the hazard. The bond shall provide that the applicant shall well and satisfactorily perform the demolition. The bond shall be for the benefit of the city and any person who is injured or damaged by the failure of the applicant to satisfactorily perform the demolition.
- d. The applicant shall agree to indemnify and hold harmless the city from all losses resulting from damages or injuries caused by the applicant or the applicant's employees, servants or agents arising out of the use of explosives in demolition.
- e. The applicant shall pay the city in advance for reasonable expenses that will be incurred by the city in furnishing necessary security and police protection in the vicinity of the demolition site.
- f. The applicant shall observe all applicable federal, state and local laws in the course of the demolition, including but not limited to the following:
 1. The applicable provisions of the city fire prevention code relating to the storage, transportation and use of explosives.
 2. The rules and regulations of the United States Environmental Protection Agency relating to the demolition of buildings or structures containing asbestos materials or other hazardous air pollutants.
- g. The applicant shall meet all other requirements of this article relating to the demolition of structures or buildings; provided, however, that if a conflict exists between the provisions of this subsection and other sections of the city Code, the provisions of this subsection shall be deemed to be controlling.
- h. The applicant need not obtain an obstruction permit as provided in section 26-304 of this article to block off portions of public property within an appropriate distance of the demolition site, provided that the obstruction is for less than a 24-hour period and provided that the obstruction is for security purposes in connection with the use of explosives. However, the

- applicant shall be required to obtain an obstruction permit to use public property in the cleanup operations following the detonation of explosives.
- i. The city council shall at any time have the authority to impose additional requirements and safety precautions in the interest of the public health, safety and welfare.
- (10) Such other information as shall be reasonably required by the building official or development services director, including all information necessary to conduct historic review pursuant to chapter 58, article IV.
- (c) *Disconnection of sewer and water.* No permit to demolish shall be issued until it has been established that existing sewer and/or water services have been properly disconnected and approved.
 - (d) *Bond required.*
 - (1) Before a permit is issued to remove a building which has been ordered removed as a public nuisance and which period of time granted by the city or by the courts for removal or other remedial action by the applicant or other party of interest has expired, the applicant may be required to post a cash bond equal to the estimated costs of the removal of the building and the disconnection of the existing utility services. If the applicant does not remove the building at the time the permit expires at a time specified by the building official, such bond shall be forfeited and used toward the costs of the city to remove it.
 - (2) If the building is removed by the applicant prior to the time the permit expires, such bond shall be returned to the applicant. A return of the bond does not exempt the applicant from further assessments to the real estate for costs that have occurred prior to the issuance of the permit.
 - (e) *General requirements.*
 - (1) The building official shall have the authority to impose at any time reasonable requirements and safety precautions in the interest of public health, safety, and welfare which, in his or her opinion, are commensurate with the severity of hazard, either demonstrated or anticipated, provided that such requirements may be appealed to and reviewed by the board of appeals at the request of the affected party.
 - (2) In addition, the following shall be met:
 - a. The discharging, loading, or dumping of building materials from any building shall be accomplished in such manner as to minimize the creation of dust and scattering of debris. Materials shall not be dropped by gravity to any point lying outside the building walls except through an enclosed chute, unless such materials are dust free and the height of drop is at least equal to the horizontal distance to the nearest property or barricade line. Where such horizontal distance is not available and practical necessity dictates the dropping of relatively large masses of materials, the building official may approve appropriate protective measures designed to provide protection from danger equivalent to that afforded by the otherwise required horizontal setback; provided, however, that in all cases such materials shall be handled in a manner approved by the air pollution control division of the county health department.

- b. When necessary to protect the public health, safety, or welfare, every demolition project shall be barricaded, fenced, lighted, and signed with warning and/or directional signs in a manner approved by the building official. The building official may also require the presence of approved security guards or flag persons. Such barricades, fences, lights, and signs as may be deemed necessary by the building official for protection of the public shall be maintained after completion of the demolition work until such time as the site is cleaned of all debris and all excavations, basements, and depressions in the ground are restored to grade and rendered harmless.
 - c. Adequate precautions shall be taken to ensure that procedures or conditions relating to the demolition work do not constitute a fire hazard. If, in the opinion of the fire chief, a fire hazard exists or is likely to exist, he or she may order the cessation of work or require that appropriate protective measures approved by him or her be taken.
 - d. All streets, alleys, and public ways adjacent to the demolition site shall be kept free and clear of any rubbish, refuse, and loose material resulting from the demolition work unless an obstruction permit for such space has been obtained.
 - e. Demolition of structures ~~subject to public nuisance action~~ shall include removal of all shallow footing and foundation materials unless otherwise approved by the building official.
 - f. Upon completion of the demolition work, the site shall be left in a clean, smooth condition. ~~Inorganic building rubble, s~~Sand, clean earth, or other approved fill material may be used to fill excavations, holes, basements, and depressions, provided that the top 12 inches shall be clean earth or its equivalent in terms of surface smoothness, free from dust, and cleanliness. If the surface is to be used for the parking of vehicles, it shall be constructed as required in chapter 134 of the city Code pertaining to zoning.
- (3) No permit to demolish shall be issued until a grading permit, waiver of grading permit, or a solid waste disposal site license is obtained for any location within the city where the demolition debris is to be discarded.
- (4) Demolition debris and rubbish shall be disposed of at a State of Iowa licensed solid waste facility unless otherwise approved by the building official.

Sec. 26-305. Repealed by Ord. No. --,---Conversion to condominium or multiple housing cooperative.

- ~~(a) — The conversion of any residential building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy classification for the building, notwithstanding anything in the building codes to the contrary, and shall conform to the International Building Code.~~
- ~~(b) — No person shall file or record a declaration in the office of the county recorder to convert an existing structure located within the city to a horizontal property regime unless a certificate of occupancy for compliance with the current building codes has been issued by the building official~~

- ~~(c) No person shall file or record an instrument in the office of the county recorder conveying an interest in real estate located in the city to a multiple housing cooperative unless a certificate of occupancy for compliance with the current building codes has been issued by the building official.~~
- ~~(d) At least 60 days before being filed or recorded in the office of the county recorder, the applicant shall file a copy of such declaration or such instrument, together with the following documents with the building official, and shall also pay a conversion fee in the amount set in the schedule of fees adopted by the city council by resolution:
 - ~~(1) Two copies of an as-built plan for the entire structure.~~
 - ~~(2) A building code analysis prepared by a licensed architect or professional engineer demonstrating that the structure conforms with the current building codes, or can be brought into conformance with the current building codes by planned improvements to be made to the structure.~~
 - ~~(3) Two copies of construction plans for planned improvements to be made to the structure to bring the structure into conformance with the current building codes.~~~~
- ~~(e) Upon receipt of the documents and the conversion fee as provided above, the building official or the building official's designee shall review the building code analysis and conduct such inspections of the structure as may be deemed appropriate by the building official to determine whether or not the structure conforms with the requirements of paragraph (a) above. If the building official or the building official's designee determines that the structure has been shown to be in substantial compliance with the requirements of paragraph (a) above, the building official shall cause a certificate of occupancy to be issued for the use of the structure as a horizontal property regime or a multiple housing cooperative. If the structure has not been shown to be in substantial compliance with the requirements of paragraph (a) above, the building official shall give written notice to the applicant of any violations of the applicable code requirements discovered to exist in the building.~~

Sec. 26-325.3. Live/ work units

- (a) Delete section 508.5 and insert in lieu thereof the following new section.

419.1508.5 General. A *live/work unit* shall comply with Sections 508.5 through 508.5.11

Exceptions:

1. Dwelling or sleeping units that include an office that is less than 10 percent of the area of the *dwelling unit* are permitted to be classified as *dwelling units* with accessory occupancies in accordance with Section 508.2
 2. Detached one- and two-family dwellings and townhouses that include business areas that is less than 20 percent of the area of the dwelling unit and constructed in accordance with the International Residential Code are not required to comply with Sections 508.5 through 508.5.11.
- (b) Delete 508.5.1, item #3, and insert in lieu thereof the following new item #3.

3. The nonresidential area function shall be limited to floors of the *live/work unit* with exit at the 1st story or a basement walkout of the *live/work unit*.

(c) Add the following exception to 508.5.2.

The nonresidential area function shall be limited to floors of the *live/work unit* with exit at the 1st story or a basement walkout of the *live/work unit*.

Sec. 26-325.17. Fire Command Center.

Delete section 911.1 and insert in lieu thereof the following new section:

911.1 General. Where required by other sections of this code, Table ~~508.1.1~~[911.1](#), and in all buildings classified as high-rise buildings by the *International Building Code*, a *fire command center* for fire department operations shall be provided and shall comply with ~~Sections 508.1.1.1 through 508.1.7~~[Sections 911.1.1 through 911.1.7](#).

Table 911.1 Fire Command Center Thresholds

Occupancy	Threshold Requiring a Fire Command Center
Group A	1,000 occupants
Group E	100,000 gross square feet
Group F	200,000 gross square feet
Group H	100,000 gross square feet
Group I-2 or I-3	100,000 gross square feet
Group M	100,000 gross square feet
Group R1	Greater than 200 <i>dwelling units</i> or <i>sleeping units</i>
Group S	200,000 gross square feet

Modify Code Section: IBC 911.3 (Correlate IFC 508.1.3)

Replace with the following language:

911.1.3 Size. The fire command center shall not be less than 0.015 percent of the total building area of the facility served or 200 square feet (19m²) in area, whichever is greater, with a minimum dimension of 0.7 times the square root of the room area or 10

feet (3048 mm), whichever is greater. Where a fire command center is required by table 508.1, the fire command center shall have a minimum size of 96 square feet (9 m²) with a minimum of 8 feet (2348 mm) where approved by the fire code official.

Sec. 26-325.18. Landing frost protection.

Insert the following new section: **1010.1.5.1 Frost Protection.** Where landings are required by Section 1010.1.45 to be at the same elevation on each side of the door, exterior landings at doors shall be provided with frost protection per section 1809.5.1.

Exception: Group U structures or structures built without frost depth footings.

Sec. 26-345.3. Storm Shelters ~~Installed in Existing E Occupancies~~

Delete ~~section 1106 including~~ subsection ~~1106.1303.2 and, 1106.1.1303.2,1 and 1106.1.2~~ and insert in lieu thereof the following new section.

~~Section 1106 Storm Shelters~~

Section ~~1106.1303.2~~ Addition to a Group E occupancy. Where an addition is added to an existing Group E occupancy located in an area where the shelter design wind speed for tornadoes in 250 mph in accordance with Figure 304.2 (1) of ICC 500 and the occupant load of the addition is 50 or more, the addition shall have a storm shelter constructed in accordance with Chapters 1 through 5 & 8 of ICC 500.

For the purposes of this section the installation of portable buildings for utilization on the campus or site for educational purposes shall be considered as an addition.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to place of religious worship.
3. Additions meeting the requirements for shelter design in ICC 500.
4. Accessory structures and additions to existing group E sites where the occupancy classification of said structures are classified as Groups A-5 and U

The aggregate area of all additions within a 10 (ten) year period shall be factored when determining the requirements of this section.

~~1106.1.2303.2.1~~ Required Occupant capacity. The required occupant capacity of the storm shelter shall include all buildings classified as a Group E occupancy on the campus or site, whichever is larger and shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

Exceptions:

1. Where an addition is being added on an existing Group E site, and where the addition is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on-site, the storm shelter shall at a minimum accommodate the required capacity for the addition.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the campus or site.

~~1106.1.3 Location. Storm shelters shall be located within the buildings they serve or shall be located where the maximum distance of travel from not fewer than one exterior door of each building to a door of the shelter serving that building does not exceed 1,000 feet.~~

Sec. 26-347. Deletions.

The following are deleted from the swimming pool code and are of no force or effect in this article:

- (1) Delete section 105.
- (2) Delete section 106.
- (3) Delete section 107.
- (4) Delete section 108.
- (5) Delete the last sentence in section 301.1.
- (6) Delete sections 302 through 304, ~~305.5~~, and 306 through 323.
- (7) Delete Chapter 4.
- (8) Delete Chapter 5.
- (9) Delete Chapter 6.
- (10) Delete Chapter 7.
- (11) Delete Chapter 8.
- (12) Delete Chapter 9.
- (13) Delete Chapter 10.

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

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney