

## CHAPTER 145

# MANUFACTURED AND MOBILE HOMES

145.01 Definitions	145.03 Foundation Requirements
145.02 Conversion to Real Property	

**145.01 DEFINITIONS.** For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.

2. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.

3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.

4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

**145.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be

converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

**145.03 FOUNDATION REQUIREMENTS.** A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10 & 414.28)

## CHAPTER 147

# ILLICIT DISCHARGE TO STORM SEWER SYSTEM

<b>147.01 Findings</b>	<b>147.06 Suspension of Access to City Storm Sewer</b>
<b>147.02 Illicit Discharges Prohibited</b>	<b>147.07 Watercourse Protection</b>
<b>147.03 Illicit Connection Prohibited</b>	<b>147.08 Enforcement</b>
<b>147.04 Industrial Discharges</b>	<b>147.09 Appeal</b>
<b>147.05 Illicit Discharge Detection &amp; Reporting</b>	

### **147.01 FINDINGS.**

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4 Permit). The City of Bondurant (City) is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the city clerk and is available for public inspection during regular office hours.
2. As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce an ILLICIT DISCHARGE TO STORM SEWER SYSTEM ordinance.
3. No state or federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this ordinance entirely by charges imposed on the owners of properties, which are made subject to the Program by virtue of state and federal law, and / or other sources of funding established by a separate ordinance.
4. Terms used in this ordinance shall have the meanings specified in the Program.

### **147.02 ILLICIT DISCHARGES PROHIBITED.**

1. For purposes of this ordinance, a "responsible party" is one or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this ordinance and jointly and severally liable for any illicit discharge from the property controlled, possessed or owned. For purposes of this ordinance, "property" includes but is not limited to real estate, fixtures, facilities and premises of any kind located upon, under or above the real estate.
2. Nothing in this ordinance shall be deemed to relieve a responsible party subject to an IDNR-issued industrial discharge permit or any other federal, state or City permit, statute,

ordinance or rule from any obligation imposed by such permit, statute, ordinance or rule if any such obligation is greater than any obligation imposed by this ordinance.

3. Any discharge into the City's storm sewer system prohibited by the City's MS4 Permit, the terms of which are hereby incorporated by reference, shall be deemed an "illicit discharge" in violation of this ordinance.

4. Sediment pollution originating from excessive erosion rates on a construction site not otherwise subject to the City's COSESCO ordinance or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by DNR shall be deemed an illicit discharge in violation of this ordinance.

#### **147.03 ILLICIT CONNECTIONS PROHIBITED.**

1. For purposes of this ordinance, an "illicit connection" to the City's storm sewer system is any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the City, which causes or facilitates, directly or indirectly, an illicit discharge.

2. The construction, use, maintenance or continued existence of any illicit connection shall constitute a violation of this ordinance.

3. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.

#### **147.04 INDUSTRIAL DISCHARGES.**

1. Any responsible party subject to an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit.

2. Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by said permit.

#### **147.05 ILLICIT DISCHARGE DETECTION AND REPORTING; COST RECOVERY.**

1. All detection activities permitted under this ordinance shall be conducted by the City's designee, hereinbefore and after referred to as the "enforcement officer."

2. The City shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge, or circumstances which may cause an illicit discharge, undetected by the City.

3. Every responsible party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the enforcement officer illicit

discharge, which the responsible party knows or should have known to have occurred. Failure to comply with any provision of this ordinance is a violation of this ordinance.

A. Notwithstanding other requirements of law, as soon as any responsible party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the responsible party's sole cost.

B If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via emergency dispatch services.

C. If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

D. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement officer immediately but in any event within twenty-four (24) hours of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the enforcement officer within twenty-four (24) hours of the personal or phone notice.

4. Any person or entity shall also report to the City any illicit discharge or circumstances, which such person or entity reasonably believes pose a risk of an illicit discharge.

5. Upon receiving a report pursuant to the previous subsections, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the responsible party, and any third party reporter, a written report of the conditions, which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within twenty-four (24) hours.

6. The enforcement officer shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party has security measures that require identification and clearance before entry to its property or premises, the responsible party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:

A. A responsible party shall allow the enforcement officer ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual, or imminent illicit discharge, and for the performance of any additional duties as defined by state and federal law.

B. The enforcement officer shall have the right to set up on any property such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and / or sampling related to a suspected, actual or imminent illicit discharge.

C. The enforcement officer shall have the right to require any responsible party at responsible party's sole expense to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement officer directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at responsible party's expense. All devices shall be calibrated to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to property to be inspected and / or sampled shall be promptly removed by the responsible party at the written or oral order of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.

E. An unreasonable delay in allowing the enforcement officer access to a property is a violation of this ordinance.

F. If the enforcement officer has been refused access to any part of the property from which an illicit connection and / or illicit discharge to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and / or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

7. If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement of this ordinance shall be recovered from the responsible party. The enforcement officer shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the City for the enforcement activities undertaken. Failure to pay charges invoiced under this ordinance within thirty (30) days of billing shall constitute a violation of this ordinance.

#### **147.06 SUSPENSION OF ACCESS TO THE CITY'S STORM SEWER SYSTEM.**

1. Emergency suspension. The enforcement officer may, without prior notice, suspend storm sewer system access to a property when such emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the responsible party fails to immediately comply with an emergency suspension order, the enforcement officer shall take such steps as deemed necessary to prevent or minimize the illicit discharge. All costs of such action shall be

recovered from the responsible party for the property identified as the source of the illicit discharge.

2. Non-emergency suspension. If the enforcement officer detects or is informed of circumstances, which could cause an illicit discharge is not ongoing or imminent, and if the suspension of storm sewer system access would reasonably be expected to prevent or reduce the potential illicit discharge, the enforcement officer shall notify the responsible party of the proposed suspension of storm sewer system access and the time and date of such suspension. Notice to one responsible party for the property shall be sufficient notice to all. Remediation of the circumstances shall avoid a violation of this ordinance provided that no illicit discharge occurs. In the alternative, the responsible party may request a meeting with the enforcement officer for the purpose of presenting information, which the responsible party believes will show that remediation is unnecessary, and if the enforcement officer finds such information is satisfactory the enforcement officer may rescind or modify the notice of suspension. If the enforcement officer finds such information unsatisfactory the enforcement officer shall issue a final written order of suspension including the date and time of suspension and such order may be appealed as provided hereinafter. Any physical action to reinstate storm sewer system access to property subject to such order prior to obtaining a court order of relief shall be deemed a violation of this ordinance. An order of suspension shall not preclude charging the responsible party with a municipal infraction as provided hereinafter or taking any other enforcement action permitted by statute or ordinance.

**147.07 WATERCOURSE PROTECTION.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property below the elevation of the 100 year flood free of trash, debris, grass clippings or other organic wastes and other obstacles that would pollute, contaminate, or significantly alter the quality of water flowing through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**147.08 ENFORCEMENT.**

1. Violation of any provision of this ordinance may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this ordinance.

2. Violation of any provision of this ordinance may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction ordinance, Chapter 4.

3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

#### **147.09 APPEAL.**

1. Administrative decisions by City staff and enforcement officer may be appealed by the applicant to the City Council pursuant to the following rules.

A. The appeal must be filed in writing with the City Administrator within ten (10) business days of the decision or enforcement action.

B. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.

C. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.

D. The City Administrator shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date, not less than four (4) nor more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

2. The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

*(Ordinance No. 05-218)*



**CHAPTER 150**  
**BUILDING NUMBERING**

<b>150.01 Definitions</b>	<b>150.03 Building Numbering Map</b>
<b>150.02 Owner Requirements</b>	

**150.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

**150.02 OWNER REQUIREMENTS.** Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the City Administrator.

(Code of Iowa, Sec. 364.12[3d])

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.

(Code of Iowa, Sec. 364.12[3d])

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[3h])

**150.03 BUILDING NUMBERING MAP.** The City Administrator shall be responsible for preparing and maintaining a building numbering map.

## CHAPTER 151

### TREES

151.01 Definition	151.04 Trimming Trees to be Supervised
151.02 Planting Prohibited	151.05 Disease Control
151.03 Duty to Trim Trees	151.06 Inspection and Removal

**151.01 DEFINITION.** For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

**151.02 PLANTING PROHIBITED.** No person shall plant a tree in any street, street parking or public right-of-way.

*(Ordinance No. 11-205)*

**151.03 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within fourteen (14) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

**151.04 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

**151.05 DISEASE CONTROL.** Any dead, diseased or damaged tree or shrub, which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

**151.06 INSPECTION AND REMOVAL.** The City Administrator shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause

such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

(Code of Iowa, Sec. 364.12[3b & h])

# CHAPTER 155

## BUILDING CODE

155.01 Adoption of Building Code	155.21 Minimum Depth Frost Protection Footings
155.02 Deletions	155.22 Frost Protection for Accessory Structures
155.03 Amendments and Additions	155.23 Foundations for Stud Bearing Walls
155.04 Department Established; Director Appointed	155.24 Foundation Retaining walls for Group R Occupancies
155.05 Electrical	155.25 Retaining Walls
155.06 Work Exempt from Permit	155.26 Residential Wood Floor Cantilevers
155.07 Permit Fees	155.27 Existing Structures
155.08 Expiration	155.28 Secondary Storm Sewer
155.09 Licensing for Electrical, Plumbing and Mechanical Contractors and Installers	155.29 Depth of Water Service
155.10 Board of Appeals	155.30 Floor Drains
155.11 Demolition of Buildings and Structures	155.31 Water Heater Floor Drains
155.12 Obstruction Permit, Bond and Insurance	155.32 Minimum Water Service Size
155.13 Permanent Occupancy of Public Property	155.33 Building Sewer
155.14 Exterior Building Wall Construction	155.34 Drainage Backwater Valve
155.15 Certificates of Occupancy	155.35 Vents Not Required
155.16 Climate and Geographic Design Criteria	155.36 Prohibited Locations of Gas Pipe
155.17 Premise Identification	155.37 Signs and Billboards; Definitions
155.18 Handrails	155.38 Inspections of Signs
155.19 Requirements for Egress Window Landings	155.39 Billboard License and Bond Required
155.20 Snow Loads	155.40 Sign Erector's License
	155.41 Sign Erector's Bond
	155.42 Shelter for the Homeless

**155.01 ADOPTION OF BUILDING CODE.** This chapter shall consist of the “International Building Code, 2015 Edition, International Residential Code, 2015 Edition, including Appendix Chapters G and M, and the International Existing Building Code, 2015 Edition as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety, excepting only such portions as are hereinafter stated to be deleted therefrom; and such additional provisions as are hereinafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “Building Codes,” may be cited as such, and will be referred to herein as such and as “this code.”

**155.02 DELETIONS.** The following are hereby deleted from this code and are of no force or effect herein:

1. Section 103 and Section R103
2. Subsection 105.2 and Subsection R105.2
3. Subsection 105.5 and Subsection R105.5
4. Subsections 108.2 & 108.3 and Subsections R108.2 & R108.3
5. Section 112 and Section R112
6. Subsection 1405.12.2 (IBC) and subsection R613.2

7. Subsection R907.3 #4

**155.03 AMENDMENTS AND ADDITIONS.** The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the International Building Code, International Residential Code, and International Existing Building Code, and where their requirements conflict with those of the International Building Code, International Residential Code, and International Existing Building Code, the requirements of this chapter shall prevail. The sections listed below shall be construed in the context of the enumerated chapter or chapters of the International Building Code, International Residential Code, and International Existing Building Code.

1. Section 155.03 – Section 202 IBC and Section R202 (definition of bedroom)
2. Section 155.05 – IBC and IEBC (Electrical Code)
3. Section 155.15 – Section 110.1 and Section R110.1 (Certificates of Occupancy)
4. Section 155.17 – Section 501.2 IBC (Premise Identification)
5. Section 155.18 – Section 1012.4 IBC and Section R311.5.6.2 IRC (Handrails)
6. Section 155.19 – Section 1026.3 IBC and Section R310.1 IRC (Egress window maximum height)
7. Section 155.21 – Section 1805.2.1 IBC (Minimum Depth Frost Protection Footings)
8. Section 155.22 – Section 1805.2.1 IBC and Section R403.1.4.1 IRC (Frost Protection for Accessory Structures)
9. Section 155.23 – Table 1805.4.2 IBC and Table R403.1 IRC (Minimum footing requirements)
10. Section 155.25 – Section R404.5 IRC (retaining walls)
11. Section 155.27 - Sections 3410.2 IBC & 1301.2 IEBC (Existing Structures)
12. Section 155.29 – Section P2603.6 IRC (water service depth)
13. Section 155.30 – Section P2719.1 IRC (Floor Drains)
14. Section 155.31 – Section P2803.6.1 IRC (Water heater floor drain)
15. Section 155.32 – Section P2903.7 IRC (minimum water service pipe)
16. Section 155.33 – Section P3005.4.2 IRC (Building sewer)
17. Section 155.34 – Section P3008.1 IRC (Backwater valves)

18. Section 155.35 – Section P3101.2.1 IRC (Vent not required)

19. Section 155.36 – Section G2415.1 IRC (Prohibited locations for Gas Pipe)

For the purposes of this code, the word “bedroom” means any room with a permanently built in closet, designed for and potentially used for sleeping purposes at the present time and/or in the future. Bedrooms shall meet all the minimum provisions of this code to include a minimum of 70 square feet of floor area with the least horizontal dimension of 7 feet, glazing for natural light to be not less than 8 percent of floor area, heat provided in the room to maintain a minimum of 68 degrees, 3 feet from the floor and 2 feet from the exterior walls, a height of 7 feet in the room(s) shall be maintained, shall meet the minimum emergency escape and rescue opening, shall have a permanently powered smoke alarm device with battery backup. Bedrooms include dens, offices, playrooms, family rooms, storage areas, and other rooms with built in closets. For the purpose of this chapter “bedroom(s) and sleeping room(s) shall be synonymous with each other.

**155.04 DEPARTMENT ESTABLISHED; DIRECTOR APPOINTED.** There is hereby established in the City the Department of Building, which shall be under the direction and supervision of the Building Official. The Building Official shall be responsible to the City Administrator for the enforcement of the Building Codes, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the City Administrator or by any classification plan adopted by the City.

The Building Official shall have the authority to appoint staff members and delegate duties to those staff members. The Building Official shall submit a report to the City Administrator not less than once a year, covering the work of the department during the preceding period and shall incorporate in that report a summary of recommendations as to desirable amendments to this code.

The Building Official shall keep a permanent, accurate account of all fees and other moneys collected and received under this code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

The titles Director of Building, and Building Official, as used herein, are synonymous and may be used interchangeably.

**155.05 ELECTRICAL.** Any reference in the International Building Code and International Existing Building Code to the “ICC Electrical Code” shall be replaced with “the National Electrical Code as adopted per chapter 158 of the City of Bondurant Code of Ordinances “.

**155.06 WORK EXEMPT FROM PERMIT.** A building permit shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant

authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**Building:**

1. One-story detached accessory structures used as tool or storage sheds, playhouses, pet shelters and similar uses, provided the projected floor area does not exceed 120 square feet in area and complies with all applicable zoning requirements. Such building must be located at least three (3) feet from any property line and/or the easement width and ten (10) feet into the rear yard from any principle structure in an A-1, R-1, R-2, R-4 and One & Two family dwellings in an R-3 and R-5 Zoning District. Setbacks for all other Zoned Districts shall comply with the applicable zoning regulations as adopted by the City of Bondurant, Code of Ordinances.
2. Movable and non-fixed cases, racks, fixtures, counters and partitions not over five (5) feet nine (9) inches high.
3. Retaining walls which are not over four (4) feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height or diameter or width does not exceed two to one.
5. Prefabricated swimming pools accessory to a Group R-3 occupancy or One and Two Family Structure that are less than 30 inches in depth located above grade and less than 18 inches in depth located below grade and do not contain more than 5,000 gallons.
6. Swings and other playground equipment accessory to detached one and two family dwellings.
7. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
8. Painting, papering, tiling, carpeting, cabinet tops and similar finish work.
9. Temporary motion picture, television and theater stage set and scenery.
10. Window awnings supported by an exterior wall and do not require additional support for Group R, Division 3 occupancies when projecting not more than 54 inches.
11. Amusement Rides (for the purposes of this exemption, accessory structures serving amusement rides and other structures located within the confines of an amusement ride theme park are not considered an amusement ride).

12. Mobile or manufactured residential buildings which are:
  - A. Located in an authorized mobile home park or similar development, and
  - B. Installed in a manner complying with the State Building Code, said installation to be certified in the manner specified by the State Building Code Commissioner.
13. Minor maintenance and repair work that is deemed by the building official not to affect structural strength, safety, fire resistance, or sanitation, provided that no such work shall be performed in a manner contrary to any provisions of this code or any other laws.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required when appropriate for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction.

#### **155.07 PERMIT FEES.**

##### 1. Permit Fees:

- A. A fee for each building permit shall be paid to the building official in the amount set forth in the Schedule of Fees as adopted by the city council. Building permit fees are figured on valuation. Valuation is figured by totaling square footage according to type of building or value of project. The amounts used to determine the valuation shall be set by the Building Official as determined necessary but not to exceed more than once in 12 month period typically beginning in January/February of each year. No building permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City.
- B. The determination of value or valuation under any of the provisions of the building code 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. A fee for each building permit shall be paid to the building official in the amount set forth in the Schedule of Fees as adopted by the city council.
- 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 as described in paragraph A above.
- D. Permits and Fees for mechanical, plumbing, and electrical work shall meet the requirements of Ordinances 156, 157, and / or 158 respectively.



2. Additional permit fees are as follows:

A. Plan Check Fees: Plan Check Fees shall be in the amount set forth in the Schedule of Fees as adopted by the city council.

B. Sidewalks and Approaches: Sidewalks and approaches shall be constructed with all new buildings. All approaches must be minimum 6 inches thick concrete from street to property line. Fees for sidewalks and approaches shall be in the amount set forth in the Schedule of Fees as adopted by the City Council.

C. Foundations: The fee for a permit to construct only a foundation shall be 150% of the fee in the amount set forth in the Schedule of Fees as adopted by the city council. For purposes of this determination, the valuation of the foundation shall be considered to be ten percent (10%) of the total building valuation.

D. Accessibility review fee. A fee in the amount set forth in the Schedule of Fees as adopted by the city council shall be charged for the review of plans in accordance with Sec 661-16.303 of the Iowa Administrative Code and Chapter 11 of the IBC for handicap accessibility provisions. The review fee shall not be required for construction for and associated with one and two family dwellings and for projects with an assessed value of construction of less than \$2,000.00.

E. Thermal Efficiency Standards. In addition to other fees required in this section, a fee in the amount set forth in the Schedule of Fees as adopted by the city council shall be paid to the Building Official for the review of plans and inspection of construction for compliance with the thermal efficiency standards of the Iowa State Building Code and Chapter 13 of the International Building Code.

F. Double Fee. Except in emergency situations, as determined by the Building Official, where work for which a building permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees in the amount set forth in the Schedule of Fees as adopted by the city council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

1. The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and

2. The person secures the proper permit on the next Building Department working day.

3. No Plan review is required prior to issuance of the permit.

G. Refunds. If, within 30 days of the date of issuance, the holder of a building permit decides not to commence the work described in said permit, said person may, upon application to the Building Official, be refunded that portion of the permit fee which is in excess of the permit refund fee in as set forth in the Schedule of Fees as adopted by the city council.

H. Fees for Permit Renewals as stated in Section 155.08 shall be based on the percentage of valuation of remaining work to be performed provided the plans are not changed. If the plans are changed enough to warrant a review then the permit fee shall be ½ the cost of the original fee plus any fees as set forth in subsection J of this code section.

\* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

I. Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee as set forth in the Schedule of Fees as adopted by the city council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

J. Other Inspections and Fees: See the schedule of fees as adopted by City Council.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.

**155.08 EXPIRATION.** Every permit, except a demolition permit, issued by the building official under the provision of the building code 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. Any permittee holding an unexpired permit may apply for an extension of the time within, which he or she may commence or continue work. The building official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the City Council. 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.

**155.09 LICENSING FOR ELECTRICAL, PLUMBING, AND MECHANICAL CONTRACTORS AND INSTALLERS.** The provisions of Ordinance Chapter 160 of the City of Bondurant, Code of Ordinances shall be applicable for any work performed in regards to electrical, plumbing, and mechanical systems. In cases where an owner-occupant of a single-family dwelling desires to install plumbing and plumbing fixtures, heating or comfort cooling equipment, wiring, electrical equipment, or perform any electrical work in said person's single-family dwelling, said person may appear before the Building Official and show competency to do the specific work for which said person desires a permit. After such showing, said owner-occupant may obtain a permit by paying the proper fee, without having to meet the provisions of Ordinance Chapter 160.

**155.10 BOARD OF APPEALS.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Bondurant, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building

Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section *155.07 PERMIT FEES*. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

### **155.11 DEMOLITION OF BUILDINGS AND STRUCTURES.**

#### **1. Permit Required; Expiration.**

A. 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 code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within seven (7) calendar days from the date of issuance, or if the work authorized by such permit is not completed within 30 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.

B. Any permittee holding an unexpired demolition permit 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.

C. The fee for such permit shall be at the same rate as the original permit.

D. If a demolition permit to remove an unsafe building or a building that is the subject of a public nuisance action has expired, the Building Official shall order the prompt removal of such structure, in accordance with all requirements of this chapter. All of the costs attendant to this action, including administrative costs, shall be either assessed against the property or collected from the owner unless otherwise directed by the Council.

#### **2. 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:**

A. In the case of 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.

B. A permit for the demolition of a building or structure by the use of explosives may be issued by the Council subject to the following:

1. The applicant for a permit must demonstrate to the 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.

2. The Building Official, Fire Chief and Police Chief shall review the application and submit their opinions to the Council concerning whether or not the demolition can be safely conducted together with any recommendations they may have.

3. 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 naming the City as an additional named insured party. The certificate shall provide that the coverage shall not be canceled or changed without ten days' prior written notice to the City. The Council may require additional insurance coverage in instances where the hazard appears greater than normally expected and may also in such instances 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.

4. 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.

5. 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.

6. The applicant shall observe all applicable Federal, State and local laws in the course of the demolition including but not limited to the following:

(a) The applicable provisions of the fire prevention code relating to the storage, transportation and use of explosives.

(b) 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.

7. The applicant shall meet all other requirements of this chapter relating to the demolition of structures or buildings, provided, however, that should a conflict exist between the provisions

of this paragraph and other provisions of the Code of Ordinances, the provisions of the paragraph shall be deemed controlling.

8. The applicant need not obtain an obstruction permit as provided in Section 155.12 of this chapter to block off portions of the 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.

9. The 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.

3. Permit – Issuance, Validity, Expiration, Revocation, Fees.

A. Except as otherwise provided in this section, the issuance, validity, expiration, and revocation of any permit to demolish a building or structure shall be administered in accordance with Section 155.07 of this chapter and Section 105 of the International Building Code and Section R105 of the International Residential Code.

B. Permits fees shall be as set forth in the amount set forth in the Schedule of Fees as adopted by the City Council.

4. Utility Services. No permit to demolish shall be issued until it has been established that existing utility services have been properly disconnected and approved.

5. Permit - Bond Required.

A. Before a permit is issued to remove a building which has been ordered removed as a public nuisance pursuant to the provisions of the International Building Code and International Residential Code, and which period of time granted by the courts for removal or other remedial action by the applicants 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 building is not removed by the applicant 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.

B. 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 which have occurred prior to the issuance of the permit.

6. General Requirements.

A. 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 the opinion of the Building Official, 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.

B. In addition, the following provisions shall be met:

1. 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.

2. 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 flagmen. 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.

3. Adequate precautions shall be taken to insure 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, the Fire Chief may order the cessation of work or require that appropriate protective measures, approved by the Fire Chief, be taken.

4. All streets, alleys, and public ways adjacent to the demolition site shall be kept free and clear of any rubbish, refuse, and loose materials resulting from the demolition work unless an obstruction permit for such space has been obtained.

Upon Completion of the demolition work, the site shall be left in a clean, smooth condition. Inorganic building rubble, sand, clean earth, or other approved fill material may be used to fill excavations, basements, and depressions, provided that the top 12 inches shall be clean earth or its equivalent in terms of surface smoothness, freedom from dust, and cleanliness. If the surface is to be used for the parking of vehicles, it shall be constructed as required in the Zoning Code.

## **155.12 OBSTRUCTION PERMIT, BOND AND INSURANCE.**

1. No person shall use any portion of public property as described in the International Building Code and International Residential Code without first obtaining an obstruction permit which shall state:

- A. The name of the owner of the property abutting the public property to be used.
- B. The name of the person applying for the obstruction permit.
- C. An accurate description of the public property to be obstructed or occupied.
- D. The length of time said obstruction or occupancy shall exist.
- E. An agreement to comply in all respects with the provisions and requirements of this code and other ordinances of the City relating to the use of streets and alleys, and to indemnify and save and keep harmless the City from any and all costs, expense or liability for damages, or injuries to persons or property, or liability of any kind whatsoever, arising from or growing out of the use and occupancy of such street or growing out of the deposit of such material or any failure to properly pile, deposit, guard, light or care for the same.
- F. Such additional requirements as may be deemed necessary for the protection of the City and its inhabitants.

2. Before an obstruction permit shall be issued, there shall be placed on file in the office of the Department of Building Permits and Inspections:

- A. **Surety Bond.** A surety bond in the sum of \$5,000.00 conditioned to insure removal of the obstruction by or before the expiration date of said obstruction permit, or such extended time as may be granted by the City; and
- B. **Liability Insurance.** Liability insurance, showing the city as named insured and providing a minimum limit of liability in the amount of \$500,000.00 each accident, for accidents caused by maintenance of such obstruction. The insurance policy shall contain a provision whereby such insurance may be canceled or materially altered only after giving the City ten day's written notice of the change or cancellation.

3. Such surety bond and liability insurance shall be approved by the Building Official and the legal department and shall be conditioned to secure the performance of such agreement by the applicant.

4. No person shall, under any permit, occupy more area than is stated in the obstruction permit.



5. The fee for an obstruction permit shall be in the amount set forth in the Schedule of Fees as adopted by the City Council.

### **155.13 PERMANENT OCCUPANCY OF PUBLIC PROPERTY.**

1. No part of any structure or any appendage thereto, except signs, shall project beyond the property line of the building site, except as specified in this code, provided, however, that a structure or appendage thereto may project beyond the property line of the building site when the applicant holds a property interest including but not limited to air rights, within the area of the project sufficient to establish a legal right to build therein or thereon.

2. Structures or appendages regulated by this section shall be constructed of materials as specified in Section 704 of the International Building Code and section R302 of the International Residential Code for structures regulated by such code.

3. The projection of any structure or appendage shall be the distance measured per the definition of Fire Separation Distance as noted in the International Building Code and section R302 of the International Residential Code for structures regulated by such code.

4. Nothing in this code shall prohibit the construction and use of a structure between buildings and over or under a public way provided the structure complies with all requirements of this code.

### **155.14 EXTERIOR BUILDING WALL CONSTRUCTION.**

A. Notwithstanding anything contained in Sections 602, or 704 of the International Building Code and Section R302 of the International Residential Code, an exterior wall may be constructed with openings without complying with the requirements of such sections related to opening protection; provided, that before a building permit is issued which permits an exterior wall to be so constructed, the owner of the building shall furnish the Building Official with either:

1. A copy of an easement or covenant running with the land applicable throughout the existence of the proposed building in which those with interests in the property abutting the side of the property on which said exterior wall is to be constructed agree not to construct a wall set forth in said Sections 602, 704 or R302 which would require said exterior wall and said building on such abutting property to have the opening protection of said Sections 602, 704 or R302 which copy shall show the book and page where such document has been filed of record in the office of the Polk County Recorder; or;

2. An agreement, in a form capable of being filed of record in the office of the Polk County Recorder, for the benefit of those with interest in the abutting property, by which the owner of the building and the owner of the property on which said building is to be built, jointly and severally agree, on behalf of themselves and their successors and assigns for so long as said

building is in existence, that, in consideration for being permitted to building an exterior wall on said building without complying with said Sections 602, 704 or R302 at such time as a building is erected on the abutting property within the distances to said exterior wall contained in said Sections 602, 704 or R302 then they shall modify or rebuild said exterior wall to conform at least to the requirements of said Sections 602 and 704 applicable to the actual separations of the building; said agreement shall be recorded at the expense of the applicant for the building permit.

B. Notwithstanding anything contained in Section 602 or 704 of the International Building Code and Section R302 of the International Residential Code, an exterior wall may be constructed with openings adjacent to a public street or alley right-of-way without complying with the requirements of such sections related to opening protection, provided the following conditions are each satisfied:

1. The setback between the exterior wall and the far side of the adjoining public right-of-way must conform at least to the requirements of such sections 602, 704 or R302 applicable to the actual separation of building.

2. The City Council has by resolution declared an intent to permanently maintain the adjoining right-of-way as a public street or alley, and to never permit a structure to be constructed or placed upon the right-of-way within the required separation from the exterior wall. The resolution shall specifically describe the affected right-of-way and shall be in a form that can be recorded and indexed into the records of the county recorder.

3. The owner of the building has furnished a copy of the City Council resolution described above, which copy shall show the book and page where such document has been filed of record in the office of the county recorder

**155.15 CERTIFICATES OF OCCUPANCY.** Section 110.1 of the International Building Code and Section R110.1 of the International Residential Code is amended by adding the following: On all new construction, all necessary drives and approaches are to be installed before a Permanent Certificate of Occupancy is issued. All public concrete sidewalks placed over sanitary sewer, storm sewer and water ditches shall have not less than two (2) number four (4) re-rods twenty feet (20) long. All public sidewalks shall also meet the requirements of the Statewide Urban Design and Specifications and Chapter 180 of the Municipal Code as adopted by the City. Additionally, the Permittee shall submit three copies of the record drawings prepared by the Permittee's engineer or builder in accordance with the Code of Iowa and one digital copy of said drawings in Arc View, MicroStation, AutoCad or other approved format. Such drawings shall show the "as-built" grading and shall include spot elevations at all locations shown in the approved construction plans required under 180.05 4. J. along with a note and signature on the as-builts drawings stating the drainage ditches and/or swales were constructed to the designed depth and width and that said ditches and/or swales are located within the overland flowage easements and the structures are built to the minimum protection elevations (MPE's) as shown

on the Final Plat. Such drawings shall be public record and shall be made available for public review and use of the information shown. Provided, however, the City does not warrant or guarantee the accuracy of such drawings and nothing in this section is intended nor shall it be construed or interpreted to create any such warranty.

*(Ordinance No. 18-217)*

**155.16 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.** For the purposes of this chapter the following climatic and geographic design criteria shall be as follows:

Ground Snow Load	Wind Speed MPH	Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost line Depth	Termite			NFIP Acceptance		
30 PSF	90	A	Severe	42"	Moderate-Heavy	-5 F	Yes	10-Nov-82 – No local amendments	1833	48.6

**155.17 PREMISE IDENTIFICATION.** Section 501.2 IBC shall be amended by deleting the number 4 inches to 6 inches for other than Group R-3 occupancies and individual dwelling units in an R-2 occupancy.

**155.18 HANDRAILS.** The following shall be added at the end of exception #1 of Section 1012.4 of the International Building Code and Section R311.5.6.2 of the International Residential Code. “Handrails within a dwelling unit or serving as an individual dwelling unit of groups R-2 and R-3 or One and Two family dwellings shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues”.

**155.19 REQUIREMENTS FOR EGRESS WINDOW LANDINGS.** Section 1026.3 of the International Building Code and Section R310.1 of the International Residential Code shall be added to the end of the section to state as follows: “Where a landing is provided for egress windows in new and existing construction of Group R occupancies/One and Two family Dwellings only when the maximum height requirement cannot be met as stated in Section 1026.3 or Section R310.1 shall have a minimum width of 36 inches, a minimum depth of 18 inches and a maximum height of 24 inches. The landing shall be permanently affixed to the floor under the window it serves.

**155.20 SNOW LOADS.** For purposes of determining snow loads as required in Section 1608 of the International Building Code and Section R301.6 of the International Residential Code, the minimum ground snow load for design purposes shall be 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in this code, except that the

minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

**155.21 MINIMUM DEPTH FROST PROTECTION FOOTINGS.** Section 1805.2.1 #1 of the International Building Code shall be amended by deleting “Extending below the frost line of the locality” and replacing with “Extending to a depth of 42 inches below grade”.

**155.22 FROST PROTECTION FOR ACCESSORY STRUCTURES.** Section 1805.2.1 of the International Building Code and Section R403.1.4.1 of the International Residential Code shall be amended by adding the following: Exception #4. The Building Official may approve slab-on-grade foundation designs for wood or metal frame residential accessory structures over 600 square feet to not exceeding 1,000 square feet, without additional engineering, providing the design meets all of the following:

- A. Foundations supporting wood shall extend at least six inches above the adjacent finish grade. The grade shall be removed to a depth sufficient enough for all vegetation to be absent and soils to be stable enough to support the slab load, 3,000# concrete mix shall be used.
- B. The entire perimeter of the foundation shall be provided with a thickened portion of slab with cross section dimensions of 10 inches minimum width and 16 inches minimum thickness.
- C. The slab floor shall be a minimum of 4 inches thick concrete with 6” x 6” reinforcing mesh or #4 reinforcing bars 24” on center front-to-back and side-to-side. The thickened portion of the slab shall also contain two #4 rebars, one near the top and one near the bottom continuously with ends of rebar overlapping each other at least 15 inches.
- D. Slab floor and thickened edge shall be one continuous pour, interconnected with reinforcing.
- E. Vertical distance from the top of the foundation floor to the lowest point of the footing base shall not be more than 24 inches. (*Ordinance No. 08-219*)

**155.23 FOUNDATIONS FOR STUD BEARING WALLS.** The following table is substituted for Table 1805.4.2 of the International Building Code and Table R403.1 of the International Residential Code:

Table 1805.4.2/Table R40301 Foundations For Stud Bearing Walls

Number of Stories	Thickness of Foundation Walls	Minimum width of Footings	Thickness of Footings	Minimum Depth of Foundation Below Natural Surface of Ground and Finish
	Unit			

	Concrete	Masonry	(inches)*	(inches)	Grade (inches)
1	8	8	16	8	42
2	8	8	16	8	42
3	10	10	18	12	42

\*See Section 155.19 for reinforcing requirements for one and two family dwelling units. All notes to the table still apply except for footnote g.

### 155.24 FOUNDATION RETAINING WALLS FOR GROUP R OCCUPANCIES.

Scope. Notwithstanding other design requirements of Chapters 18, 19 and 21 of the International Building Code and Sections R404.1 – R404.1.5.1 of the International Residential Code, foundation retaining walls for group R occupancies of type V construction may be constructed in accordance with this section, provided that use or building site conditions affecting such walls are within the limitations specified in this section.

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall**	Reinforcement type and placement within Foundation Wall**(12' span between corners and supporting cross walls.)	Type of Mortar
		Concrete	Masonry			
Gross	Net	Concrete	Masonry	Concrete	Masonry	<i>Masonry</i>
8	7' 8"	7 ½"	8"	3 – ½" diameter bars with placement in the top, middle, and bottom	0.075 square inch bar 8' o.c. vertically in fully grouted cells. If block is 12" nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21
9	8' 9"	8"	See Chapter 18	1/2" bars 2' o.c. horizontally & 20" vertically o.c. (5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18	Same as above
10	9' 8"	8"	See Chapter 18		See Chapter 18	Same as above

\*Concrete floor slab to be minimum 4". If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.

\*\* All reinforcement bars shall meet ASTM A615 grade 40 and be deformed. Placement of bars shall be in center of wall and meet the provisions of 18, 19, and 21 of the International Building Code.

NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs @ 28 days. Footings shall contain continuous reinforcement of 2 – ½” diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.

NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1807.4 of the International Building Code. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.

**155.25 RETAINING WALLS.** Section R404.5 of the International Residential Code shall be amended by deleting the number “24 inches” to “48 inches”.

**155.26 RESIDENTIAL WOOD FLOOR CANTILEVERS.** Notwithstanding the provisions of Chapter 23 of the International Building Code and Chapter 5 of the International Residential Code, the maximum floor cantilevers of dimensional wood floor systems serving uses regulated by the International Building Code for group R occupancies and residential occupancies regulated by the International Residential Code shall not exceed a projecting dimension equal to twice the depth of the floor joist for bearing cantilevers and three times the depth of the joist for non-bearing cantilevers. This provision shall not apply to Engineered Wood products or cantilevers designed by a registered design professional for a specific application.

**155.27 EXISTING STRUCTURES.** Section 3410.2 of the International Building Code and Section 1301.2 of the International Existing Building Code shall be amended by deleting in the first sentence, “Date to be inserted by the jurisdiction” and replacing with “1978”.

**155.28 SECONDARY STORM SEWER.** The provisions for secondary storm sewers shall comply with Chapter 157 of the City of Bondurant, Code of Ordinances, 2002, for all structures with habitable and/or useable space below grade.

**155.29 DEPTH OF WATER SERVICE.** Section P2603.6 of the International Residential Code shall be amended by deleting “Water service pipe shall be installed not less than 12 inches deep and not less than 6 inches below the frost line” and replacing with “Water service piping shall, whenever feasible, be no less than five feet below the surface of the ground”.

**155.30 FLOOR DRAINS.** Section P2719.1 shall be amended by adding the following section “Unless otherwise approved by the inspector, at least one floor drain shall be provided in each room where an automatic water heater is, or will be installed, and in each mechanical room. When installed in a basement floor, such floor drain shall be at least three inches in diameter”.

**155.31 WATER HEATER FLOOR DRAIN.** Section P2803.6.1 shall be amended by adding the following item number “14. Every water heater shall be located in close proximity to a floor drain meeting the requirements of Ordinance section 155.30”.

**155.32 MINIMUM WATER SERVICE SIZE.** Section P2903.7 shall be amended by deleting “ minimum size of water service pipe shall be 3/4 inch” and replacing with “minimum size of water service pipe shall be 1 inch for mains over 6 inches in diameter and ¾ inch minimum size of water service pipe for mains 6 inches or less in diameter.”

**155.33 BUILDING SEWER.** Section P3005.4.2 shall be amended by adding the following sentence at the end of the section “The minimum diameter for a building sewer shall be four (4) inches.”

**155.34 DRAINAGE BACKWATER VALVE.** Section P3008.1 shall be amended by adding the following sentences at the end of the paragraph “The requirement for the installation of a backwater valve shall apply only when it is determined necessary by the Building Official based on local conditions. When a valve is required by the Building Official, it shall be a manually operated gate valve or fullway valve. An automatic backwater valve may also be installed, but it is not required.

**155.35 VENTS NOT REQUIRED.** Subsection P3101.2.1 shall be amended by adding the following sections at the end of the paragraph. “No vents will be required on a downspout or rail leader trap, a backwater valve, a subsoil catch basin trap, a three inch basement floor drain, or a water closet provided its drain branches into the house drain on the sewer side at a distance of five feet or more from the base of the stack and the branch line to such a floor drain or water closet is not more than 15 feet in length. In single and two- family dwellings no vent will be required on a two inch basement P trap, provided the drain branches into a properly vented house drain or branch, three inches or larger, on the sewer side a distance of five feet or more from the base of the stack and the branch to such P trap is not more than eight feet in length”.

**155.36 PROHIBITED LOCATIONS OF GAS PIPE.** Section G2415.1 of the International Residential Code shall be amended by deleting the last sentence in the paragraph stating “Piping installed downstream of the point of delivery shall not extend through any townhouse unit other than the unit served by such piping.”

**155.37 SIGNS AND BILLBOARDS; DEFINITIONS.** This section and the following sections in this chapter are intended to regulate the construction, erection, alteration, repair, and maintenance of all signs and sign structures in the City. For the purpose of this section and the following sections of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section or as specified in the International Building Code and Chapter 181 of the Municipal Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, copyright 1993, shall be considered as providing ordinary accepted meanings.

1. “Approved plastic materials” means those which are defined in Section 2606.4 of the International Building Code.

2. “Billboard” means any structure, regardless of the material used in the construction of the same, that is erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
3. “Curb line” means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the “curb line” shall be established by the City Engineer.
4. “Legal setback line” means a line established by ordinance beyond which no building may be built. A “legal setback line” may be a property line.
5. “Noncombustible” means, when applied to building construction material, a material which, in the form in which it is used, is either one of the following:
  - A. Material of which no part will ignite and burn when subjected to fire. Any material conforming to the International Building Code shall be considered noncombustible within the meaning of this section.
  - B. Material having a structural base of noncombustible material as defined in paragraph A above, with a surfacing material not over 1/8 inch thick which has a flame-spread rating of 50 or less. “Noncombustible” does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to paragraph A above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame spread rating beyond the limits herein established, through effects of age, moisture or other atmospheric condition. “Flame-spread rating,” as used herein, refers to rating obtained according to test conducted as specified in the International Building Code.
6. “Nonstructural trim” means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.
7. “Projection” means the distance by which a sign extends over public property or beyond the building line.
8. “Sign, illuminated” means any sign that is artificially lighted by any direct, indirect, or internal light source.
9. “Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

### **155.38 INSPECTIONS OF SIGNS.**



1. The City has the right to inspect and re-inspect any sign or sign structure, and it shall be within the sole discretion of the City to determine whether or not to exercise its right of inspection with regard to any such sign or sign structure.

2. In case any sign or sign structure is constructed, erected, altered, repaired or maintained in violation of the requirements of this section, the City, in addition to other remedies, shall be authorized to institute any proper action or proceedings to prevent, restrain, correct, enjoin or abate such violation.

**155.39 BILLBOARD LICENSE AND BOND REQUIRED.** Any person or any agent thereof, before erecting, constructing or maintaining any billboard in the City must procure a billboard license and furnish a bond when so required by Section 156.41 of this chapter. The billboard license shall be \$200.00 per year, payable in advance.

**155.40 SIGN ERECTOR'S LICENSE.**

1. Every person, erecting or installing signs for which permits are required by this chapter shall obtain a license to conduct such operations, except that the occupant of a premises may obtain a permit to erect or install a sign on the premises without a license if the sign is not electrical, does not exceed 15 square feet, does not exceed 50 pounds, and is attached flat against the side of a building or parapet wall.

2. The license to erect signs shall be known as a sign erector's license, of which there shall be three classes, as hereinafter set out, and shall be issued only to those persons who show sufficient knowledge and experience to satisfy the Building Official as to their ability to erect signs of a size and weight allowed by the class of license for which they are applying in a safe and substantial manner in accordance with the provisions of this chapter. The three classes of license and the allowable size and weight of signs that may be erected thereunder shall be as follows:

A. Class "A". A class "A" license shall entitle the holder thereof to erect any sign or billboard that may be erected in accordance with provisions of this chapter.

B. Class "B". A class "B" license shall entitle the holder thereof to erect any sign, but not a billboard, which does not exceed 75 square feet in area or 400 pounds in weight.

C. Class "C". A class "C" license shall entitle the holder thereof to erect any sign, but not a billboard or roof sign, which does not exceed 20 square feet in area or 150 pounds in weight.

3. All licenses shall expire on December 31 of each even numbered year. Any expired license may be renewed without examination within 30 days after the expiration date and upon payment of the renewal fee plus \$100.00. When more than 30 days have passed no expired license shall be renewed except upon the recommendations of the zoning enforcement officer and payment of the renewal fee plus \$10.00.

4. The license fee for each class of license shall be as follows:
- A. Class “A”: \$80.00 biennially
  - B. Class “B”: \$40.00 biennially
  - C. Class “C”: \$20.00 biennially

The initial fee shall be pro-rated in accordance with the following schedule:

Number of Months Until First Renewal Date	Initial Fee Reduction (%)
18-24	0
12-18	25
0-12	50

5. An application for a sign erector’s license shall be made to the Department of Building and shall contain the name and address of the proprietor, president or other senior officer in charge of applicant’s business and such other pertinent information as the department may request. The Building Official shall examine the qualifications of each applicant and shall cause license to be issued to all those properly qualified after their bonds have been filed and approved by the legal department and license fees have been paid.

**155.41 SIGN ERECTOR’S BOND.**

1. Prior to the issuance of a sign erector’s license, the person desiring such a license shall file with the Department of Building a good and sufficient bond running to the City, the penal sum of which shall be \$10,000.00 for a Class “A” license, \$5,000.00 for a Class “B” license, \$2,500.00 for a Class “C” license, to indemnify, save and keep harmless the City from any and all costs, damages, or expenses of any kind whatsoever which may be suffered by the City or which it may be put to, or which may accrue against it by charging to or recovering from the City from or by reason of the granting of permission to erect such signs, or by reason of any acts or things done under or by authority of permission granted by the Department of Building to erect such signs in the City or by reason of the negligence, failure or refusal of any person to comply with all the provisions of this chapter applicable to such signs.

2. At any time the bond of any sign erector is permitted to lapse, said person’s license shall be automatically suspended and shall remain suspended until such sign erector again files a bond as required in this section.

**155.42 SHELTER FOR THE HOMELESS.**

1. Definition. A shelter for the homeless is a building used to provide primarily short-term lodging and meals and which may also provide other services, including counseling, with or without compensation, to transient individuals or individuals who have no access to traditional or permanent housing.

2. No building or portion thereof that is used as a shelter for the homeless shall be occupied as such unless an inspection certificate for such use has been issued by the Building Department. Such certificate shall be valid for no more than one year from the date of issuance and no new certificate shall be issued until the premises have been re-inspected for compliance with applicable building code and fire safety requirements.

3. No fee shall be charged for the annual inspection or certificate of compliance issued under this section; provided, however, that this fee exemption shall not apply to permit fees, when required.

*(Ordinance No. 07-200)*

*(Ordinance No. 08-219)*

# CHAPTER 156

## MECHANICAL CODE

156.01 Adoption of International Code	156.08 Permit Fees
156.02 Deletions	156.09 Expiration
156.03 Amendments and Additions	156.10 Licensing for Electrical, Plumbing and Mechanical Contractors and Installers
156.04 Electrical	156.11 Stop Work Orders
156.05 Department of Mechanical Inspections	156.12 Prohibited Locations of Gas Pipe
156.06 Permits Not Required	156.13 Board of Appeals
156.07 Permit Issuance	

**156.01 ADOPTION OF INTERNATIONAL CODE.** This chapter shall consist of the “International Mechanical Code, 2015 Edition, and the International Fuel Gas Code, 2015 Edition” as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety excepting only such portions as are herein stated to be deleted therefrom; and such additional provisions as are hereafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “Mechanical Code,” may be cited as such, and will be referred to herein as such and as “this code”.

**156.02 DELETIONS.** The following are hereby deleted from the International Mechanical Code and International Fuel Gas Code, and are of no force or effect herein:

1. Section 106.4.3 & 106.4.4
2. Section 106.5
3. Section 108.4
4. Section 109

**156.03 AMENDMENTS AND ADDITIONS.** The remaining sections in this subchapter are and represent amendments and additions to the requirements contained in the International Mechanical Code and International Fuel Gas Code, and where they conflict with those of the International Mechanical Code and International Fuel Gas Code, the requirements of this chapter shall prevail.

1. Section 156.05 - Section 103.1 – (Department of Mechanical Inspection)
2. Section 156.06 - Section 106.2 (Work Exempt from Permit)
3. Section 156.07 – Section 106.4 (Permit Issuance)
4. Section 156.11 – Section 108.5 (Stop Work Orders)
5. Section 156.12 – Section 404.1 IFGC (Prohibited locations for Gas Pipe)

**156.04 ELECTRICAL.** Any reference in the International Mechanical Code and International Fuel Gas Code to the “ICC Electrical Code” shall be replaced with “the National Electrical Code as adopted per chapter 158 of the City of Bondurant Code of Ordinances”.

**156.05 DEPARTMENT OF MECHANICAL INSPECTION.** Section 103.1 shall be amended by deleting the first paragraph and replacing with the following: “There is hereby established in the City the Department of Mechanical Inspections, which shall be under the direction and supervision of the Building Official. The Building Official shall be responsible to the City Administrator for the enforcement of the Building Codes, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the City Administrator or by any classification plan adopted by the City. Additional responsibilities of the Building Official shall be assigned as required per Chapter 155 of the City of Bondurant, Code of Ordinances.”

**156.06 PERMITS NOT REQUIRED.** Section 106.2 #5 shall be amended by deleting said language and replacing with the following: “Minor repair, cleaning, adjustment, or replacement of any heating, ventilating, cooling, or refrigeration equipment where the total cost of the work does not exceed \$100.00. This exemption shall be deemed to include adjustments by a gas supplier in a gas piping system due to the exchange or relocation of a gas meter.”

The term “portable” as set forth in Section 106.2 of the International Mechanical Code and the International Fuel Gas Code shall mean that which may be easily and/or readily carried or transported by hand from place to place without tools or aid of devices.

**156.07 PERMIT ISSUANCE.** Section 106.4 shall be added to the end of the section to state as follows:

A. Permits are not transferable. Mechanical work performed under the provisions of this chapter, must be done by the contractor securing such permit, or said contractor’s firm or corporation.

B. A contractor licensed under the provisions of this code shall secure permits only for himself or herself, or for a single firm or corporation. When a contractor has secured such a permit, only the employees of such contractor shall perform the work for which the permit was obtained.

C. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation 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. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

D. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

## **156.08 PERMIT FEES.**

### 1. Permit Fees:

A. A fee for each mechanical permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the city council. No mechanical permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City.

B. 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 as described in paragraph A above.

### 2. Additional permit fees are as follows:

A. Double Fee. Except in emergency situations, as determined by the Building Official, where work for which a mechanical permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees specified as set forth in the amount set in the Schedule of Fees as adopted by the City Council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

1. The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and

2. The person secures the proper permit on the next Building Department working day.

3. No Plan review is required prior to issuance of the permit.

B. Refunds. If, within 30 days of the date of issuance, the holder of a mechanical permit decides not to commence the work described in said permit, said person may, upon application to the Building Official, be refunded that portion of the permit fee which is in excess of the permit refund fee set in the schedule of fees adopted by City Council.

C. Fees for Permit Renewals as stated in Section 156.09 shall be based on the amount of remaining work to be completed. If the plans are changed enough to warrant a review then the permit fee shall be ½ the cost of the original fee plus any fees as set forth in subsection E of this code section.

\* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

D. Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee in accordance with the schedule of fees as adopted by City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

E. Other Inspections and Fees: See the schedule of fees as adopted by City Council by resolution.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.

**156.09 EXPIRATION.** Every permit, issued by the building official under the provision of the mechanical code 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 building valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The building official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the City Council. 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.

**156.10 LICENSING FOR ELECTRICAL, PLUMBING, AND MECHANICAL CONTRACTORS AND INSTALLERS.** The provisions of Ordinance 160 of the City of Bondurant, Code of Ordinances shall be applicable for any work performed in regards to electrical, plumbing, and mechanical systems.

**156.11 STOP WORK ORDERS.** Section 108.5 shall be amended by deleting the last sentence stated as follows: “Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.”

**156.12 PROHIBITED LOCATIONS OF GAS PIPE.** Section 404.1 of the International Fuel Gas Code shall be amended by deleting the last sentence in the paragraph stating “Piping installed downstream of the point of delivery shall not extend through any townhouse unit other than the unit served by such piping.”

**156.13 BOARD OF APPEALS.** General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Bondurant, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative, shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members’ terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for



conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section 156.08 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

*(Ordinance No. 07-201)*

# CHAPTER 157

## PLUMBING CODE

157.01 Adoption of International Code	157.13 Depth of Water Service
157.02 Deletions	157.14 Floor Drains
157.03 Amendments and Additions	157.15 Water Heater Floor Drains
157.04 Electrical	157.16 Minimum Water Service Size
157.05 Department of Plumbing Inspections	157.17 Building Sewer
157.06 Alternate Materials, Methods and Equipment	157.18 Drainage Backwater Valve
157.07 Permit Issuance	157.19 Vents Not Required
157.08 Permit Fees	157.20 Excavation Permits
157.09 Expiration	157.21 Sewer Service Lines Maintenance
157.10 Licensing for Electrical, Plumbing, and Mechanical Contractors and Installers	157.22 Radon Removal
157.11 Stop Work Orders	157.23 Sub-surface Drainage
157.12 Board of Appeals	157.24 Secondary Storm Sewer
	157.25 Grease Interceptors

**157.01 ADOPTION OF INTERNATIONAL CODE.** This chapter shall consist of the “International Plumbing Code, 2015 Edition,” as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety excepting only such portions as are herein stated to be deleted therefrom; and such additional provisions as are hereafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “Plumbing Code,” may be cited as such, and will be referred to herein as such and as “this code”.

**157.02 DELETIONS.** The following are hereby deleted from the International Plumbing Code and are of no force or effect herein:

1. Section 106.5.3 & 106.5.4
2. Section 106.6
3. Section 108.4
4. Section 109

**157.03 AMENDMENTS AND ADDITIONS.** The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the International Plumbing Code and where they conflict with those of the International Plumbing Code, the requirements of this chapter shall prevail.

1. Section 157.05 - Section 103.1 (Department of Plumbing Inspection)
2. Section 157.06 – Section 105.2 (Alternative materials, methods and Equipment)
3. Section 157.07 – Section 106.5 (Permit Issuance)
4. Section 157.11 – Section 108.5 (Stop Work Orders)

5. Section 157.13 – Section 305.6 (Water service Depth)
6. Section 157.14 – Section 412.3 (Floor Drains)
7. Section 157.15 – Section 504.6 (Water heater floor drain)
8. Section 157.16 – Section 603.1 (Minimum water service pipe)
9. Section 157.17 – Section 710.1 (Building Sewer)
10. Section 157.18 – Section 715.1 (Backwater Valves)
11. Section 157.19 – Section 910.1 (Vents Not Required)

**157.04 ELECTRICAL.** Any reference in the International Plumbing Code to the “ICC Electrical Code” shall be replaced with “the National Electrical Code as adopted per Chapter 158 of the City of Bondurant Code of Ordinances “.

**157.05 DEPARTMENT OF PLUMBING INSPECTION.** Section 103.1 shall be amended by deleting the first paragraph and replacing with the following: “There is hereby established in the City the Department of Plumbing Inspections, which shall be under the direction and supervision of the Building Official. The Building Official shall be responsible to the City Administrator for the enforcement of the Building Codes, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the City Administrator or by any classification plan adopted by the City. Additional responsibilities of the Building Official shall be assigned as required per Chapter 156 of the City of Bondurant, Code of Ordinances.”

**157.06 ALTERNATE MATERIALS, METHODS AND EQUIPMENT.** Section 105.2 shall be amended by adding a Footnote at the end of the section to state the following: “NOTE: The Uniform Plumbing Code, 2000 Edition, Chapters 2 through 14, excluding table 4-1, as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the Iowa Department of Public Health, IAC 135, is hereby approved as an alternate equivalent method for complete plumbing systems.

**157.07 PERMIT ISSUANCE.** Section 106.5 shall be added to the end of the section to state as follows:

A. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by the contractor securing such permit, or said contractor’s firm or corporation.

B. A contractor licensed under the provisions of this code shall secure permits only for himself or herself, or for a single firm or corporation. When a contractor has secured such a permit, only the employees of such contractor shall perform the work for which the permit was obtained.

C. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation 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. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

D. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

### **157.08 PERMIT FEES.**

#### 1. Permit Fees:

A. A fee for each plumbing permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the City Council. No plumbing permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City.

B. 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 as described in paragraph A above.

#### 2. Additional permit fees are as follows:

A. Double Fee. Except in emergency situations, as determined by the Building Official, where work for which a plumbing permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees specified as set forth in the amount set in the Schedule of Fees as adopted by the City Council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

1. The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and
2. The person secures the proper permit on the next Building Department working day.
3. No Plan Review is required prior to issuance of the permit.

B. Refunds. If, within 30 days of the date of issuance, the holder of a plumbing permit decides not to commence the work described in said permit, said person may, upon application to the Building Official, be refunded that portion of the permit fee, which is in excess of the permit refund fee as set forth in the Schedule of Fees as adopted by the City Council.

C. Fees for Permit Renewals as stated in Section 157.09 shall be based on the amount of remaining work to be completed. If the plans are changed enough to warrant a review then the permit fee shall be ½ the cost of the original fee plus any fees as set forth in subsection E of this code section.

\* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

D. Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee in accordance with the schedule of fees as set forth in the Schedule of Fees as adopted by the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

E. Other Inspections and Fees: See the schedule of fees as adopted by City Council.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.

**157.09 EXPIRATION.** Every permit, issued by the building official under the provision of the plumbing code shall expire under any one of the following condition

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 building valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The building official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the City Council. 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.

**157.10 LICENSING FOR ELECTRICAL, PLUMBING, AND MECHANICAL CONTRACTORS AND INSTALLERS.** The provisions of Ordinance Chapter 160 of the City of Bondurant, Code of Ordinances shall be applicable for any work performed in regards to electrical, plumbing, and mechanical systems.

**157.11 STOP WORK ORDERS.** Section 108.5 shall be amended by deleting the last sentence stated as follows: “Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.”

**157.12 BOARD OF APPEALS.** General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Bondurant, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members’ terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the

Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section 157.08 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

**157.13 DEPTH OF WATER SERVICE.** Section 305.6 shall be amended by deleting “Water service pipe shall be installed not less than 12 inches deep and not less than 6 inches below the frost line” and replacing with “Water service piping shall, whenever feasible, be no less than five feet below the surface of the ground”.

**157.14 FLOOR DRAINS.** Section 412.3 shall be amended by adding the following section “Unless otherwise approved by the inspector, at least one floor drain shall be provided in each room where an automatic water heater is, or will be installed, and in each mechanical room. When installed in a basement floor, such floor drain shall be at least three inches in diameter”.

**157.15 WATER HEATER FLOOR DRAIN.** Section 504.6 shall be amended by adding the following item number “14. Every water heater shall be located in close proximity to a floor drain meeting the provisions of Ordinance section 157.14”.

**157.16 MINIMUM WATER SERVICE SIZE.** Section 603.1 shall be amended by deleting “minimum size of water service pipe shall be 3/4 inch” and replacing with “minimum size of water service pipe shall be 1 inch for mains over 6 inches in diameter and 3/4 inch minimum size of water service pipe for mains 6 inches or less in diameter.”

**157.17 BUILDING SEWER.** Section 710.1 shall be amended by adding the following sentence at the end of the section “The minimum diameter for a building sewer shall be four (4) inches.”

**157.18 DRAINAGE BACKWATER VALVE.** Section 715.1 shall be amended by adding the following sentences at the end of the paragraph “The requirement for the installation of a backwater valve shall apply only when it is determined necessary by the Building Official based on local conditions. When a valve is required by the Building Official, it shall be a manually operated gate valve or full way ball valve. An automatic backwater valve may also be installed, but is not required.

**157.19 VENTS NOT REQUIRED.** Subsection 910.1 shall be amended by adding the following sections at the end of the paragraph. “No vents will be required on a downspout or rail leader trap, a backwater valve, a subsoil catch basin trap, a three inch basement floor drain, or a water closet provided its drain branches into the house drain on the sewer side at a distance of five feet or more from the base of the stack and the branch line to such a floor drain or water closet is not more than 15 feet in length. In single and two- family dwellings no vent will be

required on a two inch basement P trap, provided the drain branches into a properly vented house drain or branch, three inches or larger, on the sewer side a distance of five feet or more from the base of the stack and the branch to such P trap is not more than eight feet in length”.

**157.20 EXCAVATION PERMITS.** Excavation permits issued by the Department of Building to open streets, parking or other public property for the purpose of installation or repair shall be issued only after plumbing permits for the work have been obtained in accordance with this code. Each excavation permit shall contain the plumbing permit number.

**157.21 SEWER SERVICE LINES MAINTENANCE.** All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the property owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of the building sewer.

**157.22 RADON REMOVAL.** All new below-grade construction may be provided with a means for radon removal. Any system used for the removal of the radon gas shall be in accordance with accepted industry standards. At a minimum, an airtight lid should be provided on the sump basket. The sump basket is tied to the footing tiles. The material used for fill beneath the below-grade level floor shall be pea gravel or larger in order to accommodate air and gas flow for removal.

**157.23 SUB-SURFACE DRAINAGE.** The provisions of Section 157.24 of this chapter, which relate to subsurface drainage, shall apply to all subsurface drainage from buildings whether new or existing. In the event such drainage would discharge to a point upon or so adjacent to a public sidewalk or street as to permit the water so discharged to drain upon a public sidewalk or street during periods of community emergency generated by extra ordinarily high levels of precipitation is permissible upon approval.

**157.24 SECONDARY STORM SEWER.** No building permits shall be issued for any structure in the City until provisions have been made to provide for secondary storm sewers to drain all subsurface and foundation drains in compliance with the following:

1. Sanitary Sewers- Prohibited Discharge. No person shall discharge or cause to be discharged any storm water runoff, surface or ground water, roof runoff, or subsurface drainage by a direct or indirect connection into the sanitary sewer system, for any new construction within the area served by the City. Prohibited subsurface drainage shall include both interior and exterior foundation drains into the sanitary sewer system.

2. Foundation Drain Discharge- Alternative Methods. All foundation drains shall be disposed of in one of the two following alternative methods:

- A. Sump Pump. A sump pump shall meet the provisions of the International Residential Code, when applicable, or the International Plumbing Code. Notwithstanding the provisions of



Section 901.2.1 of the International Plumbing Code, in single-family dwellings, sumps of approved construction to which no fixtures except one floor drain are connected, and which receive only laundry wastes or basement drainage, need not be vented.

B. Alternative Method. Upon submission of plans and specifications to the City Engineer and / or Building Official by any developer for an alternate method of disposing of said waters which can be shown to be as effective as the above, then said proposed method shall be allowed by the City Engineer and/or Building Official.

3. Secondary Storm Sewer Details. Secondary storm sewers shall be constructed in accordance with the following:

A. Design and Materials. Discharge from footing drains and sump pumps must be discharged into a secondary storm sewer system or alternative drainage way as approved by the City Engineer and/or the Building Official. Piping for secondary storm sewer system shall be PVC pipe with thickness of SDR Series 35, or thicker, with joints capable of pressure loadings for periods when all sump pumps may be operating simultaneously. The secondary storm sewer system shall be located in the same manner as the normal storm sewer location unless it can otherwise be shown that a different location is advantageous and acceptable. It shall be equipped with an approved flap valve at the discharge end and shall have a sealed lid manhole at the upper terminus.

B. Capacity. The line shall be so designed as to accommodate the required flows based upon the assumption that:

1. With one-half of the sump pumps pumping at 20 gpm (average 10 gpm per residence) the secondary storm sewer will handle all flows by gravity with pipe flowing full with velocity of minimum 2 fps;

2. With all sump pumps pumping (each at 20 gpm) the velocity in the secondary storm sewer system shall not exceed 10 feet per second and the friction loss shall not exceed 5 feet per 100 feet of pipe;

3. That the minimum size shall not be less than 4”;

4. House connections shall be a minimum 1 ½” Schedule 40 PVC water pipe.

C. Flow Design Standards. The conditions of flow design for both gravity flow and pressurized flow shall be as per the following chart entitled “Friction Loss Characteristics of Water Flow Through Rigid Plastic Pipe”. Typical results are as follows:

FRICTION LOSS CHARACTERISTICS OF WATER FLOW THROUGH RIGID PLASTIC PIPE							
Pipe	Min. Velocity Flowing Full-ups	Min. Slope at/100	Q at Min. Slope gpm	H1 Controls at 5' per 100p	Q at H1 Controlling gpm	V Controls at 10 fps	Q at V Controlling gpm
1 1/2" Sch. 40	2	1.2	12	Yes	28	No	----
2" Sch. 40	2	0.85	19	Yes	53	No	----
4" DR 25	2	0.37	82	Yes	350	No	----
6" DR 25	2	0.23	178	No	----	Yes	910
8" DR 25	2	0.18	295	No	----	Yes	1490
10" DR 25	2	0.14	470	No	----	Yes	2400

Sump pump should deliver 20 gpm against operating head of 35 feet (or 15 psi) based upon a 50- foot long discharge line and 450 feet of secondary sanitary sewer, figuring 25 feet of line loss, 5 feet of lift, and 5 feet of loss through valves and fittings.

4. Elevation and Material to be Used for Footing Drains. Drain materials and elevation of piping shall meet the provisions of the International Residential Code, when applicable, or the International Plumbing Code. Such piping shall be placed with two (2) inches of bedding underneath and six (6) inches of acceptable material over, and shall be acceptable to the Building Official and subject to review by the Building Official.

5. Method of Installing Secondary Storm Sewers and Service Lines. With respect to installation of PVC SDR 35, or thicker, secondary storm sewer systems, all regulations that apply to the laying of PVC water main and service lines shall also apply to the laying of PVC secondary storm sewer and service lines, including depth and cover.

6. Installation of Footing Drain Service Lines Into Standard Storm Sewer. In instances where standard storm sewer is available for the connection of 1 1/2" PVC Schedule 40 service lines, the Schedule 40 service lines shall be connected to the storm sewer by drilling a hole in the concrete storm sewer pipe of a diameter only slightly larger than the outside diameter of the service pipe, then place the service pipe through the storm sewer extending the end of the service pipe to, but not past, the interior wall of the storm sewer. The storm sewer shall be entered in its mid point or above with these service lines. The ditch shall be filled under, around and over the PVC storm service pipe with stone or gravel to form a firm base under the PVC in the open ditch between where the PVC pipe comes out of unexcavated natural ground and the wall of the storm sewer pipe; all in a manner acceptable to the engineer.

7. Occupancy Permit. No occupancy permit shall be issued for any building or structure within the City that is not in compliance with this section.

8. Site Plan Detail. All site plans must provide details showing compliance with this section for the proposed system of Secondary Storm Sewer.

9. **Illegal Acts.** It shall be unlawful for any person to cause a violation of this section. A person who is the owner of any building or structure shall be responsible to cause that building or structure to be in compliance with this section. Any inhabitant or occupant of any building or structure shall be responsible to cause that building or structure to be in compliance with this section.

10. **Continuing Violation.** Each day that a violation of this section occurs shall be deemed to be a separate violation.

11. **Mandatory Connection.** At such time as the Public Works Director decides there is adequate storm sewer or secondary storm sewer capacity available for the property owner to connect to, the Public Works Director shall inform the property owner in writing and allow said property owner ninety (90) days to install and connect a sump pump to the lines. If the property owner fails to comply, the Public Works Director shall hire a qualified plumber to complete the job and the costs shall be assessed to the property. Secondary storm service lines shall be installed in compliance with Section 157.21 of this code.

**157.25 GREASE INTERCEPTORS.** Notwithstanding the provisions of section 1003.3 of the International Plumbing Code, all Food Service Establishments as defined per Chapter 100 of the City of Bondurant, Code of Ordinances, 2002, shall meet the requirements of such ordinance in regards to grease interceptors.

*(Ordinance No. 07-202)*

# CHAPTER 158

## ELECTRICAL CODE

158.01 Adoption of National Code	158.12 Licensing for Electrical, Plumbing & Mechanical Contractors and Installers
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158.04 Moved Buildings, changes of Use / Occupancy, and Alterations / Repairs	158.15 Maintenance Electrician's Certificate
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158.09 Permit Issuance	158.20 Correcting Defective Work
158.10 Permit Fees	158.21 Conformity with Standards
158.11 Expirations	158.22 Temporary Electrical Work
	158.23 Furnishing Current Prior to Approval of Wiring

**158.01 ADOPTION OF NATIONAL CODE.** This chapter shall consist of the "National Electrical Code, 2014 Edition," as published by the National Fire Protection Association, which volume is incorporated herein by reference as fully as though set forth herein in its entirety excepting only such portions as are herein stated to be deleted therefrom; and such additional provisions as are hereafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the "Electrical code" may be cited as such, and will be referred to herein as such and as "this code".

**158.02 DELETIONS.**

**158.03 AMENDMENTS AND ADDITIONS.** The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the National Electrical Code and where they conflict with those of the National Electrical Code, the requirements of this chapter shall prevail.

**158.04 MOVED BUILDINGS, CHANGES OF USE / OCCUPANCY, AND ALTERATIONS / REPAIRS.**

1. Buildings or structures moved into or within the City shall comply with the provisions of this code for new buildings or structures.

2. 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.

3. 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.

**158.05 DEPARTMENT OF ELECTRICAL INSPECTION.** There is hereby established in the City the Department of Electrical Inspections, which shall be under the direction and supervision of the Building Official. The Building Official shall be responsible to the City Administrator for the enforcement of the Building Codes, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the City Administrator or by any classification plan adopted by the City. Additional responsibilities of the Building Official shall be assigned as required per Chapter 155 of the City of Bondurant, Code of Ordinances.

**158.06 POWERS AND DUTIES OF ELECTRICAL INSPECTORS.**

1. The Building Official shall have the authority to cause the disconnection of any wiring or equipment if it is dangerous to life or property or may interfere with the work of the Fire Department. He or she shall perform other duties as may be required by the City Administrator or by any classification plan adopted by the City.

2. The Building Official or designated appointee has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the Building Official shall make reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

3. The Building Official or designated appointee is hereby authorized, directed, and empowered to inspect all electrical installations within the City, to condemn and order removed or remodeled and put in proper and safe condition for the prevention of fire and the safety of life, all electrical heating and lighting apparatus, power generators, motors, machinery, fixtures and connections, electrical equipment used in the supply, distribution, or utilization of electrical current for light heat, or power purposed and to control the disposition and arrangements of the same so that persons and property shall not be in danger therefrom.

4. The Building Official shall administer and enforce the provisions of this chapter. He or she shall keep records of each ruling or determination made under its provisions, and notify in writing all persons involved. He or she shall keep complete records of all permits issued, inspections made, and other official work performed in accordance with the provisions of this chapter.

5. The Building Official and his or her assistants shall not engage in the business of the sale, installation, or maintenance of electrical equipment either directly or indirectly, and they shall have no financial interest in any firm engaged in such business in the City at any time while holding office.

#### **158.07 LIABILITY FOR DAMAGES.**

1. The City or any employee of the City is not liable for damages to a person or property as a result of any act or failure to act in the enforcement of this code, unless the act of enforcement constitutes false arrest.

2. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects nor shall the City or any City employee be held as assuming any such liability by reason of the inspections authorized by this code or any approvals issued under this code.

#### **158.08 PERMITS NOT REQUIRED.** The following items do not require a permit:

1. Replacement of lighting fixtures, receptacles, switches, over-current protection devices of the same volt and amperage.

2. The repair or replacement of flexible cords of same volt and amperage.

3. The process of manufacturing, testing, servicing, or repairing of electrical equipment or apparatus.

4. Minor repair and adjustment where the total cost of the work does not exceed \$100.00.

5. No permit or inspections are required for electrical wiring of 50 volts or less.

#### **158.09 PERMIT ISSUANCE.**

A. Permits are not transferable. Electrical work performed under the provisions of this chapter must be done by the contractor securing such permit, or said contractor's firm or corporation. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

B. A contractor licensed under the provisions of this code shall secure permits only for himself or herself, or for a single firm or corporation. When a contractor has secured such a permit, only the employees of such contractor shall perform the work for which the permit was obtained.

C. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation 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. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

D. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

#### **158.10 PERMIT FEES.**

##### **1. Permit Fees:**

A. A fee for each electrical permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the City Council. No electrical permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City. Fees for repairs to items listed shall be the same as for new construction. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

B. 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 as described in paragraph A above.

##### **2. Additional permit fees are as follows:**

A. Double Fee. Except in emergency situations, as determined by the Building Official, where work for which a electrical permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees specified as set forth in the amount set in the Schedule of Fees as adopted by the city council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

1. The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and

2. The person secures the proper permit on the next Building Department working day.

3. No Plan review is required prior to issuance of the permit.

B. Refunds. If, within 30 days of the date of issuance, the holder of a electrical permit decides not to commence the work described in said permit, said person may, upon application to the Building Official, be refunded that portion of the permit fee which is in excess of the permit refund fee set in the schedule of fees adopted by City Council.

C. Fees for Permit Renewals as stated in Section 158.11 shall be based on the amount of remaining work to be completed. If the plans are changed enough to warrant a review then the permit fee shall be  $\frac{1}{2}$  the cost of the original fee plus any fees as set forth in subsection E of this code section.

\* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

D. Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee in accordance with the schedule of fees as adopted by city council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

E. Other Inspections and Fees: See the schedule of fees as adopted by City Council.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.



**158.11 EXPIRATION.** Every permit, issued by the building official under the provision of the electrical code 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 building valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The building official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the City Council. 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.

**158.12 LICENSING FOR ELECTRICAL, PLUMBING, AND MECHANICAL CONTRACTORS AND INSTALLERS.**

The provisions of Ordinance 160 of the City of Bondurant, Code of Ordinances shall be applicable for any work performed in regards to electrical, plumbing, and mechanical systems.

**158.13 BOARD OF APPEALS.**

General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Bondurant, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for

conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section 158.10 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

**158.14 CONSTRUCTION DOCUMENTS.** The Building Official shall require construction documents, computations and specifications to be prepared by a registered design professional licensed by the State to practice such.

1. Construction documents, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit.
2. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code.
3. Construction documents shall indicate location and clear space of electrical equipment, and the material and methods for maintaining required structural safety, fire-resistance rating and fire-blocking.

Exceptions.

1. The Building Official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.
2. In the case of one and two family dwellings.
3. In the case of minor construction and repair.
4. In the case of accessory buildings when related to one and two family dwellings.

**158.15 MAINTENANCE ELECTRICIAN'S CERTIFICATE.**

1. A maintenance electrician's certificate shall be required of any regular employee of a manufacturing or industrial establishment, who does electrical work for that establishment only, and who maintains and keeps in a state of repair the existing electrical equipment within a building or group of buildings. A maintenance electrician's certificate shall be issued to any person who shall satisfactorily pass the examination given by the Building Official. Any person holding a maintenance electrician's certificate issued by the City prior to passage of this code

shall be reissued renewals of his or her certificate without taking the examination hereinafter provided.

2. The installation of any new or additional electrical equipment of any kind by the holder of a maintenance electrician's certificate is hereby prohibited.

#### **158.16 TYPE "M" PERMITS.**

1. Before any maintenance electrical work is performed by a maintenance electrician under the provisions of Section 158.15 of this chapter, an electrical permit, unless specifically exempted by Section 158.08, shall be obtained from the electrical inspection division by the person or persons owning or controlling the buildings or group of buildings in which the maintenance electrical work is to be performed. This shall be known as type "M" permit and shall be valid for one year from the date of issuance.

2. The name of the person or persons holding a maintenance electrician's certificate and performing work as provided in this section, shall be filed with the electrical inspection division of the Department of Building and in the event a change is made, the new name shall be filed. Each maintenance electrician performing work under the permit required by this section shall keep an accurate record for the electrical inspector of all work performed in each building and shall, in the first days of January, April, July and October each year, file a statement of the work performed during the preceding three months in such building, which statement shall be made under oath.

#### **158.17 INSPECTIONS.**

1. The person doing electrical work, for which a permit is required, shall notify the Building Official that the work is ready for inspection. The Building Official shall, without undue delay, perform the required inspection and, if the work complies with the provision of this code the Building Official shall issue a notice of approval. If the work does not comply with the provisions of this code, the Building Official shall post a notice in a conspicuous place on or near the work. The notice shall contain the date and results of the inspection, and when requested, note specific violations. Work that has no notice attached shall be considered unapproved. No notice(s) shall be removed by any person other than the Building Official.

2. When the electrical work is completed, the person doing it shall notify the Building Official that the work is ready for final inspection.

3. Whenever it shall be ascertained by inspection that any electrical installation or part thereof in any building is so defective as to render the same dangerous to person or property, the Building Official shall at once cause notice to be served upon the owner or person in charge, or the occupant of the same, to remedy the defects within a reasonable time, to be stated in the notice. If defects are not remedied within the time fixed by the notice, the Building Official may

cause the electric current to be disconnected from the building. The electric current shall not again be turned on until all defects or improper conditions have been removed, or repaired in conformance with the provisions of this code.

**158.18 COVERING OR CONCEALING WORK.** No electrical work for which a permit is required shall be concealed in any manner from access or sight until the work has been inspected and approved by the Building Official.

**158.19 REMOVAL OF COVERING.** The Building Official shall have the authority to remove or cause the removal of lath, plaster, boarding, or other obstruction which may prevent the proper inspection of wires or electrical equipment.

**158.20 CORRECTING DEFECTIVE WORK.** When any person is notified that defects exist in his or her electrical work, he or she shall make corrections within 30 days after notification. If not so made, such person shall not be issued any other permits until defects are corrected, and approval given by the Building Official.

**158.21 CONFORMITY WITH STANDARDS.** Conformity with the standards of the Underwriter's Laboratories Incorporated as approved by the United States of American Standards Institute shall be evidence of conformity with approved standards for electrical equipment.

**158.22 TEMPORARY ELECTRICAL WORK.** "Temporary electrical work" means that work which is obviously installed for the convenience of a person during construction. This work shall be the complete responsibility of the person who installs it and shall not require the inspector's approval prior to being used, provided that the inspector may require corrections in the wiring to eliminate any hazardous or unsafe conditions. All such work shall be removed before final approval of permanent electrical work. Temporary electrical work shall not be permitted to remain in use in excess of six months except by written permission of the electrical inspector.

**158.23 FURNISHING CURRENT PRIOR TO APPROVAL OF WIRING.** No person or corporation generating current for electric light, heat or power in the City shall connect its system or furnish current for electrical purposes to any building or premises which has not been inspected and approved by the Building Official. Any person or corporation shall, upon written notice from the Building Official to do so, immediately disconnect such building or premises from its source of current.

*(Ordinance No. 07-203)*

**CHAPTER 159**  
**CHAPTER RESERVED**

*(Ordinance No. 07-207)*

# CHAPTER 160

## CONTRACTOR LICENSING

160.01 Purpose	160.11 Recognition of Electrical, Plumbing and Mechanical Licenses
160.02 Definitions	
160.03 Licensing Board of Examiners	160.12 Implementation
160.04 Insurance Requirements	160.13 Electrical Journeyman's Certificate of Competency
160.05 Licensing Requirements	160.14 Apprentice Electricians
160.06 Administration of Licensing	160.15 Plumbing Journeyman's Certificate of Competency
160.07 Examination	160.16 Apprentice Plumbers
160.08 Continuing Education Required	160.17 Mechanical License Classifications
160.09 License Not Transferable	160.18 Contractor License Experience Requirements
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**160.01 PURPOSE.** The provision of this ordinance is to hereby establish rules and regulations under which the City of Bondurant will license electrical, mechanical, and plumbing contractors and installers in order to protect the public health, safety and welfare by providing for the examination, qualification, and licensing of:

1. Electrical contractors, master electricians, journeyman electricians, residential electricians and the registration of apprentice electricians and apprentice residential electricians;
2. Plumbing contractors, master plumbers, journeyman-level plumbers, and the registration of apprentice level plumbers; and
3. Heating and cooling contractors, refrigeration contractors and comprehensive mechanical contractors.

**160.02 DEFINITIONS.** Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the following meanings:

1. "Apprentice Electrician" shall mean a person who performs electrical work while employed by a licensed electrical contractor, while under the direct supervision and in the presence of a licensed electrician, and who is properly registered as an apprentice electrician.
2. "Apprentice Plumber" shall mean a person who performs plumbing work while employed by a licensed plumbing contractor, while under the direct supervision and in the presence of a licensed plumber, and who is properly registered as an apprentice plumber.
3. "Construction" is defined as set forth in Chapter 91C, Code of Iowa (2005), as amended, including but not limited to companies or individuals performing electrical, plumbing and mechanical work when considered as construction categories.

4. “Direct Supervision and Responsible Charge” shall mean that a licensee supervising the work is exercising, directing, and guiding the work; is located in close proximity and exercises judgment in all matters embodied in the work. Merely reviewing work installed does not constitute supervision, unless the reviewer actually exercises periodic onsite supervision, at a minimum once a day with additional supervision as required based on the complexity of the job.
5. “Ducted Air Heating and Cooling” shall mean comfort cooling by means of heated or cooled air distributed through ducts to a room or space.
6. “Ducted Air Heating/Cooling Contractor” shall mean a person who is licensed to contract for and to undertake the planning, layout, supervision and performance of ducted air heating/cooling work, and who is responsible for the employment, management, supervision and control of installers and apprentice installers doing ducted air heating/cooling work. A corporation may qualify under this provision if it employs a licensed contractor who is responsible for supervision and control of installers and apprentices doing heating/cooling work.
7. “Ducted Air Heating/Cooling Equipment” shall include warm-air furnaces, warm-air heaters, combustion product vents, fuel-gas-fired decorative appliances, ducted air comfort cooling appliances, heating/cooling/ventilating air-distribution ducts and fans, and all control devices and accessories installed in connection with environmental heating/cooling system appliances regulated by the municipal code.
8. “Ducted Air Heating/Cooling Work” shall mean erection, installation, alteration, repair, relocation, replacement, maintenance or removal of ducted air heating/cooling equipment or systems.
9. “Electrician” shall mean a person licensed to do electrical work while employed by a licensed electrical contractor.
10. “Electrical Contractor” shall mean a person or firm who employs a licensed master electrician to contract and to undertake the planning, layout, supervision and/or performance of electrical work and who is responsible for the employment, management, supervision and control of electricians, residential electricians, apprentice electricians and apprentice residential electricians. A licensed contractor shall be considered qualified and licensed to do electrical work.
11. “Electrical Contractor, Inactive” shall mean a licensed electrical contractor who is not actively engaged in the contracting business or who may be working in the trade as a master or journeyman electrician while employed by an electrical contractor.
12. “Electrical Equipment” shall mean all electrical materials, controls, wiring, conductors, fittings, conduits, devices, appliances, fixtures, signs and apparatus or parts thereof comprising an electrical system operating at greater than 50 volts.

13. “Electrical Work” shall mean all installations, alterations, repairs, replacements, connections, disconnections, and maintenance of electrical wiring and equipment connected to an electrical power source. No person, except apprentices, shall engage in the work or practice the trade of installing, altering, maintaining or repairing any electrical equipment with in the scope of the electrical code without first obtaining a journeyman’s certificate of competency.
14. “Heating/Cooling” shall mean comfort heating or comfort cooling by means of a system or appliance using liquid, water, steam or air as the heating, cooling or ventilation medium.
15. “Helper” shall mean a person engaged in general, manual labor activities, who provides assistance to an apprentice, journeyman or master.
16. “Hydronic Heating/Cooling” shall mean comfort heating using water or steam as the heating or cooling medium for the distribution of heated or cooled air.
17. “Hydronic Heating/Cooling Contractor” shall mean a person who is licensed to contract for and to undertake the planning, layout, supervision or performance of hydronic heating/cooling work, and who is responsible for the employment, management, supervision and control of persons installing equipment or systems relating to hydronic heating and cooling work.
18. “Hydronic Heating/Cooling Equipment” shall include water heaters, boilers, pressure vessels, refrigeration equipment, combustion product vents, steam piping, hot or cold water piping, together with control devices and accessories, installed in connection with any comfort heating or comfort cooling system or appliance using liquid, water or steam as the heating or cooling medium.
19. “Hydronic Heating/Cooling Work” shall mean erection, installation, alteration, repair, relocation, replacement, maintenance or removal of hydronic heating/cooling equipment or systems.
20. “Journeyman Electrician” shall mean an electrician who has received a journeyman’s certificate of competency.
21. “Journeyman Plumber” shall mean a plumber who has received a journeyman’s certificate of competency.
22. “Licensed” shall mean a person qualified to perform electrical, plumbing or mechanical work who has written authorization pursuant to this ordinance to perform such work within the City of Bondurant.
23. “Master Electrician” shall mean a person who has successfully passed the master electrician’s examination approved by the board and has worked as a journeyman electrician for a period of at least two years.



24. “Master Plumber” shall mean a person who has successfully passed the master plumbers examination approved by the board and has worked as a journeyman plumber for a period of at least two years.
25. “Mechanical Apprentice” shall mean a person who assists in the installation, alteration or repair of equipment or system governed by this ordinance while supervised by a licensed mechanical contractor and who is learning the trade.
26. “Mechanical Contractor” shall mean a person licensed as a ducted air heating/cooling contractor, a hydronic heating/cooling contractor or a refrigeration contractor.
27. “Mechanical Contractor, Class A” shall mean a person who is qualified and licensed to contract for an undertake the planning, layout, supervision and performance of ducted air heating/cooling work, hydronic heating/cooling work and refrigeration work and who is responsible for the employment, management, supervision and control of persons installing equipment or systems relating to ducted air heating/cooling work, hydronic heating/cooling work and refrigeration work.
28. “Plumber” shall mean a person licensed to do plumbing work while employed by a licensed plumbing contractor.
29. “Plumbing Contractor” shall mean a person or firm who employs a licensed master plumber to contract and to undertake the planning, layout, supervision and/or performance of plumbing work and who is responsible for the employment, management, supervision and control of master plumbers, journeyman plumbers and apprentice plumbers. A licensed contractor shall be considered qualified and licensed to do plumbing work.
30. “Plumbing Contractor, Inactive” shall mean a licensed plumbing contractor who is not actively engaged in the contracting business or who may be working in the trade as a master or journeyman plumber while employed by a plumbing contractor.
31. “Plumbing Equipment” shall mean all plumbing materials, piping, fittings, devices, appliances, fixtures, and apparatus or parts thereof comprising plumbing systems.
32. “Plumbing Work” shall mean all installation, alterations, repairs, replacements, connection, disconnection, and maintenance of plumbing systems and equipment. No person, except an apprentice, shall engage in the work or practice the trade of installing, altering, maintaining or repairing any plumbing equipment or system within the scope of the plumbing code without first obtaining a journeyman’s certificate of competency.
33. “Refrigeration Contractor” shall mean a person who is licensed to contract for and undertake the planning, layout, supervision and/or performance of refrigeration work and who is responsible for the employment, management, supervision and control of persons installing equipment or systems relating to refrigeration work.

34. “Refrigeration System” shall mean a combination of parts in which a refrigerant is circulated for the purpose of extracting heat as defined in the Mechanical Code for cooling a room or space.

35. “Refrigeration Work” includes all erection, installation, alteration, repair, relocation, replacement, maintenance or removal of refrigeration equipment or systems.

36. “Residential Electrician” shall mean a person licensed to do electrical work limited to residential wiring restrictions while employed by a licensed electrical contractor.

37. “Residential Wiring Restrictions” shall mean wiring limited to one and two family dwellings, multi-family dwellings that do not exceed three-stories in height above grade, garages, sheds, and storage buildings accessory to dwellings.

38. “Supervision and Responsible Charge” shall mean control and oversight by a licensed contractor, master or journeyman in the trade who is the responsible license holder for the project or group of projects located in close proximity.

**160.03 LICENSING BOARD OF EXAMINERS.** There is hereby established a LICENSING BOARD OF EXAMINERS, hereinafter referred to as the LBE. Beginning on July 1, 2007 the board shall be composed of five members appointed by the Mayor, subject to Council approval. The LBE shall have the right to legal representation by the City of Bondurant.

Board members shall be chosen and appointed based on diversity and building construction knowledge and who are licensed contractors, all of whom shall be residents of the City of Bondurant, Iowa. One (1) member of said Board at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members’ terms expiring any one year.

The LBE shall hold a regular meeting once every month, unless there is no business to conduct, but in any event the LBE shall meet every fourth month. The first meeting of each calendar year shall be the Annual Meeting. All meetings shall comply with the open meetings law.

At its annual meeting the LBE shall elect from its members a chairperson and a vice-chairperson. Each of these officers shall serve a term of one year. The chairperson shall preside at all meetings of the LBE. In the absence of the chairperson, the vice-chairperson shall preside. At the first meeting the LBE shall adopt by-laws and meeting schedules. By the second meeting the new licensing criteria shall be in place.

The LBE shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The LBE shall keep records of its examinations and other official actions. A quorum of the Board shall consist of three members.

**160.04 INSURANCE REQUIREMENTS.** Electrical, plumbing and mechanical contractors shall file as part of the application a certificate of insurance covering commercial auto liability, commercial general liability, and workers compensation insurance in accordance with Iowa Code Chapter 85, issued by a company authorized to transact business in the State of Iowa. The certificate is to be written on a standard form and carry an endorsement naming the City of Bondurant and their employees as additional insureds as their interests may appear. It shall be a further condition of the certificate of insurance that the insured will hold the City of Bondurant harmless from any and all damages sustained by reason of any act or omission on the part of the insured, his/her agent or employees in the performance of work done under a license or permit. The certificate of insurance shall be issued by the 31st day of December of each year, and shall be re-filed on or before that date for each subsequent year and shall be in continuous full force and effect. The certificate of insurance shall also bind the individual, company, firm, association or partnership, whether it be a trade name, corporation, or other business association or arrangement with which the principal is associated. The insurance company shall notify the City of Bondurant of cancellation of the policy at least 10 days prior to the effective cancellation date. A license may be renewed without the filing of an insurance certificate provided that no work is done or contracted for by the license holder during the terms of the license. Such license shall be marked “NOT INSURED,” NOT TO BE USED FOR CONTRACTING,” or “INACTIVE.”

**160.05 LICENSING REQUIREMENTS.** Application: A person who desires to be licensed shall file an application with the City of Bondurant. The completed application shall include the applicant’s name, home address, business address, a brief resume of the applicants training and experience, the date of application, and the classification of the license being applied for. The City of Bondurant will issue licenses to applicants approved by the LBE upon payment of the license fee.

Duration and Renewal: Licenses shall be renewed upon payment of the scheduled fees from December 1 through December 31. Licenses renewed from January 1 through January 31, the grace period each year, shall be assessed a late charge equal to twice the scheduled fee. The licensee shall provide a certificate of successful completion of the current update course(s) in order for the license to be renewed. Each license shall be in effect for three years and may be renewed every three years thereafter upon payment of the license renewal fee.

Lapse and Reinstatement: A license which has not been renewed on or before January 31, shall lapse as of February 1. The lapsed license shall be reinstated by the LBE at the written request, provided the applicant seeking reinstatement has satisfied the current update education requirement, has paid the overdue license fee, and the license has not lapsed more than one year past the December 31 expiration date. If the licensee has obtained a license under the grandfather rule, proof of passing examination score for the license must accompany the reinstatement request.

Retired License: The license of an electrical, plumber or mechanical contractor or installer who retires shall be stamped “RETIRED”. Such license may be reinstated at any time upon payment of the current year’s fee and submission of a current code update education certificate. If the licensee has obtained a license under the grandfather rule, additional proof of a passing score for the respective license must accompany the reinstatement request.

Death or Incapacity of Licensed Contractor: In the event of death incapacity of a licensed contractor, the LBE may issue a temporary contractor’s license to a responsible member or officer of such firm, corporation or other association until such time as the firm, corporation or other association acquires a licensed contractor, provided that such temporary license shall not be issued for a period of more than six months.

Payment: License fees shall be paid to the City of Bondurant, Building and Zoning Department in the amount set in the Schedule of Fees as adopted by the City Council by resolution.

Fee Exemption: License fees shall be waived for plumbing, mechanical and electrical licenses for inspectors employed by the City of Bondurant.

Qualification Acceptance: The LBE shall determine the qualifications of each applicant upon using supporting documentation and other matters of record. If an applicant is granted a license and it is thereafter determined that the application or supporting documentation is untrue or invalid, the license shall be suspended immediately, pursuant to the summary procedures set forth below.

**160.06 ADMINISTRATION OF LICENSING.** The Building Official shall administer the licensing process described and shall retain all fees collected pursuant to this ordinance. The City of Bondurant shall furnish a list of all active and inactive license holders and registered apprentice installers by February 1 of each year and shall update the list as of the first day of each quarter thereafter.

**160.07 EXAMINATION.** Testing: An applicant must achieve a minimum score of 75% on the licensing examination.

**160.08 CONTINUING EDUCATION REQUIRED.** Code Education Criteria: A minimum of eight hours of code update education per each three-year code change cycle is required for all levels of licensees.

Trade Education Criteria: The LBE shall establish continuing educational criteria with a minimum of six hours of trade-related education per licensing cycle, which may include safety and new product seminars. The LBE may accept in-house educational programs by individual companies or shops.

**160.09 LICENSE NOT TRANSFERABLE.** A licensee may not transfer a license to another or allow it to be used, directly or indirectly, by another person. A licensed contractor shall not

obtain permits for more than one contracting firm, corporation or other association. A violation of this section shall constitute cause for revocation of the licensee.

**160.10 SUSPENSION AND REVOCATION OF LICENSE.** Revocation and Suspension: The LBE shall have authority to revoke or suspend a license where fraud or misrepresentation was used in obtaining the license, where the licensee attempts to transfer the license or allows it to be used either directly or indirectly by any other person, for failure to comply with any of the provisions of this ordinance, for negligence, for failure to obtain proper permits, for failure to call for inspections, for incompetence or a history of substandard work, or for misconduct in the performance of any duties of a contractor or installer.

Notice and Hearing: In all cases involving revocation or suspension of a license, at least fifteen days notice shall be served by the jurisdiction upon the licensee indicating the time and place of hearing before the LBE and the general grounds for the proposed revocation or suspension. The notice shall also advise the licensee of the right to counsel.

Revocation Period: No person whose licensee has been revoked shall be issued a license until the expiration of six months after the revocation, and then only upon successful examination and payment of all fees.

No Refund: Revocation or suspension of a license shall not entitle the holder to a refund of any fee.

Summary Suspension: If the LBE finds that consideration of public health or safety requires emergency action and incorporates a finding to the effect in its order, summary suspension of a license may issue pending the usual suspension or revocation proceedings described herein. The LBE shall institute revocation or suspension proceedings immediately upon issuance of an order of summary suspension, except that the 15-day notice of hearing may be waived upon written request by the licensee.

Enforcement: Suspension or revocation of a license shall be recognized and enforced by the Building and Zoning Department. A violation of a municipal code which occurs within the City of Bondurant shall be enforced pursuant to Chapter 4 of the City of Bondurant, Code of Ordinances, 2002. The method of enforcement set forth herein does not preclude any other method of enforcement.

Appeal: An applicant, contractor or licensee aggrieved by a final order of the LBE may seek review pursuant to Iowa Law.

**160.11 RECOGNITION OF ELECTRICAL, PLUMBING AND MECHANICAL LICENSES.** Prior License: An individual holding an electrical, plumbing or mechanical license as of July 1, 2007 may continue to hold the license for the remainder of the initial licensing period. Prior licenses will be recognized and will be renewed according to the terms of this

ordinance. As of July1, 2007 all electrical, plumbing and mechanical licenses will be issued solely under the terms and conditions of this ordinance.

**Reciprocal Recognition of License:** An electrical, plumbing or mechanical contractor, master or journeyman installer who is licensed by another jurisdiction that has similar licensing standards and who provides proof of current license credentials, a current copy of a state contractor registration, proper accreditation and years of experience, as well as proof of a passing score of 75% on a nationally recognized test may be licensed under this ordinance.

**Grandfather Clause:** An electrical, plumbing or mechanical contractor, master or journeyman installer who is currently working as such may be licensed on a one-time basis under this agreement if the LBE accepts and approves of the applicants credentials. The time for acceptance will expire at the next licensing cycle.

**160.12 IMPLEMENTATION.** Until such time as the LBE establishes criteria for approving license applications the present criteria used by the Building and Zoning Department shall be applicable. **Renewal Sequence:** The sequencing for the renewal of licenses shall be as follows:

Plumbing – December 2007 – January 2008  
Electrical – December 2006 – January 2007  
Mechanical – December 2008 – January 2009

**160.13 ELECTRICAL JOURNEYMAN’S CERTIFICATE OF COMPENTENCY.** A journeyman’s certificate of competency may be obtained by passing a journeyman’s electrician’s examination and by meeting the following requirements:

1. Four years of experience working as an apprentice under a master or journeyman’s supervision; or
2. Completion of 60 credit hours of post secondary training in the electrical field from an accredited educational institution or trade school and full-time employment for a period of two years with an electrical contractor under master or journeyman’s supervision. The educational training and full time employment may not be concurrent.

**160.14 APPRENTICE ELECTRICIANS.** **Registration:** An electrical apprentice must be registered to perform electrical work. The apprentice must be employed by an electrical contractor and must work under the supervision of a licensed electrician. The supervision ration shall be not more than two apprentices to each licensed electrician.

**Training:** An apprentice must work for at least four years under the supervision of a licensed master or journeyman electrician in and approved and LBE sanctioned on-the-job training program or satisfactorily complete an apprenticeship training program accredited by the Bureau of Apprenticeship and Training, United States Department of Labor.

Work: No apprentice shall perform electrical work unless the apprentice is working under the supervision of a licensed electrician. Fourth-year apprentices may work without direct supervision.

Fee: An apprentice shall register with the LBE and pay a registration fee before January 1, of each year.

**160.15 PLUMBING JOURNEYMAN'S CERTIFICATE OF COMPETENCY.** A journeyman's certificate of competency may be obtained by passing a journeyman's plumber's examination and by meeting the following requirements:

1. Four years of experience working as an apprentice under a master or journeyman's supervision; or
2. Completion of 60 credit hours of post secondary training in the electrical field from an accredited educational institution or trade school and full-time employment for a period of two years with an electrical contractor under master or journeyman's supervision. The educational training and full time employment may not be concurrent.

**160.16 APPRENTICE PLUMBERS.** Registration: A plumbing apprentice must be registered to perform plumbing work. The apprentice must be employed by a plumbing contractor and must work under the supervision of a licensed plumber. The supervision ration shall be not more than two apprentices to each licensed plumber.

Training: An apprentice must work for at least four years under the supervision of a licensed master or journeyman plumber in and approved and LBE sanctioned on-the-job training program or satisfactorily complete an apprenticeship-training program accredited by the Bureau of Apprenticeship and Training, United States Department of Labor.

Work: No apprentice shall perform plumbing work unless the apprentice is working under the supervision of a licensed plumber. Fourth-year apprentices may work without direct supervision.

Fee: An apprentice shall register with the LBE and pay a registration fee before January 1 of each year.

**160.17 MECHANICAL LICENSE CLASSIFICATIONS.** Contractors' licenses shall be classified in accordance with the type of equipment to be installed, altered, or repaired by the licensee. No licensee shall engage in work outside the classification for which he or she holds a license. Classes of licenses and the corresponding scope of work authorized thereby shall be as follows:

**A. CLASS A - Mechanical Contractor (unrestricted)**

1. Holders of this license may obtain permits for any work or equipment regulated by the City of Bondurant, Code of Ordinances, 2002, relating to Mechanical work.

2. This license shall be available only to the following:

(a) A person who holds a class B, class C, and class D license; or

(b) A firm in which licensees wish to combine their respective class B, class C, and class D licenses for the purpose of obtaining a class A license for such firm or business, in which case each licensee must maintain the individual license simultaneously with the firm's or business' class A license. The class A license shall be issued in the name of the firm and in the names of each of the holders of the class B, class C, and class D licenses.

**B. CLASS B - Comfort Heating and Cooling Contractor**

1. Holders of this license may obtain permits for work or equipment regulated under Chapter 156 pertaining to ventilation systems, exhaust systems, duct systems, combustion air systems, chimneys and vents, specific appliances, fireplaces, solid fuel-burning equipment, hydronic piping, fuel oil and gas special piping and storage and solar systems.

**C. CLASS C - Refrigeration Contractor**

1. Holders of this license may obtain permits for work or equipment regulated under Chapter 156 pertaining to refrigeration, general mechanical systems, combustion air systems, fuel gas systems, refrigeration systems, refrigeration cooling equipment, absorption cooling equipment, evaporative cooling equipment and low temperature piping.

**D. CLASS D - Boiler Contractor**

1. Holders of this license may obtain permits for work or equipment regulated under Chapter 156 pertaining to combustion air systems, chimneys and vents, boilers, water heaters and pressure vessels, hydronic piping, general mechanical system requirements, special piping and storage systems and fuel gas systems.

**E. CLASS E - Special Appliance Contractor**

1. Holders of this license or a class A, B or D license may obtain permits for work or equipment pertaining to combustion air systems, chimneys and vents, specific appliance fireplaces and solid fuel burning equipment, general mechanical systems and the installation of solid fuel burning appliances such as manufactured stoves and fireplaces. All installations shall be in compliance with the appliance listings, manufacturer's recommendations and applicable requirements of Chapter 156.

**160.18 CONTRACTOR LICENSE EXPERIENCE REQUIREMENTS.** An applicant for a Ducted Air Heating/Cooling Contractor's License, Hydronic Heating/Cooling Contractor's License, or a Refrigeration Contractor's License shall submit proof of two years experience installing equipment or systems in the respective classification and shall attain a score of 75% on a nationally recognized test approved by the LBE.*(Ordinance No. 07-204)*



## CHAPTER 161

### FIRE CODE

161.01 Adoption of Fire Code	161.12 Premise Identification
161.02 Deletions	161.13 Key Boxes
161.03 Amendments and Additions	161.14 Fire Department Connections
161.04 Electrical	161.15 Handrails
161.05 Permit Fees	161.16 Requirements for Egress Window Landings
161.06 Types of Permits	161.17 Registration of Flammable and Combustible Storage Tanks
161.07 Expiration	161.18 Fireworks
161.08 Board of Appeals	161.19 Fireworks Bond for Display and Disposal
161.09 Open Burning and Recreational Fires	161.20 Hazardous Substances, Notification and Disposal
161.10 Liquefied Petroleum Gas Fueled Cooking Devices	161.21 False Fire Alarm
161.11 Fire Lane Identification	

**161.01 ADOPTION OF FIRE CODE.** This chapter shall consist of the “International Fire Code, 2015 Edition,” as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety, excepting only such portions as are hereinafter stated to be deleted therefrom; and such additional provisions as are hereinafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “Fire Code,” may be cited as such, and will be referred to herein as such and as “this code.”

**161.02 DELETIONS.** The following are hereby deleted from this code and are of no force or effect herein:

1. Subsection 105.3.1 and Subsection 105.3.2
2. Section 108

**161.03 AMENDMENTS AND ADDITIONS.** The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the Fire Code, and where their requirements conflict with those of the Fire Code, the requirements of this chapter shall prevail. The sections listed below shall be construed in the context of the enumerated chapter or chapters of Fire Code.

1. Section 161.03 - Section 202 IFC (definition of bedroom)
2. Section 161.04 - IFC (Electrical Code)
3. Section 161.05 – Section 105.1.1 (Permit Fees)
4. Section 161.06 - Section 105.1.2 (Types of Permits)
5. Section 161.09 – Section 307.1 (Open Burning)
6. Section 161.10 - Section 308.3.1.1 (Liquefied-petroleum-gas-fueled-cooking-devices)
7. Section 161.11 - Section 503.3 (Fire Lane Identification)
8. Section 161.12 - Section 505.1 (Premise Identification)
9. Section 161.13 - Section 506.1 (Key Boxes)

10. Section 161.14 - Section 912.1 (Fire Department Connections)
11. Section 161.15 - Section 1012.4 (Handrails)
12. Section 161.16 - Section 1026.3 (Egress Window Landings)
13. Section 161.17 - Section 3401.4 (Registration of flammable and combustible container/tanks)

For the purposes of this code, the word “bedroom” means any room with a permanently built in closet, designed for and potentially used for sleeping purposes at the present time and / or in the future. Bedrooms shall meet all the minimum provisions of this code to include a minimum of 70 square feet of floor area with the least horizontal dimension of 7 feet, glazing for natural light to be not less than 8 percent of floor area, heat provided in the room to maintain a minimum of 68 degrees, 3 feet from the floor and 2 feet from the exterior walls, a height of 7 feet in the room(s) shall be maintained, shall meet the minimum emergency escape and rescue opening, shall have a permanently powered smoke alarm device with battery backup. Bedrooms include dens, offices, playrooms, family rooms, storage areas, and other rooms with built in closets. For the purpose of this chapter “bedroom(s) and sleeping room(s) shall be synonymous with each other.

**161.04 ELECTRICAL.** Any reference in the International Fire Code to the ICC Electrical Code shall be replaced with the National Electrical Code as adopted per chapter 158 of the City of Bondurant Code of Ordinances.

**161.05 PERMIT FEES.** Section 105.1.1 shall be amended by adding the following sentence to the end of the paragraph: A fee for each construction permit shall be paid to the fire official in the amount set forth in the Schedule of Fees as adopted by the City Council.

1. Permit Fees:

A. A fee for each construction permit shall be paid to the fire chief in the amount set forth in the Schedule of Fees as adopted by the City Council.

B. 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 as described in paragraph A above.

C. Permits and Fees for mechanical, plumbing, and electrical work shall meet the requirements of Ordinances 156, 157, and/or 158 respectively.

Additional permit fees are as follows:

1. Plan Check Fees: Plan Check Fees shall be in the amount set forth in the Schedule of Fees as adopted by the City Council.

A. Double Fee. Except in emergency situations, as determined by the Fire Chief, where work for which a building permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees in the amount set forth in the Schedule of Fees as adopted by the City Council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

1. The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and
2. The person secures the proper permit on the next Fire Department working day.
3. No Plan review is required prior to issuance of the permit.

B. Refunds. If, within 30 days of the date of issuance, the holder of a construction permit decides not to commence the work described in said permit, said person may, upon application to the Fire Chief, be refunded that portion of the permit fee which is in excess of the permit refund fee in as set forth in the Schedule of Fees as adopted by the City Council.

C. Fees for Permit Renewals as stated in Section 161.07 shall be based on the percentage of valuation of remaining work to be performed provided the plans are not changed. If the plans are changed enough to warrant a review then the permit fee shall be  $\frac{1}{2}$  the cost of the original fee plus any fees as set forth in subsection E of this code section.

\* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

D. Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee as set forth in the Schedule of Fees as adopted by the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

E. Other Inspections and Fees: See the schedule of fees as adopted by City Council.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.

**161.06 TYPES OF PERMITS.** Section 105.1.2 shall be amended by the deletion of item number 1, including sub-numbers, and replaced with the following:

1. Operational Permit. A certificate of occupancy issued pursuant to the provisions of Chapter 155 of the City of Bondurant, Code of Ordinances shall be assumed to meet the provisions of this section except for sections 105.6.30, 105.6.31, 105.6.32, and 105.6.43.

**161.07 EXPIRATION.** Every permit issued by the fire official under the provision of the fire code 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. Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit.
4. For permits with a valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within, which he or she may commence or continue work. The fire official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the City Council. 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.

**161.08 BOARD OF APPEALS.** In order to hear and decide appeals of orders, decisions or determinations made by the Fire Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Bondurant, Iowa. One (1) member of

said Board of Appeals at a minimum shall be a private citizen. The Fire Official / Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Fire Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Fire Board of Appeals and the Building Board of Appeals shall be one in the same. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire/Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Fire/Building Board of Appeals shall be paid as set forth in Section 161.05 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

**161.09 OPEN BURNING AND RECREATIONAL FIRES.** Section 307.1 of the International Fire Code shall be amended by adding the following to the end of the section: There shall be no open burning in the City of Bondurant Corporate Limits without prior approval of Polk County Air and Waste Management Department and the Fire Chief.

**161.10 LIQUEFIED PETROLEUM GAS FUELED COOKING DEVICES.** Section 308.3.1.1 of the International Fire Code shall be amended by deleting the section and replacing with the following: LP-gas burners having an LP-gas container with a water capacity greater than 47.7 pounds (nominal 20 pound LP gas capacity) shall not be located on combustibles balconies and decks or within 10 feet of combustible construction. Exception: One and Two family dwellings.

**161.11 FIRE LANE IDENTIFICATION.** Section 503.3 of the International Fire Code shall be amended by deleting the section and replacing with the following: When required by the Fire Code Official, Fire lanes shall be painted traffic red. Signs shall be permanently mounted with a center height not exceeding 60" above adjacent grade. The beginning sign shall be set at 45 degrees to the designated area with a red arrow pointing forward toward the fire lane. The intermediate signs shall be set every 100 feet in the fire lane. The end sign shall be set at 45 degrees to the designated area with a red arrow pointing backward to the fire lane. Signs shall be eighteen (18) inches tall by twelve (12) inches wide, with red letters on a white background to read [No parking Fire lane].

**161.12 PREMISE IDENTIFICATION.** Section 505.1 of the IFC shall be amended by deleting the number 4 inches to 6 inches for other than Group R-3 occupancies and individual dwelling units in an R-2 occupancy.

**161.13 KEY BOXES.** Section 506.1 of the International Fire code shall be amended by adding the following to the end of the section: Key boxes shall be located at the front of the building typically adjacent to the main front door(s) at a height of 5 feet above grade, or at a location as directed by the fire code official.

**161.14 FIRE DEPARTMENT CONNECTIONS.** Section 912.1 of the International Fire Code shall be amended by adding the following to the end of the section: The fire department connection shall be a 5 inch Storz type connector(s) compatible with the hose couplings currently in use by the fire department and connected to the riser by means of a 5 inch or larger piping system. A fire department connection having the standard internal threaded swivel fittings of 2 ½ inches NST may be substituted for the 5 inch Storz connection with the approval of the fire code official where system pressures may exceed hose test pressure or where the water supply locations could require an extensive hose lay to the structure.

**161.15 HANDRAILS.** The following shall be added at the end of exception #1 of Section 1012.4 of the International Fire Code. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 or One and Two family dwellings shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

**161.16 REQUIREMENTS FOR EGRESS WINDOW LANDINGS.** Section 1026.3 of the International Fire Code shall be added to the end of the section to state as follows: Where a landing is provided for egress windows in new and existing construction of Group R occupancies/One and Two family Dwellings only when the maximum height requirement cannot be met as stated in Section 1026.3 shall have a minimum width of 36 inches, a minimum depth of 18 inches and a maximum height of 24 inches. The landing shall be permanently affixed to the floor under the window it serves.

**161.17 REGISTRATION OF FLAMMABLE AND COMBUSTIBLE STORAGE TANKS.** Section 3401.4 of the IFC shall be amended by deleting the section and replacing with the following: Owners or Owners Agents shall register the placement of Flammable and Combustible containers/tanks located on their property as follows with the fire department:

1. Storage, handling, or use of class I liquids in excess of 5 gallons inside a building or in excess of ten gallons outside a building, except registration is not required for the storage or use of:

A. Flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant, unless storage in the opinion of the fire chief would cause an unsafe condition.

B. Paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for a period of not more than 30 days.

2. Retailing of class I, II, or IIIA liquids at a service station or other locations.
3. Storage, handling or use of class II or IIIA liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except storage of 550 gallons or less of fuel oil when connected with oil burning equipment.
4. The manufacture, processing, blending, or refining of Class I, II, or IIIA liquids or where liquids are used in the manufacturing, processing or finishing of articles.
5. Storage of flammable or combustible liquids in stationary tanks or placement tanks temporarily out of service, when the total storage capacity is 1,000 gallons or more.
6. Installation or major repair of tanks either above ground or below ground containing class I and II liquids, and class IIIA liquids in excess of one 275 gallon tank outside a building or two 275 gallon tanks in a building.
7. Major repair, replacement or addition of piping either above ground or below ground, used with class I, II, or IIIA liquids on existing tanks.

Registration shall be submitted with forms furnished by the Fire Department. The registration of containers / tanks does not waive any requirements of the code.

#### **161.18 SALE OF FIREWORKS.**

1. No person, retailer, consumer group or otherwise shall sell or display for sale any fireworks without possessing a consumer fireworks seller license as required under Iowa Code Chapter 100, and any permits required by the Bondurant Municipal Code and without providing evidence of insurance in the amounts not less than \$2,000,000.00 per Occurrence and \$5,000,000.00 in the Aggregate.
2. The sale or display for sale of fireworks shall only occur within structures complying with all zoning, fire, building, electrical and plumbing codes applicable to fireworks sales operations and uses.
3. A person, firm, partnership, or corporation shall not sell consumer fireworks to a person who is less than eighteen years of age.
4. A person, firm, partnership or corporation who violates this section commits a simple misdemeanor punishable by a fine of not less than \$250.00 per violation.

*(Ordinance No. 17-207)*

#### **161.19 FIREWORKS BOND FOR DISPLAY.**

1. Supervised public exhibitions or displays of Display Fireworks as defined in Iowa Code section 727.2(1)(b) shall be conducted only in accordance with this section along with any rules and regulations issued by the Fire Chief for the area included with the permit application.

2. Upon written application the City may grant a permit for the display of Display Fireworks by a City agency, fair association or other organizations or groups as may be approved by the City and when such fireworks to be displayed are under the direct control of a licensed and competent operator. Any applications shall have attached thereto proof of insurance with limits not less than \$2,000,000.00 per occurrence and \$5,000,000.00 aggregate (FORMERLY 1,000,000 and 2,000,000 in old city ordinance).

3. A person, firm, partnership or corporation who violates any provision of this chapter commits a simple misdemeanor punishable by a fine of not less than \$250.00 per violation.

*(Ordinance No. 17-207)*

**161.20 HAZARDOUS SUBSTANCES, NOTIFICATION AND CLEANUP.**

1. Scope. This section shall apply to the release of hazardous substances and the notification, cleanup and recovery of costs associated with the mitigation of hazardous conditions.

2. Definitions. For the purposes of the section, these words have the following meaning:

A. "Cleanup" shall mean the removal, by approved personnel, of the hazardous substances to a place where the waste will not cause any danger to persons or the environment, in accordance with the state statutes, rules and regulations therefore, or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to general good appearance without noticeable odor as far as practicable. Cleanup includes all actions necessary to contain, collect, identify, analyze, treat, disperse, remove or dispose of a hazardous substance and to restore the sites from, which such hazardous substance was cleaned up.

B. "Hazardous Condition" shall mean any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance.

1. Within the City or onto City property located outside the City which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence creates an immediate potential danger to the public health or safety; or

2. Onto land, into the waters within the State of Iowa or into the atmosphere, but outside the City which because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate potential danger to the public health or safety of persons or property within the City.



Hazardous conditions includes involving hazardous materials required to be reported under Section 321.266 (4) of the Code of Iowa.

C. "HAZARDOUS SUBSTANCE" shall mean any substance or mixture of substance that presents a danger to public health or safety or environment and includes, but is not limited to, a substance that is toxic, corrosive or flammable, or that is an irritant, or that, in confinement, generates pressure through decomposition, heat or other means. The following are examples of substances which, in sufficient quantity, may be hazardous; Acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. "Hazardous substance" includes any hazardous waste identified or listed by the Administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act of 1976, as amended to January 1, 1977, or any hazardous materials designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous materials designated by the Secretary of Transportation under the Hazardous Materials Transportation Act, or any hazardous substance listed under the Comprehensive Environmental Response, Compensation Liability Act of 1980.

D. "Person" shall mean a natural person, his heirs, executors, administrators or assigns and also includes a firm, partnership or corporation, its or their successors or assigns, or any other similar legal entity or the agent of any of the aforesaid.

E. "Responsible Person" shall mean the person, whether the owner, agent, lessor or tenant, in charge of the hazardous substance being stored, processed or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill would cause danger to the public or to any persons or to the environment.

F. "Treatment" shall mean a method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or render the substance non-hazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce it in volume.

Treatment includes any activity or processing designed to change the physical form or chemical composition of a hazardous substance to render it non-hazardous.

3. Notification. When a hazardous condition is created, the responsible person shall notify the Bondurant Fire Department immediately upon discovery of the condition but in no instance later than thirty minutes after the discovery of the hazardous condition.

4. Cleanup required. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance, or a constituent of the hazardous substance, may enter the environment or be emitted into the air or discharge into any waters, including ground waters, the Fire Chief or designee may remove or provide for removal and the disposal of the hazardous substance at any time, unless the Fire Chief or designee determines such removal will be properly and promptly accomplished by the responsible person. If the responsible party does not initiate and complete cleanup within the time designated by the Fire Department, the City may proceed to remedy the hazardous condition by performing necessary cleanup devices.

5. Loss, Burden or Costs. A responsible person shall be liable to the City for all cleanup costs incurred by the City, including but not limited to; chemical damage, contamination of equipment, and the use of consumable materials, personnel, but shall not be liable for those losses, burdens or costs normally associated with response to fire emergencies which do not involve hazardous conditions. If charges for such cleanup costs are not paid within thirty days after invoice, the City shall proceed to obtain payment by all legal means.

#### **161.21 FALSE FIRE ALARMS.**

1. Definitions. For the purposes of this section, these words have the following meaning:

A. "False Alarm" means the activation of a fire alarm system through mechanical failure, malfunction, improper installation, improper maintenances, or the negligence of the owner or lessee of the fire alarm system or his or her employees or agents. This does not include alarms caused by unauthorized tampering with a fire alarm system by anyone other than the fire alarm user or his or her agent.

B. "Fire alarm system" means any assembly of equipment, mechanical or electrical, installed by a fire alarm business, arranged to signal the occurrence of a fire, smoke, water flow or other condition to which the fire department may be expected to respond.

C. "Fire alarm user" means a person, firm, partnership, association, corporation, company, or organization of any kind that is in control of any building, structure, or facility where a fire alarm system is present.

D. "Testing and maintenance" means when an alarm service technician or alarm company conducts fire alarm system testing.

2. Fire Alarm Activation and User Fee.

A. Whenever fire department personnel responds to an activated fire alarm system the Fire Chief or authorized fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report.

B. The fire department shall regularly review incident reports to monitor the accumulation of false alarms at any one location. Whenever two false alarms have occurred at the same location within one calendar year, and the location is within the response jurisdiction area of the City of Bondurant, the Fire Department shall notify the fire alarm user by letter, citing the location and date of each alarm activation. The letter shall recommend that appropriate action be taken on the part of the fire alarm user to alleviate the causes of such false alarms and shall include a statement that an accumulation of more than three false alarm activations within a year shall result in a charge for services. Another similar letter shall be sent when three false alarms have occurred at the same location within the year.

C. When four false alarms have occurred at one location within a calendar year, a user fee for service for false alarm response shall be invoiced to the property owner. Each additional false fire alarm activation within the same calendar year shall be invoiced an additional fee. In the event that payment of the fee is not made within thirty days of billing, and administrative charge for collection shall be assessed. The fee hereby established affords only partial recovery of the expenses incurred in responding to the false alarms.

D. Whenever fire department personnel respond to a fire alarm that has been activated due to testing and maintenance, the fire official in charge of the incident shall determine if the response resulted from failure to make the proper notification to the alarm system monitor center and the Polk County Communication Dispatch Center and shall so indicate on the incident report. Notwithstanding anything contained in any other section of the ordinance codified in this chapter, if a fire alarm is activated due to testing and maintenance and the Polk County Communication Dispatch Center was not given proper notification, a user fee established by resolution will be imposed upon each false alarm. The responsible party will be the agency, testing or maintenance company representative, or individual that initiated the alarm testing or maintenance.

3. Evidence of Repair Accepted in Lieu of Fee. An alarm user may submit evidence that a malfunctioning system has been repaired in lieu of paying a user fee within ten days of the date of notification of the fee. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable.

4. Review of False Alarm Fee. Any person may appeal the imposition of the fee to the City Council. A false alarm activation user or his / her designee shall appeal in writing and such appeal shall be made to the Fire chief within ten days of the date of the notification fee.

5. False Alarm Fees. A fee for each false alarm shall be paid to the Fire Chief in the amount set forth in the Schedule of Fees as adopted by the City Council.

6. False Alarm Effective Date. False fire alarm activation fees will begin at the time of City Council resolution.

*(Ordinance No. 07-205)*

**CHAPTER 162**  
**CHAPTER RESERVED**

*(Ordinance No. 07-208)*

**CHAPTER 163**  
**CHAPTER RESERVED**

*(Ordinance No. 07-209)*

**CHAPTER 165**

**FLOODPLAIN MANAGEMENT**

<b>165.01 Title</b>	<b>165.06 Nonconforming Uses</b>
<b>165.02 Statutory Authority, Findings of Fact and Purpose</b>	<b>165.07 Penalties for Violation</b>
<b>165.03 General Provisions</b>	<b>165.08 Amendments</b>
<b>165.04 Floodplain Management Standards</b>	<b>165.09 Definitions</b>
<b>165.05 Administration</b>	

**165.01 TITLE.** This Chapter establishes the Flood Zone Regulations for Bondurant and provides for the administration, enforcement and amendment thereof.

**165.02 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.**

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.
2. Findings of Fact.
  - A. The flood hazard areas of the City of Bondurant are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
  - B. These flood losses, hazards, and related adverse effects are caused by:
    - (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
3. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Bondurant and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 165.02(2)(A) of this Ordinance with provisions designed to:
  - A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

- B. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- C. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

### **165.03 GENERAL PROVISIONS.**

1. The provisions of this Ordinance shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Polk County and Incorporated Areas, City of Bondurant, Panels 19153C0230F, 0235F, 0240F, dated February 1<sup>st</sup>, 2019, which were prepared as part of the Polk County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the base flood elevation at the particular site in question. The Flood Insurance Study for the County of Polk County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
2. Rules for Interpretation of Flood Hazard Boundaries. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the City Administrator shall make the necessary interpretation. The Planning and Zoning Commission shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City of Bondurant in the enforcement or administration of this Ordinance.
3. Compliance. No structure or land shall hereafter be used, and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
4. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
5. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
6. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Bondurant or



any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

7. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**165.04 FLOODPLAIN MANAGEMENT STANDARDS.** All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to determine: (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood level. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

1. All development within the special flood hazard areas shall:
  - A. Be consistent with the need to minimize flood damage.
  - B. Use construction methods and practices that will minimize flood damage.
  - C. Use construction materials and utility equipment that are resistant to flood damage.
  - D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential structures – All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

3. Non-residential structures – All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.
4. All new or substantially improved structures:
  - A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
    - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - ii. The bottom of all openings shall be no higher than one foot above grade.
    - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.
  - B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. Factory-built homes:
  - A. All new or substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
  - B. All new or substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist

flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

6. Utility and Sanitary Systems:

- A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
  - B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
  - C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
  - D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a base flood with a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
9. Water alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.
10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions shall include base flood elevation data for those areas located within the Special Flood Hazard Area regardless of size and number of lots.
11. Accessory Structures:
- A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.
    - i. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure

located less than one (1) foot above the BFE must be constructed of flood-resistant materials.

- ii. The structure shall be designed to have low flood damage potential.
- iii. The structure shall not be used for human habitation.
- iv. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters
- v. The structure shall be firmly anchored to prevent flotation, collapse and lateral movement which may result in damage to other structures.
- vi. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the base flood elevation.
- vii. The structure's walls shall include openings that satisfy the provisions of Section 165.4 (4) A

B. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles:

A. Recreational vehicles are exempt from the requirements of 165.04(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- i. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
- ii. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of 160.04(5) of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

14. Maximum Damage Potential Uses – All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to

compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

15. Special Floodway Provisions – Uses within the floodway must also meet the following applicable standards.
  - A. No use shall be permitted in the floodway that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - B. All uses within the Floodway shall:
    - i. Be consistent with the need to minimize flood damage.
    - ii. Use construction methods and practices that will minimize flood damage.
    - iii. Use construction materials and utility equipment that are resistant to flood damage.
  - C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
  - D. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
  - E. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of this sub-section and shall be constructed or aligned to present the minimum possible resistance to flood flows.
  - F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
  - G. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
  - H. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
  - I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

## **165.05 ADMINISTRATION.**

1. Appointment Duties and Responsibilities of Floodplain Administrator.
  - A. The City Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
  - B. Duties of the Administrator shall include, but not necessarily be limited to the following:
    - i. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
    - ii. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental

agencies including approval when required from the Department of Natural Resources for floodplain construction.

- iii. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
- iv. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.
- v. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
- vi. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
- vii. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
- viii. The Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- ix. Maintain the accuracy of the community's Flood Insurance Rate Maps when:
  - a. Development placed within the Floodway results in any of the following:
    - i. An increase in the Base Flood Elevations; or
    - ii. Alteration to the floodway boundary.
  - b. Development placed in Zones, A, AE, AH, and AI – 20 that does not include a designated floodway that will cause a rise of more than one (1) foot in the base flood elevation; or
  - c. Development relocates or alters the channel. Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.
- x. Perform site inspections to ensure compliance with the standards of this Ordinance.

## 2. Floodplain Development Permit.

- A. Permit Required – A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- B. Application for Permit – Application shall be made on forms furnished by the Administrator and shall include the following:
  - (1) Description of the work to be covered by the permit for which application is to be made.

- (2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily and locate the work to be done.
  - (3) Indication of the use or occupancy for which the proposed work is intended.
  - (4) Elevation of the base flood.
  - (5) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
  - (6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
  - (7) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
  - (8) Location and dimensions of all buildings and building additions.
- C. Action on Permit Application – The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Planning and Zoning Commission.
- D. Construction and Use to be as Provided in Application and Plans Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

### 3. Variance.

- A. The Planning and Zoning Commission may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
- i. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
  - ii. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- iii. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and such construction increases risks to life and property.
  - iv. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - v. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- B. Factors Upon Which the Decision of the Planning and Zoning Commission Shall be Based – In passing upon applications for Variances, the Planning and Zoning Commission shall consider all relevant factors specified in other sections of this Ordinance and:
- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - (2) The danger that materials may be swept on to other land or downstream to the injury of others.
  - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - (5) The importance of the services provided by the proposed facility to the City.
  - (6) The requirements of the facility for a floodplain location.
  - (7) The availability of alternative locations not subject to flooding for the proposed use.
  - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  - (12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
  - (13) Such other factors which are relevant to the purpose of this Ordinance.
- C. Conditions Attached to Variances – Upon consideration of the factors listed above, the Planning and Zoning Commission may attach such conditions to the



granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- (1) Modification of waste disposal and water supply facilities.
- (2) Limitation of periods of use and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.
- (4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
- (5) Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

#### **165.06 NONCONFORMING USES.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
  - A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
  - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

**165.07 PENALTIES FOR VIOLATION.** Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$750.00 (Seven Hundred Fifty Dollars) or imprisoned for not more than thirty (30) days. Nothing herein contained prevent the City of Bondurant from taking such other lawful action as is necessary to prevent or remedy violation.

**165.08 AMENDMENTS.** The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement,

change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

**165.09 DEFINITIONS.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. Appurtenant Structure – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. Base Flood – The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
3. Base Flood Elevation (BFE) – The elevation floodwaters would reach at a particular site during the occurrence of the base flood event.
4. Basement – Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. Development – Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.
6. Existing Construction – Any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as “existing structure.”
7. Existing Factory-Built Home Park or Subdivision – A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
8. Expansion of Existing Factory-Built Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
9. Factory-Built Home – Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
10. Factory-Built Home Park – A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
11. Five Hundred (500) Year Flood – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

12. Flood – A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
13. Flood Insurance Rate Map (FIRM) – The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
14. Flood Insurance Study (FIS) – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
15. Floodplain – Any land area susceptible to being inundated by water as a result of a flood.
16. Floodplain Management – An overall program of corrective and preventive measure for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
17. Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
18. Floodway- The channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry, and discharge flood waters or flood flows so that the confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
19. Floodway Fringe – Those portions of the Special Flood Hazard Area outside the floodway.
20. Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
21. Historic Structure – Any structure that is:
  - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
22. Lowest Floor – The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of 165.04(4)(A) of this Ordinance; and
- B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation; and
- D. The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C, and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

- 23. Maximum Damage Potential Uses – Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
- 24. Minor Projects – Small development activities (except for filling, grading and excavating) valued at less than \$500.
- 25. New Construction – (new buildings, factory-built home parks) – Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
- 26. New Factory-Built Home Park or Subdivision – A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.
- 27. One Hundred (100) Year Flood – A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average will be equaled or exceeded at least once every one hundred (100) years.
- 28. Recreational Vehicle – A vehicle which is:
  - A. Built on a single chassis;
  - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - C. Designed to be self-propelled or permanently towable by a light duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- 29. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
  - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - C. Basement sealing;
  - D. Repairing or replacing damaged or broken window panes;
  - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
30. Special Flood Hazard Area – The land within a community subject to the “base flood”. This land is identified as Zone A, A 1-30, AE, AH, AO, AR, and/or A99 on the community’s Flood Insurance Rate Map.
31. Start of Construction – Included substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
32. Structure – Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and/or other similar uses.
33. Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
34. Substantial Improvement – Any improvement to a structure which satisfies either of the following criteria:
- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an “historic structure”, provided the alteration will not preclude the structure’s designation as an “historic structure”.

- B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed on or after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- 35. Variance – A grant of relief by a community from the terms of the floodplain management regulations.
- 36. Violation – The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

*(Ordinance No. 190122-202)*

**CHAPTER 166**  
**CHAPTER RESERVED**

*(Ordinance No. 07-210)*

## CHAPTER 167

# STREAM BUFFER PROTECTION AND MANAGEMENT

167.01 Purpose	167.05 Buffer Management and Maintenance
167.02 Definitions	167.06 Stream Buffer Management Plan
167.03 Applicability	167.07 Enforcement
167.04 Stream Buffer Design	167.08 Exemptions

**167.01 PURPOSE.** The purpose of this chapter is to establish minimum requirements for the design of buffers to protect the streams and creeks that are within the jurisdiction of the City of Bondurant, Iowa; to protect the water quality of the creeks, streams and other significant water resources that are within the City of Bondurant and those that are downstream as well; and to provide for the environmentally sound use of Bondurant’s land resources.

**167.02 DEFINITIONS.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it’s most reasonable application.

1. “Active Channel” is the area of the stream channel that is subject to frequent flows (approximately once per one and half years) and that include the portion of the channel below the floodplain.

2. “Best Management Practices (BMP’S)” means a schedule of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Common BMPs are described in the Iowa Stormwater Management Manual and SUDAS. The BMPs covered are not meant to be a comprehensive list of acceptable BMPs.

3. “Buffer” is a vegetative area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system. Alteration of the natural area is strictly limited.

4. “Native Vegetation” refers to vegetation originating naturally in this region of the state. Native vegetation is not to be confused with all existing vegetation.

5. “Streams” are perennial and intermittent watercourses identified through site inspection and United States Geological Survey (USGS) maps and further defined and categorized as follows:

A. Type I Streams are defined as perennial streams that show as solid blue lines on the United States Geological Survey seven and one-half minutes series topological map and have a drainage area of greater than 50 acres.

B. Type II Streams are defined as intermittent streams as dashed blue lines on the United States Geological Survey seven and one-half minutes series topological map and have a drainage area greater than 50 acres.



C. Type III Streams are defined as intermittent streams or natural channels which are not shown on the United States Geological Survey seven and one-half minutes series topological map as either blue or dashed blue lines which have drainage areas of greater than 50 acres.

6. “Stream Bank” is the area between the stream channel and the break in the stream bank slope or the highest point of the stream channel.

7. “Stream Channel” is part of the watercourse either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:

A. Hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area(s) where groundwater enters the stream channel in the vicinity of the stream headwaters, channel bed, or channel banks.

B. Flowing water not directly related to a storm event.

C. Historical records of a local high groundwater table, such as well and stream gauge records.

8. “SUDAS” means the current Standard Urban Design and Specifications Manual, as locally amended, that specifies the stormwater guidelines and stormwater controls deemed by SUDAS to meet the goals of the U.S. Environmental Protection Agency NPDES permit program administered by the Iowa Department of Natural Resources.

9. “Wetland” is defined as areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**167.03 APPLICABILITY.** This chapter shall apply to proposed improvements associated with all land development activity requiring a site plan, construction drawings, or subdivision on property containing a stream, near a stream, or drainage swale draining greater than 50 acres. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established by other regulatory avenues.

#### **167.04 STREAM BUFFER DESIGN.**

1. A stream buffer for a stream system shall consist of a native vegetative strip of land extending along both sides of a stream and its adjacent wetlands, floodplain, or slopes. The stream buffer width shall be adjusted to include contiguous sensitive areas, such as steep slopes, or erodible soils, where development or disturbance may adversely affect water quality, streams, wetlands, or other water bodies.

2. The required base width for all buffers shall be determined on the type of stream being protected, as specified in the table below.

Table I. Required Minimum Stream Buffer Width	
Where Floodway Exists	Floodway plus 50 feet
No Floodway	Iowa DNR Method
All others	30 feet

3. A comprehensive map of all existing stream buffer areas within the jurisdiction of the City of Bondurant has been established and will be provided upon request.

4. The City of Bondurant may consider buffer design modifications in unique cases of topography or other hardship provided that the project can meet the goals outlined in the purpose and intent of this chapter.

5. After the buffer distance has been determined an additional distance shall be provided for maintenance access, this additional distance is outlined in the table below.

Table II. Maintenance Access Distances		
Stream Type	Additional Width of Buffer	Sides of Buffer
Type I	20 feet	Both
Type II	20 feet	Both
Type III	15-20 feet	One Side

6. The buffer shall begin at the edge of the waterway for Type I and at the centerline of the channel for Type II and III waterways. The edge of the waterway is the outer wet edge of the channel during base flow or where the edge of vegetation occurs.

7. A stream buffer shall not be required for the portions of a stream that are less than 150 feet in length due to the stream having been previously enclosed within a pipe or box structure.

8. Impervious surfaces, septic systems and all associated equipment are prohibited within the buffer.

9. Dominant vegetation shall consist of existing or seeded/planted native trees, shrubs, perennial grasses and forbs suited to the soil and hydrology of the site and the intended purpose. No single species shall make up more than 50% of the total number of species planted. Turf grass (lawn) is not permitted.

10. Overland flow through the stream buffer area will be maintained as sheet flow.

**167.05 BUFFER MANAGEMENT AND MAINTENANCE.**

1. The stream buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources.

2. The City of Bondurant will be responsible for the management and maintenance of the stream buffer, including wetlands and floodplains, of Type I and II streams.

3. Type III stream management and maintenance shall be subject to drainage area and development goals. If management and maintenance of the Type III stream buffer is private, then a management plan shall be developed by the owner. The requirements for the stream buffer management plan are outlined in Section 000.06.

4. A deed to the City shall be given for all required stream buffers as a part of the final plat or site plan approval process.

5. Temporary access easements may need to be developed during the site plan or subdivision process, if the buffer is not yet contiguous to another point of access.

6. The following structures, practices, and activities are permitted in the stream buffer, with specific design or maintenance features, subject to the review of the City of Bondurant:

A. Roads, bridges, paths, and utilities:

-the right-of-way should be the minimum width needed to allow for maintenance access and installation.

-the angle of the crossing shall be as close to perpendicular as feasible to the stream or buffer in order to minimize clearing requirements.

B. Stream restoration projects, facilities and activities approved by the City of Bondurant are permitted within the stream buffer.

C. Water Quality monitoring and stream gauging are permitted within the stream buffer, as approved by the City of Bondurant.

7. The following practices and activities are prohibited within the stream buffer area, except with the explicit approval of the City of Bondurant.

A. Clearing of existing vegetation.

B. Grading, stripping, or other soil disturbing practices.

C. Filling or Dumping.

D. Draining the buffer area by ditching, underdrains, or other systems.

E. Use, storage, or application of pesticides, except for the spot spray of noxious weeds or nonnative species consistent with recommendations of the Polk County Soil and Water Conservation District.

8. All plans prepared for recording and all right-of-way plans shall clearly:

A. Show the extent of any stream buffer on the subject property.

B. Label the stream buffer.

C. Provide a note to reference any stream buffer stating “There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Bondurant.”

9. The dedication of a stream buffer area in any form to the City of Bondurant shall not be interpreted to mean that this automatically conveys to the general public the right of access to this area.

#### **167.06 STREAM BUFFER MANAGEMENT PLAN.**

1. A plan approved by the City of Bondurant is required for all Type III streams where the ownership is private.

2. The plan shall contain an informative, conceptual, and schematic representation of the proposed development activity by means of maps, graphs, charts, or other written or drawn documents so as to enable an informed decision regarding the proposed development activity.

3. The plan shall contain the following specific information:

A. A location or vicinity map to include maximum two foot contour intervals and scale of no greater than one inch equals 100 feet.

B. Field delineated streams, springs, seeps, bodies of water, wetlands, and waterway buffer.

C. A buffer plan shall be submitted in conjunction with the required grading plan for any development, and the buffer should be clearly delineated on the final grading plan.

D. Boundary markers will be installed by the applicant prior to commencing clearing and grading operations. Markers will be placed at the outside edge of the buffer prior to the start of any activity adjacent to the buffer. Markers shall be clearly visible and shall be spaced at a maximum of 100 feet. The markers may be joined by marking tape or fencing.

4. The plan shall be developed by an Iowa licensed Professional Engineer, Iowa licensed Landscape Architect, or representative from the Polk Soil & Water Conservation District.

5. The plan shall outline the maintenance procedures established by the owner, to ensure the proper management of the stream buffer.

6. If a maintenance procedure consists of a controlled burn, an approved burn plan for the native areas shall also be included in the management plan. The burn plan shall be approved by the City and Polk County Air Quality prior to any burning activities. If, at a later date, the owner of the management plan decides to use controlled burning as a management tool, they may develop a burn plan and seek City approval.

#### **167.07 ENFORCEMENT.**

1. The City Administrator or his/her designee is authorized and empowered to enforce the requirements of this chapter in accordance with the procedures of this section.

2. If, upon inspection or investigation, the Administrator or his/her designee is of the opinion that any person has violated any provision of this chapter, he/she shall with reasonable promptness issue a notice of the violations identified while conducting an inspection or investigation. Each notice shall be in writing and shall describe the nature of the violation, including a reference to the provision within this chapter that has been violated. In addition, the notice shall set a reasonable time for the abatement and correction of the violation.

3. If the property owner fails to take corrective action, following notice prescribed for the service of civil process by the Iowa Rules of Civil Procedure, the City may do so by its own crews or by persons under its hire and assess against the property owner the City's cost therefore. The cost shall include the salaries and benefits earned by the City employees during such corrective action, a charge for City machinery used and such other costs and expenses as the City actually incurred. To the extent allowed by Iowa law, such costs and expenses may be assessed against the property owner and collected in the same manner as a property tax.

4. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall be subject to a civil penalty as set forth in Chapter 4 of this Code of Ordinances.

5. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

#### **167.08 EXEMPTIONS.**

Exemption of these activities does not constitute an exemption of any other activity proposed on a property:

1. Any existing use that does not change use, zoning district or size is exempt from requirements but shall meet the requirements for compliance for any new development requiring a site plan or subdivision.
2. A perpendicular stream crossing by a driveway, street, or utility lines.
3. A Street or driveway where buffer intrusion is the only option to provide access to a property.
4. Paved and unpaved trails and paths for public use.
5. Public water supply intake or public wastewater outfall structures.
6. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks.
7. Utility lines and easements running parallel with the stream, except that all easements (permanent and construction) and clearing and grading shall recognize the sensitivity of the streams and use Best Management Practices to limit and repair the disturbance within the buffer area. This includes such impervious cover necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
8. Land development activities within a dedicated street right-of-way existing as of the effective date of this chapter.
9. Minor land disturbing for the intent of emergency erosion control and bank stabilization activities (i.e. for the purposes of corrective maintenance; measures for health, safety and welfare/ post storm/ or other disaster relief) if City of Bondurant is notified about the activity and the disturbance area is less than 5,000 square feet.

***(Ordinance No. 18-221)***