

## CHAPTER 145

# MANUFACTURED AND MOBILE HOMES

<b>145.01 Definitions</b>	<b>145.03 Foundation Requirements</b>
<b>145.02 Conversion to Real Property</b>	

**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

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

#### 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 it 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 be 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 Purpose	151.08 Trimming Trees to be Supervised
151.02 Definitions	151.09 Removal of Stumps
151.03 Street Tree Species	151.10 Disease Control
151.04 Street Tree Planting Restrictions	151.11 Inspection and Removal
151.05 Permit for Street Tree Planting or Removal Required	151.12 Damage to Street Trees and Park Trees Prohibited
151.06 Public Tree Care	151.13 Penalty
151.07 Duty to Trim Trees	

**151.01 PURPOSE.** It is the purpose of this chapter to provide for the placement and maintenance of trees and to regulate planting restrictions in public ways; to provide permits therefore; and to provide for penalties for violations thereof.

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

1. “Park Trees” means trees, shrubs, and all other woody vegetation in public parks and in all areas owned by the City or to which the public has free access as a park.
2. “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.
3. “Street Trees” means those trees growing in the parking.
4. “Trees” means woody vegetation usually growing with a single stem and a height over ten (10) feet.

*(Ordinance No. 11-205)*

**151.03 STREET TREE SPECIES.** The following species of trees are eligible for planting in the parking subject to all other requirements of this Chapter 151 being met.

1. Birch, River
2. Blackgum
3. Cucumber Tree
4. Elm, Hybrid (Patriot, Triumph, Valley Forge, Frontier)
5. Ginkgo (Male Only)
6. Hackberry
7. Hardy Rubber Tree
8. Hickory, Mockernut
9. Hickory, Shagbark
10. Holly, American

11. Honeylocust, Thornless
12. Horschensnut, Red
13. Ironwood, Persian
14. Japanese Pagoda Tree
15. Katsura Tree
16. Kentucky Coffee Tree (Male Only)
17. London Planetree
18. Linden, America
19. Linden, Littleleaf
20. Linden, Silver
21. Oak, Black
22. Oak, Bur
23. Oak, Chinkapin
24. Oak, Red
25. Oak, Sawtooth White
26. Oak, Swamp White
27. Ohio Buckeye
28. Persimmon
29. Sassafras
30. Sycamore, American
31. Sweetgu
32. Tulip Tree
33. Turkish Hazel
34. Yellowwood

Species of trees not listed in this section are considered to be prohibited for planting in the parking. Shrubbery of any kind is prohibited. The City Council may amend the list of eligible street trees species by ordinance upon receiving a recommendation from the City Tree Board.

**151.04 STREET TREE PLANTING RESTRICTIONS.** No street tree shall be planted in any parking except in accordance with the following:

1. No street tree shall be planted unless the parking is at least nine (9) feet in width.
2. No street tree shall be planted closer than four (4) feet to the curb or curblane and no closer than four (4) feet to the sidewalk. Whenever possible trees shall be centered between the curb or curblane and the sidewalk or property line. If no public sidewalk exists, the street tree shall avoid the location of the future public sidewalk area, as determined by the Public Works Director.
3. No street tree shall be planted within fifteen (15) lateral feet of an overhead utility line.
4. No street trees shall be planted closer than thirty-five (35) feet to the intersecting lot lines of a corner lot.

5. On a corner lot, no street tree shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining along said street lines twenty-five (25) feet from the point of intersection of the right-of-way lines.
6. No street tree shall be planted closer than five (5) feet from alleys or driveways.
7. No street tree shall be planted within five (5) lateral feet from a water main or sanitary sewer main.
8. No street tree shall be planted within ten (10) feet of a fire hydrant or utility pole.
9. No street tree shall be planted within twenty-five (25) feet of another street tree.

**151.05 PERMIT FOR STREET TREE PLANTING OR REMOVAL REQUIRED.** No person, except the City or a person hired by the City, shall plant, or remove any street tree without first obtaining a permit from the City. Proof of insurance shall be required as part of the permit review process. As part of the permit review process, the Public Works Director shall have the authority to require any permit holder to show adequate insurance coverage to cover potential damages that occur during the execution of work. In the case of the property owner doing the work, proof of homeowner personal liability insurance may be required. If the property owner has hired another person or contractor to do the work, the contractor shall provide the City with a certificate of insurance. The certificate shall show the following minimum required limits of coverage of Commercial General Liability Insurance with limits of not less than \$1,000,000 per occurrence and Worker's Compensation insurance coverage at statutory limits on any and all employees.

**151.06 PUBLIC TREE CARE.** The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public playgrounds, as may be necessary to ensure public safety or to preserve or enhance symmetry and beauty of such public grounds. The City may remove or leave as is any tree or part thereof which is an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or public improvements, or is infected with or affected by any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners provided that the necessary permit required by Section 151.05 is obtained.

**151.07 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])

**151.08 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.07, 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.

**151.09 REMOVAL OF STUMPS.** All stumps of street trees and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

**151.10 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.

**151.11 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 by the City 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])

**151.12 DAMAGE TO STREET TREES AND PARK TREES PROHIBITED.** No person shall damage, move, remove, or otherwise injure or vandalize any street trees or park trees.

**151.13 PENALTY.** Any violation of this chapter will be considered a simple misdemeanor or municipal infraction as provided for in Chapter 4 of the City Code.

*(Ordinance No. 210907-211)*

## CHAPTER 155 INTERNATIONAL BUILDING CODES

<b>155.01 Administrative Provisions</b>
<b>155.02 Adoption of the 2021 International Residential Code</b>
<b>155.03 Amendments, Modifications, Additions and Deletions</b>
<b>155.04 Adoption of the 2021 International Building Code</b>
<b>155.05 Amendments, Modifications, Additions and Deletions</b>
<b>155.06 Adoption of the 2021 International Existing Building Code</b>
<b>155.07 Amendments, Modifications, Additions and Deletions</b>
<b>155.08 Adoption of the 2018 International Mechanical Code</b>
<b>155.09 Amendments, Modifications, Additions and Deletions</b>
<b>155.10 Adoption of the 2021 Uniform Plumbing Code</b>
<b>155.11 Amendments, Modifications, Additions and Deletions</b>
<b>155.12 Adoption of the 2020 National Electric Code</b>
<b>155.13 Amendments, Modifications, Additions, and Deletions</b>
<b>155.14 Adoption of the 2021 International Fuel Gas Code</b>
<b>155.15 Amendments, Modifications, Additions and Deletions</b>
<b>155.16 Adoption of the 2021 International Property Maintenance Code</b>
<b>155.17 Amendments, Modifications, Additions and Deletions</b>
<b>155.18 Adoption of the 2012 International Energy Conservation Code</b>
<b>155.19 Amendments, Modifications, Additions and Deletions</b>
<b>155.20 Adoption of the 2021 International Fire Code</b>
<b>155.21 Amendments, Modifications, Additions and Deletions</b>

**155.01 ADMINISTRATIVE PROVISIONS.** Administration of this ordinance shall be as provided in this section and in the following sections of the several codes named which are hereby adopted by reference to provide procedures for local enforcement of the codes, constituting the International Codes. The Administrative Official or his/her designee, designated by the City Council, shall be responsible for the enforcement of the International Codes. He or she shall be accountable for the issuance of all applicable permits under this ordinance which shall include building permits issued in compliance with the Zoning Ordinance of the City of Bondurant. The Administrative Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code, subject to approval of the Council of the City of Bondurant, as he/she may deem necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code. **All construction projects shall include:** portable toilet on site, temporary address visible from ROW, soil erosion control measures in place throughout the project. Noise ordinance for all projects will be enforced (7AM / 7PM).

**155.02 ADOPTION OF THE 2021 INTERNATIONAL RESIDENTIAL CODE.** Pursuant to published notice and public hearing, as required by law, the International Residential Code, 2021 Edition, published by the International Code Council, is hereby adopted in full, including Appendix Chapters except for such portions as may hereinafter be deleted, modified or amended.

**155.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Residential Code, 2021 Edition, are hereby made:

A. Insert Section R101.1 to read City of Bondurant as the applicable jurisdiction.

B. Delete Section R105.2(Building1) and replace as follows:

1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet; however, site plan approval shall be obtained from the Zoning Department.
- C. Delete Sections R105.2(Building 2), R105.2(Building 4), R105.2(Building 5), and R105.2(Building 10). Replace section R105.2 (5) with the following language: Sidewalks shall be permitted and installed in accordance with approved site plan for individual lot development.
- D. Amend Section R105.6 to include the addition of R105.6.1 Revocation of permit. Insert Section R105.6.1 to read: Revocation of Permit. It is the permit holder's responsibility to schedule the required inspections and obtain final approvals. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a Temporary Certificate of Occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid Certificate of Occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.
- E. Add the following to Section R108.2 Schedule of Permit Fees with the following language:  
Permit fees will be derived from the City of Bondurant Fee Schedule as adopted.
- F. Add the following to Section R108.3: The Building Valuation will be derived from the construction costs for the total work submitted by the contractor, or the most current Building Valuation Data Schedule published by the International Code Council (ICC). Submitted contractor valuation shall not be less than derived valuation through ICC. Published data is utilized by the Administrative Official in an effort to maintain consistency and fairness for permit fee calculations. It is not intended to reflect actual taxable value.

The method for determining the value of the additional listed residential items will be as follows: The square foot of the listed structure, times the Dwelling - Type V - Wood Frame value, times the % multiplier assigned to each listed item.

1. Open Decks - 8%
2. Screened Porches - 15%

3. In-ground Pools - 17%
4. Above-ground pools - 8%
5. 3 Season Porches - 50%
6. Detached Garages – 50%
7. Post Frame Buildings – 50%
8. Remodel/Renovation – 30%

G. Amend Section R108.5 to read as follows: Fee Refunds. The administrative official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The administrative official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The administrative official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The administrative official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

H. Amend Section R110.1 to add the following at the end of the paragraph:

On all new construction, all necessary walks, drives and approaches, and all seeding and sodding are to be installed before a final Certificate of Occupancy is issued.

I. Table R301.2 to read as follows:

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
30	SPEED (MPH)	TOPOGRAPHIC EFFECTS	SPECIAL WIND REGION	WINDBORNE DEBRIS ZONE	A	WEATHERING	FROST DEPTH	TERMITE	0	YES	DEC. 2007	2000	48.6
	115	NO	NO	NO		SEVERE	42	MODERATE					

J. Amend Section R301.2.1.3 to add the following:

For purposes of determining wind loads, the minimum basic wind speed shall be considered as 115 miles per hour; except when referenced documents are based on fastest mile wind velocities, Table R301.2(1) shall be used.



K. Amend Section R301.2.3 to add the following:

For purposes of determining snow loads, 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.

L. Amend section R302.3 to read:

For purposes of fire-resistive separation, two family dwelling units shall be considered as townhouses and shall be constructed in accordance with R302.2

M. Modify IRC Table 302.6 and replace with the following table:

TABLE R302.6

DWELLING-GARAGE SEPARATION

SEPARATION		MATERIAL
From the residence and attics		Not less than 5/8-inch "X" gypsum board or equivalent applied to the garage side
From habitable rooms above the garage and structure(s) supporting floor/ceiling assemblies used for separation required by this section		Not less than 5/8-inch "X" gypsum board or equivalent
Garages located less than 5 feet from a dwelling unit on the same lot		Not less than 5/8-inch "X" gypsum board or equivalent applied to the interior side of exterior walls and ceilings within the garage

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

N. Delete Section R302.13

O. Amend Section R305.1.1 Exception to read:

Existing basements not having a height as specified in this section are allowed to be finished with a ceiling height that is not decreased more than the minimal measurement created by applying a finished ceiling of gypsum board or acoustical ceiling tiles.

P. Amend Section R310.2.3 to add the following exception:

A landing may be provided to meet the maximum sill height of forty-four (44) inches above the floor or landing provided. The landing shall be not less than thirty-six (36) inches wide, not less than twelve (12) inches out from the exterior

wall, and not more than twenty-four (24) inches in height. The landing shall be permanently affixed to the floor below or the wall under the window it serves.

Q. Amend Section R310.6 Exception to read:

New habitable spaces created in an existing basement shall be provided with emergency escape and rescue openings in accordance with Section R310.1.

R. Amend Section R311.3.2 Exception to read:

A top landing is not required where a stairway of not more than four rises is located on the exterior side of a door, provided the door does not swing over the stairway.

S. Amend Section R311.7.5.1 to add exception 3 with the following language:

The dimension of the top and bottom riser of a stair may vary up to 1-inch (25.4 mm) from the stairway riser dimension; however, in no case shall the riser height exceed seven and three-quarter inches.

T. Amend Section R311.7.8.4 to add exception 3 with the following language:

Handrails within a dwelling unit or serving an individual dwelling unit 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.

U. Delete Section R313.1 and replace with the following:

1. 313.1 Townhouses automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.
2. Exceptions:
  1. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.
  2. Townhouse structures where the conditioned square footage of the entire building is less than eighteen thousand (18,000) square feet. For purposes of this section, conditioned space shall be defined as space that can be occupied but shall not include garages or attics.
  3. Townhouse structures that contain eight (8) or less dwelling units.

V. Delete Section R313.2 and replace with the following:

313.2 One and two-family dwelling automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one and two-family dwellings.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing

buildings that are not already provided with an automatic residential fire sprinkler system.

2. One and two-family dwellings containing less than eight thousand (8,000) square feet of floor space, excluding attached garages and other unenclosed areas.

W. Amend Section R317.1 to add the following:

8. Fences. Residential fences shall be chain link, ornamental iron, PVC/Composite, or approved wood. Wood used in fences shall be treated wood, or approved wood of natural resistance to decay.

X. Replace Table R403.1(1),(2), (3) with the following:

TABLE R403.1  
FOUNDATIONS FOR STUD BEARING WALLS

<b>Number of Stories</b>	<b>Thickness of Foundation Walls</b> <i>Unit Concrete Masonry</i>		<b>Minimum Width of Footing (inches)</b>	<b>Thickness of Footing (inches)</b>	<b>Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (inches)</b>
1	8	8	16	8	42
2	8	8	16	8	42
3	10	10	18	12	42

Y. Delete Section R403.1.4.1 Exception 1 and replace with the following:

Accessory structures up to 200 square feet may be constructed on a 4-inch wood deck or 4-inch concrete slab. Protection for detached garages and other accessory structures 1024 square feet or less in size, located more than ten (10) feet from a dwelling, attached garage, or other principal structures, may be accomplished with a floating slab (monolithic). The floating slab shall include a thickened slab edge or a minimum eighteen (18) inches thick. Twelve inches of the thickened slab shall be below grade and six inches shall be above finished grade. The bottom portion of the thickened slab area shall be twelve (12) by twelve (12) inches. Two #4 rebar shall be placed within the thickened edge continuous around the perimeter of the slab. The floor shall be Portland cement concrete not less than four (4) inches thick. Garage floor areas shall have all sod and/or debris removed. For detached garages and accessory structures exceeding 1024 square feet, a frost protected footing and foundation shall be required.

Z. Delete Section R403.1.4.1 Exception 2.

AA. Amend Section R404.1 to add the following:

1. Scope. Notwithstanding other design requirements of

Sections R404.1 - R404.1.5.2 of the International Residential Code, foundation retaining walls for one- and two-family dwelling 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. Concrete foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.3. Masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.2. If backfill prior to a poured in place floor slab is desired, one of the following methods to provide bottom lateral support shall be completed: (1) a full depth (minimum 1-1/2") nominal 2" x 4" keyway may be formed into the footings to secure the bottom of the foundation wall -or- (2) 36" long vertical # 4 rebar may be embedded a minimum of 6" into the footings not to exceed 7' on center spacing.

BB. Amend Code to Add Code Section: IRC R404.1.3.2.3 Insert the following language and Table:

Table R404.1.3.2.3 - 'Foundation Walls for Conventional Light Frame Construction'

Height of Foundation Wall (Net measured from top of basement slab to top of		Thickness of Foundation Walls		Reinforcement Type and placement within Foundation Wall**	Reinforcement Type and placement within Foundation Wall** (maximum 12' span between corners and supporting cross	Type of Mortar
Gross	Net	Concrete	Masonry	Concrete	Masonry	Masonry
8	7' 8"	7 1/2"	8"	1/2" horizontal bars, placement in the middle, and near the top & bottom – 1/2" bars @ 6' max. vertically	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 IBC
9	8' 8"	8"	See Chapter 18 IBC	1/2" bars 2' o.c. horizontally & 20" vertically o.c.	See Chapter 18 IBC	Same as above
10	9' 8"	8"	See Chapter 18 IBC	(5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18 IBC	Same as

\*Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide 1) 36"

embedded in the footing @ maximum 7' O.C. spacing -and/or- 2) full depth nominal 2" depth x 4" width keyway in footing

\*\* All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of center of wall and meet the provisions of chapters 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 reinforcement of minimum 2 – Y2" diameter rebar throughout. Placement of reinforcement and requirements of Chapter 19 of the International Building Code.

NOTE: Material used for backfilling shall be carefully placed granular soil of average or high drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the designed wall shall be required.

Note: Foundation plate or sill anchorage shall be installed in accordance with the respective codes as applicable.

BB. Amend Chapter 11 Energy Efficiency -- Energy Efficiency, of the IRC is hereby amended by deleting this chapter and inserting the following:

Provisions of the International Energy Conservation Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be prescribed in "this code" and the regulations shall be known as the Waukegan Energy Code.

CC. Amend Section R1601.4 to add the following:

Section 1601.4 Installation. Duct installation shall comply with sections M1601.4.1 through M1601.4.11

Section 1601.4.11. Air plenum and duct separation. Air plenums and ducts located in floor and wall cavities shall be separated from unconditioned spaces by construction with sufficient insulation to meet energy code requirements. These areas include but are not limited to exterior walls, cantilevered floors, and floors above garages.

DD. Delete Section R G2414.5.2 (403.5.2) and replace with the following:

Section G2415.5.2 (403.5.2): Corrugated Stainless Steel Tubing (CSST). Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufacturer's instructions and this code including electrical bonding requirements in Section G2411. CSST shall not be used for through wall penetrations from the point of delivery of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.

EE. Delete Section R G2414.5.4 (403.5.5) and replace with the following:

Section G2414.5.4 (403.5.5): Corrugated Stainless Steel Tubing. Arc resistant corrugated stainless steel tubing shall be listed in accordance with ANSI LC 1 (Optional Section 5.16)/CSA 6.26.

FF. Amend section P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall not be less than 60 inches below finished grade at the point of septic tank connection or as approved by Polk County Environmental Health. Building sewers shall not be less than 60 inches below grade.

GG. Add Code Section IRC E3704.7 and insert the following language:  
3704.7 Prohibited Locations. Feeders supplying a townhome shall not cross a property line other than the individual unit served. For the purposes of this provision, the term townhome shall mean a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.  
Exception: If a recorded easement is established in a concealed space or attic within the townhome unit, feeds are allowed within the easement.

**155.04 ADOPTION OF THE 2021 INTERNATIONAL BUILDING CODE.** Pursuant to published notice and public hearing, as required by law, the International Building Code, 2021 Edition, published by the International Code Council, is hereby adopted in full to include Appendix K except for such portions as may hereinafter be deleted, modified or amended.

**155.05 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Building Code, 2021 Edition, are hereby made:

- A. Insert Section 101.1 to read City of Bondurant
- B. Delete Sections 105.2(Building 2), 105.2(Building 5), 105.2(Building 6).
- C. Amend Section R105.6 to include the addition of R105.6.1 Revocation of permit. Insert Section R105.6.1 to read: Revocation of Permit. It is the permit holder's responsibility to schedule the required inspections and obtain final approvals. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a Temporary Certificate of Occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid Certificate of Occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

- D. Add the following to Section 109.2 Schedule of Permit Fees with the following language:  
Permit fees will be derived from the City of Bondurant Fee Schedule as adopted.
- E. Add the following to Section R109.3: The Building Valuation will be derived from the construction costs for the total work submitted by the contractor, or the most current Building Valuation Data Schedule published by the International Code Council (ICC). Submitted contractor valuation shall not be less than derived valuation through ICC. Published data is utilized by the Administrative Official in an effort to maintain consistency and fairness for permit fee calculations. It is not intended to reflect actual taxable value.
- F. Delete Section 308.5.4 and replace with the following:
- 308.5.4 Eight or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.
- Exception:  
Day Care facilities that provide custodial care for 16 or fewer persons for less than 24 hours per day in a single-family dwelling, and where registered with the State of Iowa Department of Human Services as a child development home are permitted to comply with the International Residential Code.
- G. Delete Section 310.4.1 and replace with the following:  
310.4.1 Care facilities within a dwelling. Care facilities within a dwelling shall adhere to section 308.5.4.
- H. Amend Section 423.5 to delete entire section including subsections 423.5.1 and 423.5.2 and replace with the following language:  
423.5 Group E occupancy. In areas where the shelter design wind speed for tornadoes is 250 mph in accordance with Figure 304.2 (1) of ICC 500, all Group E occupancies with a program occupant load of 50 or more shall have a storm shelter constructed in accordance with Chapters 1 through 5 & 8 of ICC 500.
- Exceptions:
- 1 Group E day care facilities.
  2. Group E occupancies accessory to place of religious worship.
  3. Buildings meeting the requirements for shelter design in ICC 500.
  4. Accessory structures to existing group E sites where the occupancy classification of said structures are classified as Groups A-5 and U.
- 423.5.1 Required Occupant Capacity. The required occupant capacity of the storm shelter shall include all buildings classified as a Group E occupancy on the campus or site (whichever is larger) and shall be the greater of the following:

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

Exceptions:

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

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

The installation of portable buildings for utilization on the campus or site for educational purposes is considered new construction and classified as Group E occupancies.

Exception: Existing schools undergoing alterations, additions, or construction of new accessory buildings.

- I. Delete Code Section: IBC 502.1 (Correlation IFC 505.1) and replace with the following language:

502.1 Address identification. New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be black or white and shall contrast with their background. Where required by the *fire code official*, address numbers shall be provided in greater dimension or additional *approved* locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers and letters shall be a minimum height and a minimum stroke width as dictated by Table 502.1. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

**Table 502.1**  
**Minimum Height and Stroke Width**

Distance from the centerline of the Public Way (ft)		Minimum Height (in)	Minimum Stroke Width (in)
Less than 100		4	1/2
100	199	6	3/4
200	299	8	1



For each additional 100	Increase 2	Increase 1/2
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<sup>a</sup> Exterior suite identification, minimum height shall be 4 inches and stroke width shall be 1/2 inch.

<sup>b</sup> Interior suite identification, minimum height shall be 2 inches and stroke width shall be 1/4 inch.

J. Modify IBC Section 716.2.6.1 to add the following language after the last sentence:

Automatic, self-closing, UL listed hinges may only be installed on the dwelling room entry door.

K. Add Section 902.1.1.1 (Correlation IFC 901.4.6.1) to include the following language:

902.1.1.1 Fire Sprinkler Riser Room. A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices, or apparatus inside the room other than the outlets or support equipment (lighting, air compressor, and heater) required for the use of the fire sprinkler system and/or the fire alarm panel. The sprinkler riser room shall not be accessed from the electrical room, but the electrical room may be accessed from the fire riser room.

L. Add new code section IBC 902.1.5 (Correlation IFC 901.4.6.5 DD) to include the following language:

902.1.5 Temperature Sensor. Provide a low temperature sensor in the fire sprinkler riser room. Low Temperature Sensor shall be monitored to prevent freezing.

M. Delete Section 903.2.11.1.3 and replace with the following:

903.2.11.1.3 Basements. Where any portion of a basement is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the basement shall be equipped throughout with an approved automatic sprinkler system.

N. Delete Section 903.4.2 and replace with the following:

903.4.2 Alarms. An approved weather proof audible device suitable for outdoor use with 110 candela visual signal shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

O. Amend Section 1008.3.3. to add the following locations with sequential numbering:

5. Public restrooms containing more than one water closet/urinal or that are accessible.
6. Meeting and conference rooms with an area greater than 400 square feet.
7. Classrooms in an E occupancy with an area greater than 400 square feet.

P. Amend Section 1009.2 to add the following:

11. Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.

Q. Add Section 1010.1.6.1 with the following language:

1010.1.6.1 For landings required by Section 1010.1.5 to be at the same elevation on each side of the door, exterior landings at doors shall be provided with frost protection.

R. Amend Section 1010.2.2 to add the following:

Thumb Turn Locks shall not be allowed.

S. Add the following Section 1013.1.1:

1013.1.1 Additional Exit Signs. Exit signs may be required at the discretion of the Administrative Official to clarify an exit or exit access.

T. Delete Sections 1013.5 and 1013.6 including 1013.6.1, 1013.6.2 and 1013.6.3.

U. Add the following Section 1028.5.1:

1028.5.1 Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.

V. Modify Code Section: IBC 1301.1 and replace with the following language:

Section 1301.1 Scope. The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in chapter 1 of the currently State adoption of the IECC and these regulations shall be known as the Bondurant Energy Code.

W. Amend Section 1608.2 to add the following: For purposes of determining snow loads, 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.

X. In Section 1609.1.1 add the following: For purposes of determining wind loads, the minimum basic wind speed shall be considered as 115 miles per hour; except when referenced documents are based on fastest mile wind velocities, Table 1609.3(1) shall be used.

Y. Add the following to Section 1807.1 Foundation Retaining Walls for Group R Occupancies:

1. Scope. Notwithstanding other design requirements of Chapters 18, 19 and 21 of the International Building 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.

2. Specifications. General specifications for such foundation retaining walls shall be as follows:

Table - 'Foundation Walls for Conventional Light Frame Construction'

Height of Foundation Wall (Net measured from top of basement slab to top of)		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall**	Reinforcement type and placement within Foundation Wall** (maximum 12' span between corners and supporting cross walls)	Type of Mortar
Gross	Net	Concrete	Masonry	Concrete	Masonry	Masonry
8	7' 8"	7 1/2"	8"	1/2" horizontal bars, placement in the middle, and near the top & bottom – Y2" bars @ 6' max. vertically	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 IBC
9	8' 8"	8"	See Chapter 18 IBC	1/2" bars 2' o.c. horizontally & 30" vertically	See Chapter 18 IBC	Same as above
10	9' 8"	8"	See Chapter 18 IBC	(5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18 IBC	Same as

\*Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide 1) 36" embedded in the footing @ maximum 7' O.C. spacing -and/or- 2) full depth nominal 2" depth x 4" width keyway in footing

\*\* All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of center of wall and meet the provisions of chapters 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

reinforcement of minimum 2 – 1/2” diameter rebar throughout. Placement of reinforcement and requirements of Chapter 19 of the International Building Code.

NOTE: Material used for backfilling shall be carefully placed granular soil of average or high drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the designed wall shall be required.

Note: Foundation plate or sill anchorage shall be installed in accordance with the respective codes as applicable.

Z. Replace Table 1809.7 with the following:

TABLE 1809.7

FOUNDATIONS FOR STUD BEARING WALLS

Number of Stories	Thickness of Foundation Walls		Minimum Width of Footing (inches)	Thickness of Footing (inches)	Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (inches)
	Unit	Concrete Masonry			
1	8	8	16	8	42
2	8	8	16	8	42
3	10	10	18	12	42

**155.06 ADOPTION OF THE 2021 INTERNATIONAL EXISTING BUILDING CODE.**

Pursuant to published notice and public hearing, as required by law, the International Existing Building Code, 2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

**155.07 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Existing Building Code, 2021 Edition, are hereby made:

A. Add the following to Section 108.2 Schedule of Permit Fees with the following language:

Permit fees will be derived from the City of Bondurant Fee Schedule as adopted.

B. Add New Code Section: IEBC 302.6 with the following language:

Section 302.6 Fire Protection. Existing buildings containing R-2 occupancies shall be made to comply with the International Building Code Section 903.2.8 within two (2) years of any of the following situations:

1. Fire damage to three or more dwelling units, not including smoke or water damage or other damage from fire-fighting operations.

2. Issuance of a building permit for a Level III alteration as identified in Chapter 6 of the International Existing Building Code.

**155.08 ADOPTION OF THE 2018 INTERNATIONAL MECHANICAL CODE.** Pursuant to published notice and public hearing, as required by law, the International Mechanical Code,

2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

**155.09 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Mechanical Code, 2021 Edition, are hereby made:

- A. The City of Bondurant interprets “NFPA 54 and NFPA 58” as equivalent alternatives for design to meet the intent of the 2021 International Fuel Gas Code
- B. Amend Section 109.5 to add the following:  
Permit fees will be derived from the City of Bondurant Fee Schedule as adopted.
- C. Amend Section 306.5 to add the following:

If the tenants of a multiple tenant building have, or are allowed to have, mechanical facilities on or which penetrate the roof, then roof access ladders must be provided for use by all such tenants and their agents and contractors in a manner that does not require accessing space under the control of another tenant.

- D. Delete Section 307.2.4.1 and replace with the following:

307.2.4.1 Ductless mini-split system traps. Ductless mini-split equipment that produces condensate shall be installed per manufacturer’s instructions.

- E. Amend Section 603.1 to add the following:

Air plenums and ducts located in floor and wall cavities shall be separated from unconditioned space by construction with insulation to meet energy code requirements. These areas include but are not limited to exterior walls, cantilevered floors, and floors above garages.

**155.10 ADOPTION OF THE 2021 UNIFORM PLUMBING CODE.** Pursuant to published notice and public hearing, as required by law, the Uniform Plumbing Code, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials and amended by the State of Iowa, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

**155.11 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the Uniform Plumbing Code, 2021 Edition, are hereby made:

The City of Bondurant interprets the 2021 International Plumbing Code as published by the International Code Council as an equivalent alternative to the 2018 Uniform Plumbing Code.

- A. UPC Section 104.5: Delete Table 104.5 and insert the following language: permit fees will be derived from the City of Bondurant Fee Schedule as adopted.

B. Amend Section UPC 407.3 to include the following language at the end of the Code section:  
Tempering devices shall be installed at or as close as possible to the point of use.

C. Amend Section UPC 418.3 to include location #5 with the following language:  
Rooms containing a water heater.

D. Amend Section UPC 609.1 to add the following language:  
Water service piping shall have no less than five feet (5') of soil cover.

E. Amend Section UPC 701.2 to add the following language:  
(7) The use of SDR 23.5 is an acceptable material for exterior building sewers.

F. Amend Section UPC 717.1 to add the following language:  
717.1.1 Size of Drainage Piping. The main building drain shall be a minimum four-inch (4") diameter.

G. Amend Section UPC 718.3.1 to add the following language:  
718.3.1 Protection from damage. Building sewers less than 42 inches below grade shall be cast iron pipe or be protected with an engineered system to prevent damage from freezing and frost heave.

H. Amend Section UPC 1014.1 to add the following language:  
Notwithstanding provisions of section 1014.1, regulations of Fat Oil and Grease (FOG) and sizing of FOG removal devices where connected to Wastewater Reclamation Authority (WRA) system shall be in accordance with WRA regulations for the regulations of industrial wastewater and commercial wastewater.

I. Delete Section UPC 1101.12.2.2.2 Combined System.

J. Amend Section UPC 1208.6.4.4 to add the following language:  
1208.6.4.4 Corrugated Stainless Steel Tubing. Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufactures instructions and this code including electrical bonding requirements in Section 1211.2. CSST shall not be used for through wall penetrations from the point of delivery of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.

**155.12 ADOPTION OF THE 2020 NATIONAL ELECTRIC CODE.** Pursuant to published notice and public hearing, as required by law, the currently adopted by the State of Iowa Edition of the National Electrical Code, published by the National Fire Protection Association, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

**155.13 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the National Electrical Code, as currently adopted by the State of Iowa, are hereby made:

A. Amend Section 90.2 to add the following language:

90.2(D) Scope. Permits required. Permits shall be required for work contained within the scope of this article. Permit fees will be derived from the City of Bondurant Fee Schedule as adopted.

B. Delete section 210.8(A). and insert in lieu thereof the following new section:  
210.8 (A) Dwelling Units.

All 125-volt receptacles installed in locations specified in 210.8 (A)(1) through 210.8 (A)(11) shall be ground-fault circuit-interrupter protection for personnel.

(1) Bathrooms

(2) Garages and also accessory buildings that have floor located at or below grade level not intended to be habitable rooms and limited to storage areas, work areas, or similar use

(3) Outdoors

Exception to (3) Receptacles that are not readily accessible and are supply branch circuits dedicated to electrical snow-melting, deicing, or pipeline and Bessel heating equipment shall be permitted to be installed in accordance with 426.28m or 427.22, as applicable

(4) Crawl spaces – at or below grade level

(5) Basements

Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Informational Note: See 760.41B and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8 (A) (5) shall not be considered as meeting the requirements of 210.52(G).

(6) Kitchens – Where the receptacles are installed to serve the countertop surfaces

(7) Sinks – Where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink

(8) Boathouses

(9) Bathtubs or shower stalls – Where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall

(10) Laundry areas

Exception to (1) through (3), (5) through (8), and (10): Listed locking support and mounting receptacles utilized in combination with compatible attachment

fittings installed for the purpose of serving a ceiling luminaire or ceiling fan shall not be required to be ground-fault circuit-interrupter protected. If a general-purpose convenience outlet is integral to the ceiling luminaire or ceiling fan, GFCI protection shall be provided.

(11) Indoor damp and wet locations

C. Delete section 210.8(F)

D. Add Code Section NEC 215.13 Prohibited Locations with the following language: NEC 215.13 Prohibited Locations. Feeders supplying townhomes shall not extend through any townhome unit other than the unit served. For the purpose of this provision, the term townhome shall mean a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to roof with a yard or public way on not less than two sides.

Exception: If a recorded easement is established in a concealed space or attic within a townhome unit, feeders are allowed within that easement.

**155.14 ADOPTION OF THE 2021 INTERNATIONAL FUEL GAS CODE.** Pursuant to published notice and public hearing, as required by law, the International Fuel Gas Code, 2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

**155.15 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Fuel Gas Code, 2021 Edition are hereby made:

A. Amend Section 106.6.2 to include the following language: Permit fees will be derived from the City of Bondurant Fee Schedule as adopted.

B. Delete Section 5.6.3.4 and replace with the following:

5.6.3.4 Corrugated Stainless Steel. Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufacturer's instructions and this code including electrical bonding requirements in Section 7.13.2. CSST shall not be used for through wall penetrations from the point of delivery of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.

**155.16 ADOPTION OF THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE.** Pursuant to published notice and public hearing, as required by law, the International Property Maintenance Code, 2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.



**155.17 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Property Maintenance Code, 2021 Edition, are hereby made:

- A. Amend Section 101.1 Title to insert Bondurant as the jurisdiction referenced.
- B. Amend Section 103.5 Fees to include the following language: Permit fees will be derived from the City of Bondurant Fee Schedule as adopted.
- C. Amend Section 302.4 to delete [JURISDICTION TO INSERT HEIGHT IN INCHES] and replace with “8 inches in height on developed properties and 8 inches in height on undeveloped properties.”
- D. Amend Section 304.14 to read as follows:

During the period from April 15<sup>th</sup> to October 15<sup>th</sup>, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

- E. Amend Section 602.3 by deleting “[DATE] to [DATE]” and replacing with September 1 to May 30.
- F. Amend Section 602.4 by deleting “[DATE] to [DATE]” and replacing with September 1 to May 30.
- G. Insert new sentence prior to last sentence of paragraph in Section 605.2 with the following language:  
Any accessible receptacle within 6 feet of a water source shall be provided with Ground-Fault Circuit-Interrupter Protection.
- H. Amend Section 705.1 to add the following language to the end of the paragraph: In addition, carbon monoxide alarms and detectors shall be installed in accordance with Iowa Code Section 661—Chapter 211.
- I. Add new Section 705.3 with the following language:  
705.3 Installation Locations. Installation locations shall be in conformance with the International Fire Code, the International Residential Code, Iowa Code, and at the location closest to the hazard of an attached garage or fuel-fired appliance.

**155.18 ADOPTION OF THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE.** Pursuant to published notice and public hearing, as required by law, the International

Energy Conservation Code, 2012 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

**155.19 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Energy Conservation Code, 2012 Edition, are hereby made:

- A. The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency.
- B. Delete Sections 101.1, 101.2, 103.3.1, 103.3.2, 103.3.3, 103.4, 103.5, and all of Sections 104, 107, 108 and 109.
- C. All energy code compliance inspections shall be completed by a third party certified to do such inspections with a report submitted to the Administrative Official showing compliance with the State adopted energy code.
- D. Add Code Section C402.1.1.1 Seasonal Structures with the following language:

C402.1.1.1 Seasonal Structures. The following seasonal type structures are exempt from meeting the provisions of this code. (These facilities are allowed to have heating and/or cooling equipment for temporary comfort of patrons and employees during operating hours.)

- 1. Food Service Buildings that serve patrons at amusement parks, water parks, and outdoor sporting facilities. The buildings can only be occupied by employees, must not be able to allow patrons to be served within the facility and must have its sole means of servicing customers, an operable exterior serving window.
- 2. Restroom Facilities that serve amusement parks, water parks, and outdoor sporting facilities.

- E. Delete Section C408.2 and replace with the following:

Mechanical systems and service water-heating systems commissioning and completion requirements. Prior to the final mechanical and plumbing inspections, the registered design professional or approved agency shall provide evidence of mechanical systems commissioning and completion in accordance with the provisions of this section. The Commissioning Agent shall be in no way affiliated with the project's design, installation or sale of products, to avoid any conflict of interest. The Commissioning Agent shall be accredited by an industry-recognized certification program, to be determined by the AHJ.

**155.20 ADOPTION OF THE 2021 INTERNATIONAL FIRE CODE.** Pursuant to published notice and public hearing, as required by law, the *International Fire Code*, 2021 edition, including Appendix Chapters **B, C, D, I, K, and N** (see *International Fire Code* Section 101.2.1, 2021 edition), as published by the International Code Council, is hereby adopted in full as the Fire Code of City of Bondurant for regulating and governing the safeguarding of life and

property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this resolution.

**155.21 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Fire Code, 2021 Edition, are hereby made:

A. Section 101.1. Insert: **[City of Bondurant]**

B. Code Section 109: Refer to City of Bondurant Board of Appeals.

C. Delete Code Section: IFC 308.1.4 Replace with the following language:

308.1.4 Open-flame cooking devices. Charcoal burners, other open-flame cooking devices, and other devices that produce ashes or embers shall not be operated on balconies or within 20 feet (3048 mm) of combustible construction. Location of LP containers shall comply with Section 6104. Exceptions:

1. One- and two-family *dwelling*s, constructed in accordance with the *International Residential Code*.
2. LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.

D. Insert New Code Section:

**319.11 Location.** Mobile food vehicles shall not be located within 20 feet (6096 mm) of buildings, tents, canopies or membrane structures.

E. Insert New Code Section: IFC 503.1.4 Insert the following language:

503.1.4 Outdoor Venue Access. A 10 ft. wide emergency access roads designed to support 36,000 lb. weight load shall be provided within 350-feet of all portions of an outdoor venue (e.g. soccer complex, park, skate park, sports fields) to facilitate emergency vehicle access.

Exception: The fire code official is authorized to increase the dimension of 350 feet where emergency access roads cannot be installed because of location on property, topography, waterway, nonnegotiable grades, or other similar conditions, and an approved alternative means of emergency access is provided.

F. Delete Code Section: IFC 505.1 Replace with the following language:

**505.1 Address identification.** New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be black or white and shall contrast with their background. Where required by the *fire code official*, address numbers shall be provided in greater dimension or additional *approved* locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers and letters shall be a minimum height and a minimum stroke width as dictated by Table 505.1. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

**Table 505.1**  
**Minimum Height and Stroke Width**

Distance from the centerline of the Public Way (ft)		Minimum Height (in)	Minimum Stroke Width (in)
Less than 100		4	1/2
100	199	6	3/4
200	299	8	1
For each additional 100		Increase 2	Increase 1/2

<sup>a</sup> Exterior suite identification, minimum height shall be 4 inches and stroke width shall be 1/2 inch.

<sup>b</sup> Interior suite identification, minimum height shall be 2 inches and stroke width shall be 1/4 inch.

G. Modify Code Section: IFC 508.1 Replace with the following language:

**508.1 General.** Where required by other sections of this code, Table 508.1, and in all buildings classified as high-rise buildings by the *International Building Code*, a *fire command center* for fire department operations shall be provided and shall comply with [Sections 508.1.1](#) through [508.1.6](#).

H. Add Code Section: IFC Table 508.1 Add the following language:

**Table 508.1 Fire Command Center Thresholds**

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

- I. Modify Code Section IFC 705.2.4 and replace with and add the following language:

**705.2.4 Door Operation.** Swinging fire doors shall close from the full open position and latch automatically. The door closer shall:

1. Exert enough force to close and latch the door from any partially open position.
2. Be UL listed and of hydraulic type, spring type shall not be allowed.

- J. Insert New Code Section: IFC 901.4.6.1.1 (correlation: IBC 902.1.1.1) Insert the following language:

**901.4.6.1.1 Fire Sprinkler Riser Room.** A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices, or apparatus inside the room other than the outlets or support equipment (lighting, air compressor, and heater) required for the use of the fire sprinkler system and/or the fire alarm panel. The sprinkler riser room shall not be exclusively accessed from the electrical room, but the electrical room may be accessed from the fire riser room.

- K. Insert New Code Section: IFC 901.4.6.5 (correlation IBC 902.1.5) Insert the following language:

**901.4.6.5 Temperature Sensors.** Provide a low temperature sensor in the fire sprinkler riser room. Low Temperature Sensor shall be monitored to prevent freezing.

- L. Insert New Code Section IFC 903.3.1.1.3 (correlation: IBC 903.3.1.1.3)

**903.3.1.1.3 Sprinkler installed under exterior projections.** A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than 4 feet out from the door and is 12 feet or less in height from the ground regardless of whether the canopy is combustible or non-combustible. Canopies that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the total canopy regardless of whether the canopy is combustible or non-combustible.

- M. Modify Code Section IFC 903.3.1.2 (correlation: IBC 903.3.1.2) and replace with the following language:

**903.3.1.2 NFPA 13R sprinkler systems.** Automatic sprinkler systems in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18288 mm) in height above grade plane shall be permitted to be installed throughout in accordance with NFPA 13R. Attics shall be protected throughout with an *automatic sprinkler system* installed in accordance with NFPA 13.

- N. Modify Code Section: IFC 903.2.11.1.3 (correlation: IBC 903.2.11.1.3) Replace with the following language:

**903.2.11.1.3 Basements.** Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

- O. Modify Code Section: IFC 903.4.2 (correlation: IBC 903.4.2) Replace with the following language:

**903.4.2 Alarms.** *An approved weather proof audible device suitable for outdoor use with 110 candela visual signal shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.*

- P. Modify Code Section: IFC 1008.3.3 (correlation: IBC 1008.3.3) Replace with the following language:

**1008.3.3 Rooms and spaces.** In the event of a power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Electrical equipment rooms
2. Fire command centers
3. Fire pump rooms
4. Generator rooms
5. Public restrooms that contain more than one water closet/urinal or that are accessible
6. Meeting/conference rooms with an area greater than 400 square feet.
7. Classrooms in an E occupancy with an area greater than 400 square feet.

- Q. Modify Code Section: IFC 1009.2 (correlation: IBC 1009.2) Insert item # 11 with the following language:

11. Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.

- R. Add Code Section: IFC 1010.1.6.1 (correlation: IBC 1010.1.6.1) Insert the following language:

**1010.1.6.1 Frost Protection.** Landings required by Section 1010.1.5 to be at the same elevation on each side of the door exterior landings at doors shall be provided with frost protection.

- S. Modify Code Section: IFC 1010.1.9.1 (correlation: IBC 1010.1.9.1) Replace with the following language:

1010.1.9.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 of the International Building Code shall not require tight grasping, tight pinching or twisting of the wrist to operate. This includes thumb turn locks.

- T. Insert Code Section: IFC 1013.1.1 (correlation: IBC 1013.1.1) Language:

**1013.1.1 Additional Exit Signs.** Exit signs may be required at the discretion of the Code Official to clarify an exit or exit access.

- U. Modify Code Section: IFC 1014.4 (correlation: IBC 1014.4) Insert item # 6 with the following language:

Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 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.

- V. Add Code Section: IFC 1015.9 (correlation: IBC 1015.9) Insert the following language:

1015.9 Walking surfaces. A guard shall be provided along retaining walls where a finished walking surface such as sidewalks, patios, driveways and parking lots or similar is located on the top side of a retaining wall. The guard shall be installed along any portion of the wall measuring 30 inches or greater in height measured at any point within 36 inches horizontally to the edge of the open side. A guard shall not be required along portions of the retaining wall where the horizontal distance between the edge of the finished walking surface and the face of the wall is greater than 72 inches.

- W. Insert Code Section: IFC 1028.5.1 (correlation: IBC 1028.5.1) Insert the following language:

1028.5.1 Hard Surfaces. Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.

- X. Insert Code Section: IFC 1031.5.3 (correlation: IBC 1030.4.3) Insert the following language:

**1031.5.3 Window wells drainage.** All window wells shall be provided with approved drainage.

- Y. Insert New Code Section: IFC 1203.7 Insert the following language:

**Section 1203.7 Shutdown of Emergency and Standby Power Systems.** In addition to the requirements of NFPA 110 for a remote manual stop, a switch of an approved type shall be provided to shut down the generator. The switch shall be provided at an approved location.

Z. Insert New Code Section: IFC 1203.8 Insert the following language:

**Section 1203.8 Emergency Generator Signs.** Main electrical disconnects and main breaker panels supplied by the generator shall be provided with approved signs.

Additionally, doors accessing emergency and standby power systems shall be provided with approved signs. When approved switches for emergency power shut-down are located remote from the fire alarm annunciator, an approved sign shall be provided at fire alarm annunciator. Approved signs shall contain the word CAUTION in black letters at least 2 inches (50 mm) high on a yellow background. Such warning signs shall be placed so as to be readily discernible.

AA. Insert New Section 3106.3.1

**3106.3.3 Occupancy and means of egress.** The number and location of emergency egress and escape routes shall be approved by the fire code official. Exits shall comply with Chapter 10 and be as remote from each other as practical and shall be provided as follows:

Occupant Load	Minimum Number of Exits
1 to 500	2
501 to 1,000	3
1,001 or 1,500	4
each additional 500 persons	36 additional inches of exit width

**3106.3.4 Width.** The aggregate clear width of exits shall be a minimum of 36 inches wide (914mm) for each 500 persons to be accommodated.

**3106.3.5 Signs.** Exits shall be identified with signs that read “EXIT”. The signs shall be weather-resistant with lettering on a contrasting background. The lettering shall be of sufficient height and brush stroke to be immediately visible from 75 feet (22,860mm). Placement of the exit signs shall be approved by the fire code official.

BB. Insert Code Section: IFC 6104.3.3 Insert the following language:

**6104.3.3 LP Gas Containers in Group R Occupancies.** LP Gas shall not be stored or used inside of a building.

*(Ordinance No. 07-200)*  
*(Ordinance No. 08-219)*  
*(Ordinance No. 18-217)*  
*(Ordinance No. 230410-214)*



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

*(Ordinance No. 07-207)*

**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. "Floodway" are mapped streams within the boundaries of the City of Bondurant that are identified as 'floodway' on the City's Flood Insurance Rate Map.
5. "Iowa DNR Method" is a 5-0foot-wide undisturbed buffer on each side of the near-stream zone (the stream's belt width), which is defined as the corridor where the stream flows measured between the outsides of opposing meander bends. (Reference: Drawing 1. Riparian Buffering, on Page 7 of the River Restoration Toolbox Practice Guide 3: Riparian Buffering, dated April 2018, and prepared by the Iowa Department of Natural Resources.
6. "Native Vegetation" refers to vegetation originating naturally in this region of the state. Native vegetation is not to be confused with all existing vegetation.

7. “Streams” are perennial and intermittent watercourses identified through site inspection and United States Geological Survey (USGS) maps and further defined and categorized as follows. Streams not classified as a Type I Stream or a Type 2 Stream are not subject to Chapter 167.

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.

8. “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.

9. “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.

10. “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.

11. “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 Type 1 or Type 2 stream or those lands subject to the required minimum stream buffer area. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established by other regulatory agencies.

**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	
<u>Type 1 or Type 2 Streams with Floodway</u>	<u>Floodway</u> plus 50 feet on each side of <u>Floodway</u> boundary
<u>Type 1 or Type 2 Streams with No Floodway</u>	<u>Iowa DNR Method</u>

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 Administrator or his/her designee 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. Impervious surfaces, septic systems and all associated equipment are prohibited within the buffer.

6. 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.

7. 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. All buffer areas should be left in a natural state and not mowed, trimmed, fertilized, or irrigated except to provide optimal plant establishment and maintenance. Weed control should be limited to legal requirements for eradication of noxious plants or for establishment of desirable plants. Maintenance shall normally consist of restoring natural or native plantings and following recommended practices of maintenance after establishment. Weeds and debris shall be removed as necessary.

2. The City of Bondurant will be responsible for the management and maintenance of the City-owned stream buffer areas or those areas where the City accepts a permanent easement instead of ownership as specified in Section 167.05.4.

3. Management and maintenance of privately-owned stream buffers shall be subject to drainage area and development goals and a management plan shall be developed by the owner. The requirements for a stream buffer management plan are outlined in Section 167.06.

4. At the full discretion of the City, any stream buffer may be required to be deeded to the City as part of the final plat or site plan approval process. In special circumstances, the City may accept a permanent easement for the purpose of protecting the land in and around the established stream buffer and impose any and all restrictions as determined by this chapter.

***(Ordinance No. 210907-212)***

5. Temporary or permanent 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. Encroachment onto public lands is a form of trespass. The erection of structures or modifications to natural areas on public lands that have been set aside for natural resource conservation and/or public use are considered encroachments. The unauthorized placement of natural or manmade materials on or within City owned or managed property is prohibited. The unauthorized construction or placement of any structures or other “improvements” on or within City property and the unauthorized alteration (i.e. mowing) of City property in any way is also prohibited.

7. 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.

8. 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.

9. 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.”

10. 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 in all situations where the maintenance of a stream buffer 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. A buffer plan shall be submitted in conjunction with the required grading plan for any development subject to a site plan or preliminary plat review, and the buffer should be clearly delineated on the grading plan.

4. 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.

5. The plan shall contain the following specific information:

A. A location or vicinity map to include maximum two feet 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. Stream buffer ownership information and information on the entity responsible for buffer maintenance.

D. The location and general measurements of established stream buffer and maintenance easements.

E. Language addressing the existing and planned vegetation within the buffer consistent with the requirements set forth in Section 167.04.6.

F. A general maintenance timeline of the stream buffer.

G. Other items as specified in Section 167.05.9.

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

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

8. 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.

***(Ordinance No. 230821-221)***

## **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)***