

ORDINANCE NO 1134

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019, BY AMENDING PROVISION OF TITLE 10 BUILDING REGULATIONS

Be It Enacted by the City Council of the City of Clive, Iowa:

SECTION 1. INTERNAL REFERENCES. All references to section numbers in this ordinance shall be to sections contained within Title 10 Building Regulations specifically identified as Chapter 1 (Building Code), Chapter 2 (Electrical Code), Chapter 2A (Electrical Update Code) Chapter 3 (Plumbing Code), Chapter 4 (Energy Conservation Code), Chapter 5 (Mechanical Code), Chapter 6 (Fuel Gas Code), Chapter 7 (Existing Building Code), Chapter 8 (Fire Code) and Chapter 12 (Rental Housing Code) of the "2019 Clive Code of Ordinances" unless otherwise specified.

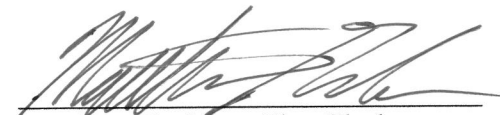
SECTION 2. AMENDMENT. Title 10 Building Regulations, Chapters 1, 2, 2A, 3, 4, 5, 6, 7, 8 and 12 are hereby amended by striking Chapters 1, 2, 2A, 3, 4, 5, 6, 7, 8 and 12 in their entirety and inserting in lieu thereof the text of the following chapters attached hereto in Exhibit A and incorporated herein by this reference: Chapter 1 (Building Code), Chapter 2 (Electrical Code), Chapter 2A (Electrical Update Code) Chapter 3 (Plumbing Code), Chapter 4 (Energy Conservation Code), Chapter 5 (Mechanical Code), Chapter 6 (Fuel Gas Code), Chapter 7 (Existing Building Code), Chapter 8 (Fire Code) and Chapter 12 (Rental Housing Code).

SECTION 3. REPEALER. All parts of the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019" in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

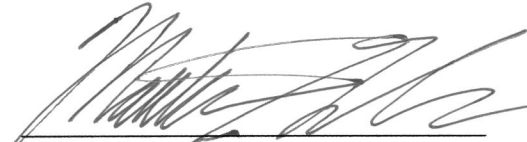
SECTION 5. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

PASSED AND APPROVED by the City Council on the 8<sup>th</sup> day of June, 2023.

  
Matthew Graham, City Clerk

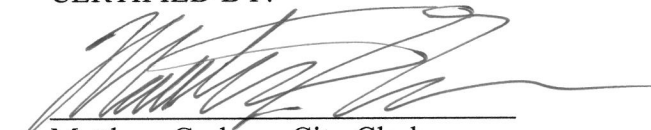
  
John Edwards, Mayor

Ordinance No. 1134 authenticated this 8<sup>th</sup> day of June, 2023.

  
Matthew Graham, City Clerk  
John Edwards, Mayor

Officially published on the 15<sup>th</sup> day of June, 2023

CERTIFIED BY:

  
Matthew Graham, City Clerk



# CHAPTER 1

## BUILDING CODE

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**10-1-1: SHORT TITLE:** This chapter shall be known as the *CLIVE BUILDING CODE*, and may be cited as such and may also be known, referred to and cited as the "building code".

**10-1-2: PURPOSE:** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents, and others to meet their responsibilities with respect to proper construction, construction techniques, and premises safety, and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-1-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed, or certificates issued pursuant to this chapter as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premise has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-1-4: INTERPRETATION:** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the International Building Code, 2021 edition, or International Residential Code, 2021 edition, adopted herein.

**10-1-5: ADOPTION:** Pursuant to published notice and public hearing, as required by law, the International Building Code, 2021 edition, and the International Residential Code, 2021 edition, published by the International Code Council, Inc., are adopted in full except for such portions as may be hereinafter deleted, modified, or amended, and shall constitute the "building code of the city of Clive, Iowa", to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings or

structures in the city, and the same are, by this reference, incorporated herein as fully and completely as if set forth in full. The use of the term "building code" in this chapter shall be interpreted to refer to the International Building Code, 2021 edition. The dwelling construction under the International Residential Code, 2021 edition, and appendix chapters to the International Residential Code may be utilized to determine basic guidelines or acceptable solutions to code requirements (determination to be made by the Construction Services Administrator). Furthermore, the use of the term IBC in this chapter shall be interpreted to refer to the International Building Code, 2021 edition, and the use of the term IRC shall be interpreted to refer to the International Residential Code, 2021 edition. An official copy of the International Building Code, 2021 edition, and the International Residential Code, 2021 edition, as adopted, and a certified copy of this chapter can be viewed in the community development department.

**10-1-6: SCOPE:** The provisions of this building code shall apply to:

A. New Construction: The construction of new buildings.

1. Public or private installations as governed by the IBC and/or IRC.

B. Existing Buildings:

1. Additions to, alterations of, and repairs to existing buildings, if covered by this code. The Construction Services Administrator may, when such additions, alterations, or repairs are made, order other reasonable additions or alterations in a building, structure, or on a premises when a danger to life or property may result if such other additions or alterations were not made.
2. Installations, which were in compliance with the code in existence at the time such installations were made, shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
3. If the classification of a building has been changed due to a change in occupancy, the entire building shall comply with all the building standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy thereof shall comply with its own particular classification.

C. Conversion to Condominium or Multiple Housing Cooperative:

1. The conversion of any building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy classification for the building.
2. Any person or entity seeking to establish a horizontal property regime or multiple housing cooperative by establishing a horizontal property regime pursuant to Iowa Code 499B or by establishing a multiple housing cooperative pursuant to Iowa Code 499A shall establish and document compliance with the following. In addition to the following, the person or entity shall file and obtain approval from the community development department for the development application defined in subsection C3 of this section:
  - a. That all materials, manner and means of construction in the proposed building meet current codes for new construction including current fire, building, plumbing, electrical, mechanical, energy conservation, and post construction stormwater management codes.

- b. That the building and site meet all requirements of the zoning ordinance that would be required for new construction.
  - c. That the building and site meet all requirements for handicapped accessibility that would be required for new construction.
  - d. That separate utility services, with separate metering, be provided to each unit that would be required for new construction.
3. At least sixty (60) days before a declaration or other instrument establishing a horizontal property regime pursuant to Iowa Code 499B or establishing a multiple housing cooperative pursuant to Iowa Code 499A ("declaration") is to be recorded in the office of the county recorder, any person or entity shall file a development application for approval with the community development department. In addition to the development application, the applicant shall file the following:
- a. A site plan, building plans, and code analysis demonstrating compliance with the provisions addressed above.
  - b. A copy of the declaration or other instrument consistent with Iowa Code 499A or 499B.
4. The declaration shall not be recorded unless a certificate of occupancy for the proposed building has been issued by the city.

**10-1-7: INDEMNIFICATION:** The applicant for any permit under this code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this code whether expressly recited therein or not.

**10-1-8: PERMIT REQUIREMENTS, CONDITIONS, AND FEES:**

- A. Required: Any owner or authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall not do so without first securing a permit from the community development department.
- B. Issuance: After proper application on forms provided by the community development department, permits shall be issued in the name of the property owner or of a firm or corporation registered with the Iowa Division of Labor Services, according to their rules and standards. The property owner or authorized representative of the firm or corporation named on the registration shall sign all applications for permits. Permits are not transferable unless a new application is provided and

signed by the new applicant. No permits shall be issued to any person, firm, or corporation who has fees outstanding or who has outstanding violations of any ordinance of the city.

- C. Fees: There shall be a fee paid for the issuance of permits. Permit fees, fees for other inspections, temporary certificate of occupancy application fees, temporary CO extension fees, work without a permit fees and permit reissuance fees shall be set forth in a fee schedule established and approved from time to time by the city council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the city council. No fees shall be collected on buildings or structures constructed by or for the city.

D. Expiration:

1. Every permit issued under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
2. All permits shall expire after three hundred sixty five (365) days unless an extension is requested in writing to the Construction Services Administrator fourteen (14) days prior to expiration of said permit. The Construction Services Administrator may refuse any extension, but shall do so in writing within seven (7) days of receipt of the extension request. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
3. In addition, any time work is suspended or abandoned for more than ten (10) days, the permit shall expire due to neglect if the site is not properly secured, including:
  - a. Removal of all construction debris, materials, weeds, etc., that makes the area unsightly and creates a public nuisance.
  - b. A fence to protect any excavation, including open basement foundations, in order to prevent the creation of an attractive nuisance in the neighborhood.
  - c. Ground cover, silt fencing, etc., shall be provided to help prevent erosion and damage to surrounding properties. Consideration may be given to proximity of the construction site, as described in [chapter 11](#) of this title.

- E. Revocation: Any permit required by the provisions of this code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this code.

- F. Outstanding Permits: If a permit is outstanding on the effective date hereof, the provisions of this chapter, the International Building Code, 2021 edition, and the International Residential Building Code, 2021 edition, adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Construction Services Administrator shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

- G. Work Without Permit: If any repairs, additions, alterations, or demolitions to any building or portions of any building or any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, the work having been completed without first obtaining a permit, the owner shall have the responsibility to certify that the work has been completed in accordance

with the applicable codes. The Construction Services Administrator shall determine the appropriate level of special inspection necessary to ensure that the work was completed in accordance with the applicable codes. Special inspections shall be performed by an approved inspector who is qualified and/or licensed to inspect work similar to that which is being performed. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule.

**10-1-9: BUILDING OFFICIAL:** For the purposes of this code the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any structure is suspected of being or found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-1-10: INSPECTION:** Except as otherwise provided in this code, no person shall cover or conceal or cause to be covered or concealed any new construction, electrical, plumbing or mechanical systems or apparatus for which a permit has been issued, until such new construction, electrical, plumbing or mechanical systems or apparatus have been inspected and approved as required by this code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions which may prevent the proper inspection of new construction, electrical, plumbing or mechanical systems or apparatus. Upon the completion of the new construction, electrical, plumbing or mechanical systems or apparatus in any building, it shall be the duty of the company, firm or individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this code. Certificates of occupancy shall not be issued unless the new construction, electrical, plumbing or mechanical systems or apparatus are in conformity with the rules and regulations set forth in this code.

**10-1-11: STOP WORK ORDER:**

**Authority:** Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator shall be authorized to issue a stop work order.

**Issuance:** The stop work order shall be in writing and shall state the reason for the order and the conditions under which the work will be permitted to resume. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work shall immediately cease. All other persons shall vacate the job site immediately or be subject to penalties as prescribed by law.

**Unlawful Continuance:** Upon issuance of a stop work order, all work shall immediately cease and all persons shall vacate the job site immediately. Any work on the premise shall be limited to the removal or correction of the violation or unsafe condition.

## 10-1-12: DELETIONS

The following are deleted from the IBC and IRC and are of no force or effect in this chapter:

### A. IBC Sections:

101.4	Referenced Codes
103.3	Deputies
104.5	Identification
104.10.1	Flood Hazard Areas
105.1.1	Annual Permit
105.1.2	Annual Permit Records
105.2	Work Exempt From Permit Under Building Subsection, Item numbers 1, 2, 9, and 10
105.3.2	Time Limitation of Application
105.5	Expiration
105.7	Placement of Permit
110.3.6	Lath, Gypsum Board and Gypsum Panel Product Inspection
111.2	Certificate Issued Item number 10, 11
Delete	Chp 13 Energy Efficiency
Delete	Chp 28 Mechanical Systems
Delete	Chp 29 Plumbing Systems

### B. IRC Sections:

R103.3	Deputies
R104.5	Identification
R105.2	Work Exempt from Permit Under Building Subsection, Item numbers 1, 2, 7, and 10
R105.3	Application for Permit Item number 5



R105.3.2	Time Limit of Application
R105.5	Expiration
R105.7	Placement of Permit
R110.3	Certificate Issued Item number 8
Delete	Chp 11 Energy Efficiency
Delete	Chp 25- Chp 33 Plumbing
Delete	Chp 34-43 Electrical

**10-1-13: AMENDMENTS TO ADMINISTRATION:** The paragraphs in this section represent amendments to the requirements contained in the IBC and IRC. Those section numbers preceded by "R" represent sections contained in the IRC; those section numbers without an "R" represent sections contained in the IBC.

**Sections 103.1, R103.1 Creation of Enforcement Agency:** Delete section and add the following in lieu thereof:

The code enforcement agency created to enforce the provisions of this chapter shall be known and referred to as the community development department. For purposes of this chapter, the department of building safety shall also be known and referred to as the community development department. The building official in charge thereof shall be known as the Construction Services Administrator.

**Sections 103.2, R103.2 Appointment:** Delete section and add the following in lieu thereof:

The Construction Services Administrator shall be appointed by the Community Development Director.

**Section 105.2 Work Exempt from Permit, Under Building Subsection:** Delete item number 6 and add the following in lieu thereof:

Private sidewalks and driveways

**Section R105.2 Work Exempt from Permit, Under Building Subsection:** Delete item number 5 and add the following in lieu thereof:

Private sidewalks and driveways.

**Sections 111.2, R110.3: Add the following new to form sections 111.2.1 and R110.3.1 Certificate Issued:**

On all permitted construction or activity, the site improvements, including, but not limited to, sidewalks, driveways and approaches, seeding, sod, trees, screening of rooftop mechanical units, and any other site plan requirements are to be installed before a final certificate of occupancy is issued.

**Sections 111.3, R110.4 Temporary Occupancy:** Add the following sentence after the second sentence:

Prior to the issuance of a temporary occupancy certificate, the permit holder shall file a temporary occupancy permit application on forms provided by the Community Development Department. If the temporary occupancy permit application is accepted, a temporary occupancy certificate may be issued subject to the execution of an agreement to complete and security bond. A permanent certificate of occupancy will be issued upon completion of all outstanding improvements listed within the agreement to complete.

**Sections 113.1, R112.1** add the following new subsections:

**113.1.1 and R112.1.1 Granting of Hearing:** Any person affected by a decision of the Construction Services Administrator may request, and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code of ordinances.

**Section 114.4, R113.4 Violation Penalties:** Delete section and insert the following in lieu thereof:

Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of the city code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

## 10-1-14: AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE

**Table R301.2 Climatic and Geographic Design Criteria:** Insert the following table:

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp.	Ice Barrier Underlayment required	Flood Hazard	Air Freezing Index	Mean Annual Temp.
	Speed	Topographic effects		Weathering	Frost Line Depth	Termite					
30 psf	115	No	A	Severe	42"	Moderate	-5°F	YES	Feb 2019	1833	48.6 °F

**Section R302.1 Exterior walls:** Delete all exceptions and insert the following in lieu thereof:

Accessory buildings 75 square feet or less do not require a fire rating when placed adjacent to the principal dwelling or another accessory building. Accessory buildings larger than 75 square feet which are located less than 5' from a principal dwelling or another accessory building larger than 75 square feet are required to have 5/8" type X gypsum board installed throughout the accessory building. This includes all walls and ceilings. All accessory building setbacks from property lines shall follow table R302.1(1) and R302.1(2). If a wall rating is required, the entire walls and ceiling of the accessory building shall be protected with 5/8" type X gypsum board.



**Table R302.6 Dwelling/Garage Separation:** Delete the table and insert the table below:

Separation	Material
From the residence & attics	5/8- inch type X gypsum board or equivalent - applied to the garage side
From all habitable rooms above the garage and structure(s) supporting floor/ceiling assemblies used for separation required by this section	5/8-inch type X gypsum board or equivalent applied throughout garage
Accessory buildings larger than 75 square feet, including garages, located less than 5' from a dwelling unit or another accessory building greater than 75 square feet on the same lot	5/8-inch type X gypsum board or equivalent applied throughout the interior (walls and ceiling)

**Section R302.13 Fire Protection of Floors:** Delete section R302.13, exception #4 and insert in lieu thereof the following new exception:

4. Approved floor assemblies demonstrating equivalent fire performance by an approved testing company showing length and time duration for exposure to fire. It shall be defined by performance equivalent to 26 minutes using ASTM E119 standard fire endurance testing with a superimposed load simulating a maximum load condition (i.e. 100% design load).

**Section R303.3 Bathrooms:** Delete section R303.3 and insert in lieu thereof the following new section:

**R303.3 Bathrooms.** Bathrooms, water closet compartments and similar rooms shall be provided with natural or artificial light and be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

**Section R310.1 Emergency Escape and Rescue Opening Required:** Delete the words “habitable attics” from the first sentence and replace it with “habitable stories above and below grade”.

**Section R310.1 Emergency Escape and Rescue Opening Required:** Add the following exception:

4. Habitable stories below the base flood elevation within flood hazard areas as determined by the city’s floodplain manager.

**Section R310.2.1 Minimum Size:** Add the following subsection:

**Section 310.2.1.1 Removals:** Removal of a window sash to gain a larger clear opening size is not permitted.

**Section R310.2.3 Maximum Height from Floor:** 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.

**Section R310.4.3 Drainage:** Add the following subsection:

**Section R310.4.3.1 Sump Pump or Other:** All area wells shall be designed for proper drainage by connecting to the perimeter foundation drainage system or another approved alternate means. The drainage system shall connect to a sump pit that contains a pump that will discharge the drainage to a storm sewer. Storm water shall not discharge into the sanitary sewer system. Alternate discharge may be approved if a storm sewer service has not been provided to the property.

**Section R310.5 Replacement Windows for Emergency Escape and Rescue Openings:** Delete this section and insert the following language:

Where replacement windows are required to provide emergency escape and rescue openings, the replacement windows shall meet all the following conditions:

Buildings built prior to January 1, 1972:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. The minimum net clear opening height shall be 20 inches and the minimum net clear opening width shall be 20 inches.
3. In no case shall the replacement window provide less than 4.0 square feet of net clear opening.
4. The bottom of the clear opening of the replacement window shall not be greater than 48 inches above the finished floor or code approved window platform.

Exception: Existing window openings that open directly to existing finished grade level are allowed up to (52) fifty-two inches above the finished floor or code approved window platform to accommodate existing taller foundations.

Buildings built after January 1, 1972:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. In no case shall the measurement from the bottom of the window opening to the finished floor and minimum net opening width and height requirements be less than the code applicable when the building was built.

**Section R310.6 Dwelling Additions:** Delete exception #3.

**Section R310.7 Alterations or Repairs of Existing Basements:** Delete this section and replace with the following language.

New sleeping rooms and new habitable stories below grade, that are newly created in an existing basement, shall be provided with emergency escape and rescue openings in accordance with section R310.1. If the sleeping rooms or other habitable spaces contain existing windows in compliance with R310.7.1 of this code, the existing windows shall be considered compliant.

**Section R310.7.1 Existing Emergency Escape and Rescue Openings.** Delete this section and insert the following language:

Where a change of occupancy would require an emergency escape and rescue opening at locations identified within the International Residential Code, existing operable windows serving as the emergency escape and rescue opening shall meet all the following conditions:

Buildings built prior to January 1, 1972:

1. The window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. The minimum net clear opening height shall be 20 inches and the minimum net clear opening width shall be 20 inches.
3. In no case shall the window provide less than 4.0 square feet of net clear opening.
4. The bottom of the clear opening of the window shall not be greater than 48 inches above the finished floor or code approved window platform.

Exception: Existing window openings that open directly to existing finished grade level are allowed up to (52) fifty-two inches above the finished floor or code approved window platform to accommodate existing taller foundations.

Buildings built after January 1, 1972:

1. The window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. In no case shall the measurement from the bottom of the window opening to the finished floor and minimum net opening width and height requirements be less than the code applicable when the building was built.

**Section R311.3 Floors and Landings at Exterior Doors:** Add the following sub-section:

**Section R311.3.4 Frost Protection of Landings:** Exterior landings at doors shall be provided with frost protection per table 301.2.

**Section R311.3.2 Floor Elevations at Other Exterior Doors:** Delete the exception and insert in lieu thereof the following new exception:

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

**Section R311.7.5.1 Risers:** Add the following exception:

3. The dimension of the top and bottom riser of a stair may vary up to 1-inch (25.4mm) from the stairway riser dimension. In no case shall the riser height exceed the maximum height of  $7\frac{3}{4}$  inches.

**Section R311.7.8.4 Continuity:** Add the following exception:

3. Handrails within a dwelling unit or serving a dwelling unit shall be permitted to be interrupted at one location in a straight stair. The rail may terminate into a wall or ledge. The extension of rail after the termination shall immediately continue.

**Section R313.1 Townhouse Automatic Fire Sprinkler Systems:** Delete section R313.1 and insert in lieu thereof the following new section:

**R313.1 Townhouse Automatic Fire Sprinkler System:** An automatic residential fire sprinkler system shall be installed in townhouses.

Exceptions:

1. Townhouse structures that contain eight (8) or less dwelling units.
2. Townhouse structures less than eighteen thousand (18,000) square feet of floor space. The calculation of square footage is inclusive of any attached garages and exclusive of any unenclosed spaces.

**Section R313.2 One- and Two-Family Dwellings Automatic Fire Systems:** Delete sections R313.2 and insert in lieu thereof the following new section:

**R313.2 One and Two Family Dwellings Automatic Fire Sprinkler Systems:** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception:

One- and two-family dwellings containing less than eight thousand (8,000) square feet of floor space. The calculation of square footage is inclusive of attached garages and exclusive of any unenclosed areas.

**Section R314.3: Smoke Alarm Location:** Add the following:

2. Immediate vicinity shall mean the following distances from the alarm to the bedroom door.
  - (25') twenty-five feet for alarms with primary power from building wiring
  - (10') ten feet for battery operated alarms
5. In theater rooms, exercise rooms and mechanical rooms. Mechanical closets less than (16) sixteen square feet are exempt from the requirement of having a smoke alarm within the closet if another smoke detector is located within the immediate vicinity of the closet door as determined above.

**Section R315.3 Carbon Monoxide Alarm Location:** Add the following language:

Immediate vicinity shall mean the following distances from the alarm to the bedroom door.

- (25') twenty-five feet for alarms with primary power from building wiring or per manufacturer recommendations, whichever is less.
- (10') ten feet for battery operated alarms or per manufacturer recommendations, whichever is less.

**Section R315.5 Carbon Monoxide Alarm Interconnectivity:** Delete the exception.

**Section R322.1 Flood Resistant Construction:** Add the following exception:

Buildings and structures constructed in whole or in part in flood hazard areas and substantial improvements and restoration of substantial damage of buildings and structures in flood hazard areas shall also be regulated in accordance with chapter 11 of the zoning ordinance.

**Section R322.1.3 Flood-Resistant Construction:** Add the following sub-sections:

**Section R322.1.3.1 Foundation Protection. Fill Materials Used to Elevate Buildings Within the Regulatory Floodplain:** All proposed fill materials used for elevating and backfilling new buildings and additions within the regulatory floodplain shall:

1. Be designed by a registered design professional in accordance with section 1803 (Geotechnical Investigations) and section 1804.5 (Grading and Fill in Flood Hazard Areas) of the 2021 International Building Code or ASCE 24 or equivalent.
2. Be designed for protection against erosion and scour.
3. Be inspected and tested by a qualified geotechnical material testing agency.

**Section R322.1.3.2 Foundation Protection. Local Drainage:** Foundation drainage within the regulatory floodplain shall be done in accordance with section R401.3 Drainage.

**Section R322.1.3.3 Minimum Protection Elevation:** When an engineer has designed a minimum protection elevation for a given lot within or not within a flood hazard area, the lowest building opening(s) shall be placed above this elevation. An elevation survey shall be completed by the owner/builder of said lot and the asbuilt drawing shall be submitted to the city for review and for record keeping purposes.

Exception: Basement window openings may be placed below the minimum protection elevation, provided that a waterproof, concrete window well is installed to an elevation which meets or exceeds the prescribed minimum protection elevation. The concrete window well shall have standard building footings for support and shall match the foundation wall for thickness and design. The window well shall be poured with the basement wall to create a seamless transition and the outside surface of the window well shall be waterproofed to the same extent as the foundation walls.

**Add section R401.5 Asbuilt Foundation Survey:** Any foundation, which supports roof loads, that is closer than one (1) foot from a required setback line or easement line, shall be surveyed in place. An asbuilt drawing shall be submitted to the city for review and for record keeping purposes.

**Section R403.1.1 Minimum Size:** Amend this section by adding the new paragraph and table below.

Assuming 2000 psf is required for the footing, the following adjusted footing dimensions and reinforcement may be used for the soil conditions specified in the table below, unless specific engineering problems exist. The dimensions specified in this table are typically accepted dimensions for conventionally designed single family dwelling structures of one or two stories in height, intended to be constructed on undisturbed, non-expansive soils.

Soil Bearing Pressure	Conventional Footing and Reinforcement
2000 psf	8"x16" with two #4 reinforcement bars
1850 psf	9"x20" with two #4 reinforcement bars
1500 psf	10"x20" with two #5 reinforcement bars
1250 psf	11"x28" with three #5 reinforcement bars
1000 psf	12"x32" with three #5 reinforcement bars

Section R403.1.4.1 Frost Protection: Delete Exceptions 1 and 2 and insert the following in lieu thereof:

1. Protection of freestanding accessory buildings with an area of 400 square feet and under of light-framed construction and with an eave height of 10 feet or less shall not be required to have frost footings. A means of hold down on a minimum of 4 corners shall be provided.
2. Protection of freestanding accessory buildings with an area of 400 square feet and under of other than light-framed construction and with an eave height of 10 feet or less shall have reinforced 12 inch by 12 inch thickened edge footings below a 4 inch concrete slab. All vegetation and/or debris shall be removed and the area under the slab shall be provided with a minimum of 3 inches of compacted aggregate backfill.
3. Protection of freestanding accessory buildings with an area of 401 to 600 square feet of light-framed construction and with an eave height of 10 feet or less shall have reinforced 12 inch by 12 inch thickened edge footing below a 4 inch concrete slab. All vegetation and/or debris shall be removed and the area under the slab shall be provided with a minimum of 3 inches of compacted aggregate backfill.
4. Protection of freestanding accessory buildings over 600 square feet shall meet the requirement of Table 301.2.
5. Decks not supported by a dwelling or accessed from a dwelling need not be provided with footings that extend below the frost line.

**Section R404.1.3.2 Reinforcement for foundation walls:** Add the following subsection:

**Section R404.1.3.2.3 Cast-In-Place Concrete Foundation Walls (8'-10' Walls)**

Cast-in-place concrete foundation walls shall be of concrete having a minimum compressive strength of three thousand pounds (3,000) per square inch at 28 days. All materials, proportioning, and placing shall conform to the requirements of [chapter 19](#) of the IBC. In addition:

1. The minimum thickness of the wall shall be eight (8) inches.
2. The reinforcing steel shall be a minimum of ASTM grade 40.
3. Minimum reinforcement for 8 foot tall walls is three horizontal #4 bars, located at 1 foot, 4 foot, and 7 foot from the bottom of the wall. Vertical bars shall be #4 bars placed every 4 foot on center.
4. Minimum reinforcement for over 8 foot up to 10 foot tall walls is five horizontal #4 bars, located 24 inches on center and vertical reinforcement shall be #4 bars spaced at 20 inches on center or #5 bars spaced at 30 inches on center.

5. All wall reinforcement shall be located in the area from the center of the wall towards the inner face of the wall, with the minimum clearance being two inches from the inner face of the wall.
6. All reinforcement bar splices shall be lapped a minimum twenty (20) times the bar diameter.
7. Bars shall bend around corners, and the minimum bend radius is six (6) times the diameter of the bar.
8. Reinforcement around window and door openings shall comply with the requirements IBC Chapter 19.
9. Foundation drainage shall be provided. 12 inches of granular fill shall extend above the drainage pipe.
10. The wood sole plate shall be anchored to the top of the wall with a minimum of 1/2 inch anchor bolts spaced a maximum of six feet on center. When the floor joists are parallel to the wall, solid blocking between the rim joist and the adjoining joist shall be provided, spaced at a maximum of six feet on center. Approved anchors shall be provided, spaced a maximum of six (6) feet on center. Anchor bolts, solid blocking, and anchors shall be placed in close proximity to each other.

**Section R405.2.3 Drainage System:** Delete the last sentence and insert the following in lieu thereof:

The sump pump shall discharge to the provided storm sewer service line provided at the right of way or within an easement. Storm water shall not discharge into the sanitary sewer system. Alternate discharge may be approved if a storm sewer service has not been provided to the property.

**Section M1502.4.2 Dryer Duct Installation:** Delete this section and insert the following in lieu thereof:

Exhaust ducts shall be supported at intervals not to exceed four (4) feet, and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with section M1601.4.1 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners. Where dryer exhaust ducts are enclosed in a wall or ceiling cavities, such cavities shall be of sufficient size to allow the installation of the duct, without changing the configuration of the duct.

Exception: Dryer duct sections that are longer than 4 feet shall be supported minimally every 6 feet.

**Section M1601.3 Duct Insulation Materials:** Add the following:

5. The use of air-inflated/encapsulated duct wrap to achieve required R-values shall be prohibited.

**Section M1601.4 Installations:** Add the following subsection:

**Section M1601.4.11 Air Plenum and Duct Separation:** Air plenums and ducts located in the floor and wall cavities shall be separated from unconditioned spaces by construction with sufficient insulation to meet energy code requirements. The areas include but are not limited to exterior walls, cantilevered floors, and floors above garages.

**Section M1602. Return Air:** Add the following sub-section.

**Section M1602.3 Return Air Separation:** Return air openings shall be located a minimum of four (4) feet, measured in any direction, from a supply air diffuser.



**Section G2414.4.4 Corrugated Stainless Steel Tubing (CSST):** Delete this section and replace with the following:

Arc resistant corrugated stainless steel tubing shall be listed in accordance with ANSI LC1 (Optional Section 5.16)/CSA 6.26.

**Section G2415.2 CSST:** Delete this section and replace with the following:

Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC1 (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.

**Section P2904 Dwelling Unit Fire Sprinkler Systems:** Adopt this section in full as a supplement to NFPA 13D. All sprinkler systems shall be installed per the Fire Departments requirements and adoptions.

**Appendix AM of the IRC:** Home Day Care- R-3 Occupancy is hereby adopted in full.

## **10-1-15: AMENDMENTS TO INTERNATIONAL BUILDING CODE**

**Section 308.5.4 Five or Fewer Persons Receiving Care in a Dwelling Unit:** Delete section 308.5.4 and insert in lieu thereof the following new section and exception:

**Section 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 child development homes on or before January 1, 2017, are permitted to comply with the International Residential Code.

**Section 310.4.1 Care Facilities within a Dwelling:** Delete section 310.4.1 and insert in lieu thereof the following new section and exception:

**Section 310.4.1 Care Facilities within a Dwelling:** 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 child development homes on or before January 1, 2017, are permitted to comply with the International Residential Code.

**Section 403.3.2 Water Supply to Required Fire Pumps:** Delete section 403.3.2 and insert in lieu thereof the following section.



**Section 403.3.2 Water Supply to Required Fire Pumps:** Required fire pumps shall be supplied by connections to a minimum of two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through at least one of the connections.

**Section 406.3.2.1 Dwelling Unit/Garage Separation:** Insert 5/8 inch Type X gypsum board at all locations listed as ½ inch.

**Section 423.5 Group E Occupancies:** Delete this section including the subsections and replace with the following section and subsections.

**Section 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 and 8 of ICC 500.

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.

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.

**Section 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.

**Section 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 the building does not exceed 1,000 feet.

**Section 502.1 Address Identification:** Delete this section and add this section in lieu thereof.

**Section 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<sup>^,^^</sup>

Distance from the centerline of the public way (feet)	Minimum Height (inches)	Minimum Stroke Width (inches)
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>^</sup> Exterior suite identification, minimum height shall be 4 inches and stroke width shall be 1/2 inch.

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

**Section 508.5 Live/Work Units:** Delete the exception and replace with the following two exceptions.

1. Dwelling or sleeping units that include an office that is less than 10 percent of the area of the dwelling unit are permitted to be classified as dwelling units with accessory occupancies in accordance with section 508.2.
2. Detached one and two family dwellings and townhomes that include an office that is less than 20 percent of the area of the dwelling unit and constructed in accordance with the International Residential Code are not required to comply with sections 508.5 through 508.5.11.

**Section 508.5.1 Limitations:** Delete number 3 of this section and replace with the following.

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

**Section 508.5.2 Occupancies:** Add the following additional exception.

2. Live/work units located within detached one and two family dwellings and townhouses may be constructed in accordance with the International Residential Code.

Section 902.1.1 Access: Add the following subsection:

**902.1.1.1 Fire Sprinkler Riser Room:** Add the following language.

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 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.

**Section 903.2 Automatic Sprinkler Systems: Where Required:** Add the following language:

Approved automatic sprinkler systems in new buildings and structures shall be provided as required per the local Fire Code.

**Section 903.4.2 Alarms:** Delete section 903.4.2 and insert in lieu thereof the following section.

**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 sized 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.

**Section 907 Fire Alarm and Detection Systems General:** Insert the following new section:

**Section 907.1.4 Fire Alarm Control Panels (FACP):** Each building shall have no more than one Fire Alarm Control Panel. Installation of fire alarm control panel shall not exceed six feet in height measured from the floor to the top of the control panel.

Exception: Suppression system releasing panels are not required to meet the height requirement or the limitation in the number of panels.

**Section 907.2 Fire Alarm and Detection Systems: Where Required-New Buildings and Structures:** Add the following language.

Approved fire alarm and detection systems in new buildings and structures shall be provided as required per the local Fire Code.

**Section 907.6.6 Monitoring:** Delete section 907.6.6 and insert in lieu thereof the following new section:

**Section 907.6.6 Monitoring:** Fire alarm systems required by this chapter or by the International Fire Code shall be monitored by a central station approved and listed under UL 827 in accordance with NFPA 72.

Exception: Monitoring is not required for automatic sprinkler and fire alarm systems in one-and two-family dwellings.

**Section 1008.3.1 General:** Delete section 1008.3.1 and insert in lieu thereof the following new section:

**Section 1008.3.1 General:** In the event of the power supply failure in rooms and spaces that require two or more means of egress or are 400 square feet or greater, an emergency electrical system shall automatically illuminate all of the following areas:

1. Aisles
2. Corridors
3. Exit access stairways and ramps

**Section 1008.3.2 Buildings:** Delete section 1008.3.2 and insert in lieu thereof the following new section:

**Section 1008.3.2 Buildings:** In the event of the power supply failure in rooms and spaces that require two or more means of egress or are 400 square feet or greater, an emergency electrical system shall automatically illuminate all the following areas:

1. Interior exit access stairways and ramps.
2. Interior and exterior exit stairways and ramps.
3. Exit passageways.
4. Vestibules and areas on the level of exit discharge used for exit discharge in accordance with section 1028.
5. Exterior landings as required by section 1010.1.5 for exit doorways that lead directly to exit discharge.

**Section 1008.3.3 Rooms and Spaces:** Replace item #5 with the following:

5. Restrooms containing more than one water closet/urinal or that are accessible.

**Section 1009.2 Continuity and Components:** Add the following to this section:

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

**Section 1010.1.5 Landings at Doors:** Add the following sub-sections:

**Section 1010.1.5.1 Frost Protection of Landings:** Exterior landings at doors shall be provided with frost protection.

**Section 1013.1 Where Required:** Add the following subsection:

**Section 1013.1.1 Additional Exit Signs:** Exit signs may be required at the discretion of the building official to clarify an exit or exit access.

**Section 1014.4 Continuity:** Add the following exception.

6. 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.

**Section 1028.5 Access to Public Way:** Add the following subsection.

**Section 1028.5.1 Exterior Walking Surfaces:** Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surfaces.

**Section 1031.3.3 Maximum Height from Floor:** 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.

**Section 1031.5 Area Wells:** Add the following subsection:

**1031.5.3 Drainage:** All window wells shall be designed for proper drainage by connecting to the perimeter foundation drainage system or another approved alternate means. The drainage system shall connect to a sump pit that contains a pump that will discharge the drainage to a storm sewer. Storm water shall not discharge into the sanitary sewer system. Alternate discharge may be approved if a storm sewer service has not been provided to the property.

**Section 1102.1 Design:** Delete this section and insert the following new section.

**Section 1102.1 Design:** Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1-2009. All references to accessibility shall refer to the ICCA117.1-2009.

**Section 1110.15 Controls, Operating Mechanisms and Hardware:** Delete exception 3 and insert the following exceptions:

3. Receptacle outlets servicing dedicated use.
4. Where two or more receptacle outlets are provided in a kitchen above a length of countertop that is uninterrupted by a sink or appliance, one receptacle outlet shall not be required to comply with this section.
5. In a kitchen, where a clear floor space for a parallel approach cannot be located at a countertop in a corner between appliances, receptacles over the countertop shall not be required to comply with this section provided the countertop area does not exceed 9 square feet.
6. Floor receptacle outlets.
7. HVAC diffusers.
8. Controls mounted on ceiling fans.
9. Where redundant controls other than light switches are provided for single element, one control in each space shall not be required to comply with this section.
10. Reset buttons and shut-offs serving appliances, piping and plumbing fixtures.
11. Electrical panelboards shall not be required to comply with Section 309.4 of ICC A117.1.

12. Emergency aid devices, such as fire department hose connections, valve controls, gauges, police call boxes and annunciator panels shall not be required to comply with this section provided that they are used only for emergencies by emergency personnel acting in their official capacity.

**Section 1608.2 Ground Snow Loads:** Delete this section and insert the following in lieu thereof:

The ground snow load to be used in determining the design snow load for roofs is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

**Section 1612.1 General:** Delete this section and insert the following in lieu thereof:

**Section 1612.1 General:** Buildings and structures constructed in whole or in part in flood hazard areas and substantial improvements and restoration of substantial damage of buildings and structures in flood hazard areas shall also be regulated in accordance with chapter 11 of the zoning ordinance.

**Section 1612.2 Design and Construction:** Add the following sub-sections:

**Section 1612.2.1 Foundation Protection. Fill Materials Used to Elevate Buildings Within the Regulatory Floodplain:** All proposed fill materials used for elevating and backfilling new buildings and additions within the regulatory floodplain shall:

1. Be designed by a registered design professional in accordance with section 1803 (Geotechnical Investigations) and section 1804.5 (Grading and Fill in Flood Hazard Areas) of the 2021 International Building Code or ASCE 24 or equivalent.
2. Be designed for protection against erosion and scour.
3. Be inspected and tested by a qualified geotechnical material testing agency.

**Section 1612.2.2 Foundation Protection. Local Drainage:** Foundation drainage within the regulatory floodplain shall be done in accordance with section 1804.4 Site Grading.

**Section 1612.3 Establishment of Flood Hazard Areas:** Fill in section with: City of Clive and February 2019

**Section 1809.5 Frost Protection:** Delete exceptions 2 and 3 and insert the following in lieu thereof:

1. Protection of freestanding accessory buildings with an area of 400 square feet and under of light-framed construction and with an eave height of 10 feet or less shall not be required to have frost footings. A means of hold down on a minimum of 4 corners shall be provided.
2. Protection of freestanding accessory buildings with an area of 400 square feet and under of other than light-framed construction and with an eave height of 10 feet or less shall have reinforced 12 inch by 12 inch thickened edge footings below a 4 inch concrete slab. All vegetation and/or debris shall be removed and the area under the slab shall be provided with a minimum of 3 inches of compacted aggregate backfill.
3. Protection of freestanding accessory buildings with an area of 401 to 600 square feet of light-framed construction and with an eave height of 10 feet or less shall have reinforced 12 inch by 12 inch thickened edge footing below a 4 inch concrete slab. All vegetation and/or debris shall be removed and the area under the slab shall be provided with a minimum of 3 inches of compacted aggregate backfill.

4. Protection of freestanding accessory buildings over 600 square feet shall meet the requirement of Table 301.2(1)
5. Decks not supported by a dwelling or accessed from a dwelling need not be provided with footings that extend below the frost line.

**Appendix E of the IBC:** Supplementary Accessibility Requirement is hereby adopted in full.

**10-1-16: CONFLICTING PROVISIONS:** In any case where the provisions of this chapter, or the building code adopted hereby, are found to be in conflict with a provision of the code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the city of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**10-1-17: SITE MAINTENANCE:**

- A. It shall be the permit holder's responsibility to inspect the construction site on a daily basis to ensure that the site is clean and free of excess debris. In no case shall debris, refuse, and/or junk be permitted to blow, drift, or otherwise be deposited upon an adjacent street or property.
- B. Similarly, the permit holder shall be solely responsible for controlling erosion on site throughout the duration of the construction project. Erosion control shall be managed in accordance with [chapter 11](#) of this title.

**10-1-18: STREET PROTECTION:** No person performing construction of any nature or furnishing materials or performing services within the city shall drive across or cause any vehicle, trailer, implement, equipment, materials, or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

**10-1-19: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

**10-1-20: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code.



## CHAPTER 2

# ELECTRICAL CODE

<b>10-2-1: Short Title</b>	<b>10-2-10: Installation by Owner</b>
<b>10-2-2: Purpose</b>	<b>10-2-11: Connection to System</b>
<b>10-2-3: Warning</b>	<b>10-2-12: Building Official</b>
<b>10-2-4: Interpretation</b>	<b>10-2-13: Inspection</b>
<b>10-2-5: Adoption</b>	<b>10-2-14: Stop Work Order</b>
<b>10-2-6: Scope</b>	<b>10-2-15: Amendments</b>
<b>10-2-7: Indemnification</b>	<b>10-2-16: Conflicting Provisions</b>
<b>10-2-8: Permit Requirements, Conditions, and Fees</b>	<b>10-2-17: Site Maintenance</b>
<b>10-2-9: Electrical Contractors License</b>	<b>10-2-18: Street Protection</b>
	<b>10-2-19: Violations</b>
	<b>10-2-20: Appeals</b>

**10-2-1: SHORT TITLE:** This chapter shall be known as the *CLIVE ELECTRICAL CODE*, and may be cited as such and may also be known, referred to and cited as the "electrical code".

**10-2-2: PURPOSE:** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents, and others to meet their responsibilities with respect to proper electrical installation, material selection, installation methods, and premises safety, and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-2-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed, or certificates issued pursuant to this chapter as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premise has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-2-4: INTERPRETATION:** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the National Electrical Code, adopted herein.

**10-2-5: ADOPTION:** Pursuant to state published notice and public hearing, as required by state law, the National Electrical Code (NEC), published by the National Fire Protection Association (NFPA 70), year and edition as amended and adopted by the State of Iowa Electrical Board, is adopted in full except for such portions of the National Electrical Code as may be hereinafter deleted, modified, or amended, and shall constitute the "electrical code of the city of Clive, Iowa". The use of the term "electrical code" in this chapter shall be interpreted to refer to the National Electrical Code (NEC), year and edition as adopted by the State of Iowa. An official copy of the National Electrical Code, as adopted, and a certified copy of this chapter, can be viewed in the community development department.



**10-2-6: SCOPE:** This code shall regulate the design, installation, maintenance, alteration, and inspection of electrical systems. The provisions of this electrical code shall apply to:

A. New Construction:

1. Public or private electrical installations as governed by the National Electrical Code.

B. Existing Buildings:

1. Additions to, alterations of, and repairs to existing electrical if covered by this electrical code. The Construction Services Administrator may, when such additions, alterations, or repairs are made, order other reasonable additions or alterations to the electrical on a premises when a danger to life or property may result if such other additions or alterations were not made.
2. Installations, which were in compliance with the electrical code in existence at the time such installations were made, shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property. Any of the provisions required by the "Electrical Update Code" shall take precedence over this section of code.
3. If the classification of a building has been changed due to a change in occupancy, the electrical in the entire building shall comply with all the electrical standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall be wired in compliance with the electrical standards of its particular classification.

**10-2-7: INDEMNIFICATION:** The applicant for any permit under this code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this code whether expressly recited therein or not.

**10-2-8: PERMIT REQUIREMENTS, CONDITIONS, AND FEES:**

- A. Required: Any owner or authorized agent who intends to repair, install, add, alter, remove, convert, or replace any electrical system or part thereof, of which is regulated by this electrical code, or to cause any such work to be done, shall not do so without first securing a permit from the community development department.

Exceptions:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Replacement of 120 volt lighting fixtures, receptacles, or switches.

3. Single phase overcurrent protection devices of the same capacity and location.
  4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- B. Issuance: After proper application on forms provided by the community development department, permits shall be issued in the name of the property owner or of a firm or corporation registered with the Iowa Division of Labor Services, according to their rules and standards. The property owner or authorized representative of the firm or corporation named on the registration shall sign all applications for permits. Permits are not transferable. No permits shall be issued to any person, firm, or corporation who has fees outstanding or who has outstanding violations of any ordinance of the city.
- C. Fees: There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the city council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the city council. No fees shall be collected on buildings or structures constructed by or for the city.
- D. Expiration:
1. Every permit issued under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
  2. All permits shall expire after three hundred sixty five (365) days unless an extension is requested in writing to the Construction Services Administrator fourteen (14) days prior to expiration of said permit. The Construction Services Administrator may refuse any extension, but shall do so in writing within seven (7) days of receipt of the extension request. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
  3. In addition, any time work is suspended or abandoned for more than ten (10) days, the permit shall expire due to neglect if the site is not properly secured, including:
    - a. Removal of all construction debris, materials, weeds, etc., that makes the area unsightly and creates a public nuisance.
    - b. A fence to protect any excavation, including open basement foundations, in order to prevent the creation of an attractive nuisance in the neighborhood.
    - c. Ground cover, silt fencing, etc., shall be provided to help prevent erosion and damage to surrounding properties. Consideration may be given to proximity of the construction site, as described in [chapter 11](#) of this title.
- E. Revocation: Any permit required by the provisions of this code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this code.
- F. Outstanding Permits: If a permit is outstanding on the effective date hereof, the provisions of this chapter and the National Electrical Code, adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Construction Services Administrator shall determine that

the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

- G. **Work Without Permit:** If any repairs, additions, alterations, conversions, or demolitions to any electrical system, which is regulated by this code, the work having been completed without first obtaining a permit, the owner shall have the responsibility to certify that the work has been completed in accordance with the applicable codes. The Construction Services Administrator shall determine the appropriate level of special inspection necessary to ensure that the work was completed in accordance with the applicable codes. Special inspections shall be performed by an approved electrical inspector who is qualified and/or licensed to inspect work similar to that which is being performed. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule.

**10-2-9: ELECTRICAL CONTRACTORS LICENSE:** Except as otherwise provided herein, no person shall engage or represent himself or herself to the public as engaging in the activity or business of installing, altering, or repairing any electrical systems or apparatus for which permits are required by this electrical code unless such person shall have first obtained from the state of Iowa, Department of Public Safety, State Fire Marshal Division, an Electrical Contractors License, as provided for in chapter 100C of the state code.

**10-2-10: INSTALLATION BY OWNER:** Homeowners (owner/occupant) who qualify for the homestead tax exemption may acquire permits for their principal residence (not apartment) and appurtenant accessory structures for remodel electrical work if such residence is an existing dwelling rather than new construction, and is not larger than a single family dwelling. The installation of service conductors, service disconnects, service grounding, and panel boards shall not be allowed under this provision. The Construction Services Administrator may require the homeowner to pass an electrical exam as he or she sees fit.

**10-2-11: CONNECTION TO SYSTEM:** It is unlawful for any person(s) to generate or distribute electrical current for private use or commercial use within the city without first acquiring proper permits and inspections. Permission shall also be granted by the utility provider if such current is back fed to the commercial grid. Documentation of the utility provider's approval shall be provided to the Construction Services Administrator before any inspections are conducted. Any person violating the provisions of this section shall, upon written notice from the Construction Services Administrator, immediately remove such connection and cut off such current.

**10-2-12: BUILDING OFFICIAL:** For the purposes of this code the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any electrical is suspected of being or found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-2-13: INSPECTION:** Except as otherwise provided in this code, no person shall cover or conceal or cause to be covered or concealed any electrical wiring or electrical apparatus for which a permit has been issued, until such wiring or electrical apparatus has been inspected and approved as required by this code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions which may prevent the proper inspection of the electrical wiring or electrical apparatus. Upon the completion of any wiring or electrical installation in any building, it shall be the duty of the company, firm or individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this code. Certificates of occupancy shall not be issued unless all the electrical installations are in conformity with the rules and regulations set forth in this code.

**10-2-14: STOP WORK ORDER:**

Authority: Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator shall be authorized to issue a stop work order.

Issuance: The stop work order shall be in writing and shall state the reason for the order and the conditions under which the work will be permitted to resume. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work shall immediately cease. All other persons shall vacate the job site immediately or be subject to penalties as prescribed by law.

Unlawful Continuance: Upon issuance of a stop work order, all work shall immediately cease and all persons shall vacate the job site immediately. Any work on the premise shall be limited to the removal or correction of the violation or unsafe condition.

**10-2-15: AMENDMENTS:**

**Add section 215.13 Feeder Location in Townhomes:**

Feeders supplying townhomes shall not extend through any townhome unit other than the 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 a townhome unit, feeders are allowed within that easement.

**10-2-16: CONFLICTING PROVISIONS:** In any case where the provisions of this chapter, or the electrical code adopted hereby, are found to be in conflict with a provision of the code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the city of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**10-2-17: SITE MAINTENANCE:**

- A. It shall be the permit holder's responsibility to inspect the construction site on a daily basis to ensure that the site is clean and free of excess debris. In no case shall debris, refuse, and/or junk be permitted to blow, drift, or otherwise be deposited upon an adjacent street or property.



B. Similarly, the permit holder shall be solely responsible for controlling erosion on site throughout the duration of the construction project. Erosion control shall be managed in accordance with [chapter 11](#) of this title.

**10-2-18: STREET PROTECTION:** No person performing construction of any nature or furnishing materials or performing services within the city shall drive across or cause any vehicle, trailer, implement, equipment, materials, or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

**10-2-19: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

**10-2-20: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code.

## CHAPTER 2A

# ELECTRICAL UPDATE CODE

<b>10-2A-1: Short Title</b>	<b>10-2A-10: Installation by Owner</b>
<b>10-2A-2: Purpose</b>	<b>10-2A-11: Connection to System</b>
<b>10-2A-3: Warning</b>	<b>10-2A-12: Building Official</b>
<b>10-2A-4: Interpretation</b>	<b>10-2A-13: Inspection</b>
<b>10-2A-5: Adoption</b>	<b>10-2A-14: Stop Work Order</b>
<b>10-2A-6: Scope</b>	<b>10-2A-15: Code Provisions</b>
<b>10-2A-7: Indemnification</b>	<b>10-2A-16: Conflicting Provisions</b>
<b>10-2A-8: Permit Requirements, Conditions, and Fees</b>	<b>10-2A-17: Site Maintenance</b>
<b>10-2A-9: Electrical Contractors License</b>	<b>10-2A-18: Street Protection</b>
	<b>10-2A-19: Violations</b>
	<b>10-2A-20: Appeals</b>

**10-2A-1: SHORT TITLE:** This chapter shall be known as the *CLIVE ELECTRICAL UPDATE CODE*, and may be cited as such and may also be known, referred to and cited as the "electrical update code".

**10-2A-2: PURPOSE:** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents, and others to meet their responsibilities with respect to proper electrical installation, material selection, installation methods, and premises safety, and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-2A-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed, or certificates issued pursuant to this chapter as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premise has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-2A-4: INTERPRETATION:** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the National Electrical Code, adopted herein.

**10-2A-5: ADOPTION:** Pursuant to published notice and public hearing, as required by law, the code provisions herein and the National Electrical Code (NEC), published by the National Fire Protection Association (NFPA 70), year and edition as amended and adopted by the State of Iowa Electrical Board, is adopted in full except for such portions of the National Electrical Code as may be hereinafter deleted, modified, or amended, and shall constitute the "electrical update code of the city of Clive, Iowa". An official copy of the National Electrical Code as adopted and a certified copy of this chapter, can be viewed in the community development department.

**10-2A-6: SCOPE:** The provisions of this electrical update code shall apply to existing buildings when:

1. A new electrical service replaces an existing electrical service.
2. A 100-amp or greater sub-panel is installed on an existing electrical service.
3. The code official, upon substantial evidence, determines the existing service is, or existing installations are, unsafe and pose(s) a risk to property or life.
4. If the classification of a building has been changed due to a change in occupancy, the electrical system in the entire building shall comply with all the electrical standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall be wired in compliance with the electrical standards of its particular classification.

**10-2A-7: INDEMNIFICATION:** The applicant for any permit under this code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this code whether expressly recited therein or not.

**10-2A-8: PERMIT REQUIREMENTS, CONDITIONS, AND FEES:**

A. Required: Any owner or authorized agent who intends to repair, install, add, alter, remove, convert, or replace any electrical system or part thereof, of which is regulated by this electrical update code, or to cause any such work to be done, shall not do so without first securing a permit from the community development department.

Exceptions:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Replacement of 120 volt lighting fixtures, receptacles, or switches.
3. Single phase overcurrent protection devices of the same capacity and location.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

B. Issuance: After proper application on forms provided by the community development department, permits shall be issued in the name of the property owner or of a firm or corporation registered with the Iowa Division of Labor Services, according to their rules and standards. The property owner or authorized representative of the firm or corporation named on the registration shall sign all applications for permits. Permits are not transferable. No permits shall be issued to any person, firm, or corporation who has fees outstanding or who has outstanding violations of any ordinance of the city.

C. Fees: There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the city council. Fees on all buildings or structures constructed by any unit of the government or

nonprofit organization may be waived by the city council. No fees shall be collected on buildings or structures constructed by or for the city.

D. Expiration:

1. Every permit issued under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
2. All permits shall expire after three hundred sixty-five (365) days unless an extension is requested in writing to the Construction Services Administrator fourteen (14) days prior to expiration of said permit. The Construction Services Administrator may refuse any extension but shall do so in writing within seven (7) days of receipt of the extension request. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
3. In addition, any time work is suspended or abandoned for more than ten (10) days, the permit shall expire due to neglect if the site is not properly secured, including:
  - a. Removal of all construction debris, materials, weeds, etc., that makes the area unsightly and creates a public nuisance.
  - b. A fence to protect any excavation, including open basement foundations, in order to prevent the creation of an attractive nuisance in the neighborhood.
  - c. Ground cover, silt fencing, etc., shall be provided to help prevent erosion and damage to surrounding properties. Consideration may be given to proximity of the construction site, as described in [chapter 11](#) of this title.

E. Revocation: Any permit required by the provisions of this code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this code.

F. Outstanding Permits: If a permit is outstanding on the effective date hereof, the provisions of this chapter and the National Electrical Code , year and edition amended and adopted by the state of Iowa Electrical Board, adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Construction Services Administrator shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

G. Work Without Permit: If any repairs, additions, alterations, conversions, or demolitions to any electrical system, which is regulated by this code, the work having been completed without first obtaining a permit, the owner shall have the responsibility to certify that the work has been completed in accordance with the applicable codes. The Construction Services Administrator shall determine the appropriate level of special inspection necessary to ensure that the work was completed in accordance with the applicable codes. Special inspections shall be performed by an approved electrical inspector who is qualified and/or licensed to inspect work similar to that which is being performed. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule.



**10-2A-9: ELECTRICAL CONTRACTORS LICENSE:** Except as otherwise provided herein, no person shall engage or represent himself or herself to the public as engaging in the activity or business of installing, altering, or repairing any electrical systems or apparatus for which permits are required by this electrical code unless such person shall have first obtained from the state of Iowa, Department of Public Safety, State Fire Marshal Division, an Electrical Contractors License, as provided for in chapter 100C of the state code.

**10-2A-10: INSTALLATION BY OWNER:** Homeowners (owner/occupant) who qualify for the homestead tax exemption may acquire permits for their principal residence (not apartment) and appurtenant accessory structures for electrical work if such residence is an existing dwelling rather than new construction, and is not larger than a single family dwelling. The installation of service conductors, service disconnects, service grounding, and panel boards shall not be allowed under this provision. The Construction Services Administrator may require the homeowner to pass an electrical exam as he or she sees fit.

**10-2A-11: CONNECTION TO SYSTEM:** It is unlawful for any person(s) to generate or distribute electrical current for private use or commercial use within the city without first acquiring proper permits and inspections. Permission shall also be granted by the utility provider if such current is back fed to the commercial grid. This permission shall be available to the Construction Services Administrator before any inspections are conducted. Any person violating the provisions of this section shall, upon written notice from the Construction Services Administrator, immediately remove such connection and cut off such current.

**10-2A-12: BUILDING OFFICIAL:** For the purposes of this code the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any electrical is suspected of being or found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-2A-13: INSPECTION:** Except as otherwise provided in this code, no person shall cover or conceal or cause to be covered or concealed any electrical wiring or electrical apparatus for which a permit has been issued, until such wiring or electrical apparatus has been inspected and approved as required by this code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions which may prevent the proper inspection of the electrical wiring or electrical apparatus. Upon the completion of any wiring or electrical installation in any building, it shall be the duty of the company, firm or individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this code. Certificates of occupancy shall not be issued unless all the electrical installations are in conformity with the rules and regulations set forth in this code.

## **10-2A-14: STOP WORK ORDER:**

**Authority:** Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator shall be authorized to issue a stop work order.

**Issuance:** The stop work order shall be in writing and shall state the reason for the order and the conditions under which the work will be permitted to resume. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work shall immediately cease. All other persons shall vacate the job site immediately or be subject to penalties as prescribed by law.

**Unlawful Continuance:** Upon issuance of a stop work order, all work shall immediately cease and all persons shall vacate the job site immediately. Any work on the premise shall be limited to the removal or correction of the violation or unsafe condition.

**10-2A-15: CODE PROVISIONS:** The following provision, along with the National Electrical Code, as adopted by the State of Iowa Electrical Board, shall be applied to all updates:

### **Residential Dwellings**

#### **A. Services**

1. A minimum of a 100-amp electrical service panel shall be provided.
2. The first point of disconnect shall be either on the exterior of the dwelling or immediately inside the exterior wall. For the purposes of this code section immediately inside the exterior wall shall mean the conductors shall not extend more than 5 feet inside the dwelling.
3. All service updates and repairs where the service AND meter are being replaced are required to install the Emergency Disconnect as required by the National Electrical Code, year and edition per state adoption.
4. When service equipment, per definition in the National Electrical Code, is replaced, a surge-protection device shall be installed on the service where the work is being conducted.

#### **B. Kitchens**

1. Kitchens shall be provided with a minimum of two receptacle outlets.
2. Kitchens shall be provided with at least one electric luminaire.
3. All countertop receptacle outlets, including those installed in an island or peninsula, and receptacle outlets within six feet of the outside edge of a sink shall be ground fault circuit interrupter (GFCI) protected. If no equipment ground is available within these specific receptacle outlets, the GFCI shall be labeled (No equipment ground).

#### **C. Bathrooms**

1. A minimum of one ground fault circuit interrupter protected receptacle outlet shall be provided to serve the lavatory or lavatories. This shall not be established through a lighting fixture with a convenience outlet attached.
2. Each bathroom shall be provided with at least one electric luminaire.
3. Lighting fixtures and exhaust fans installed above or within bathtub or shower areas shall be effectively ground fault circuit interrupter protected. If no equipment ground is available within these specific outlets, the GFCI shall be labeled (No equipment ground).

4. All receptacles shall be ground fault circuit interrupter protected. If no equipment ground is available within these specific receptacle outlets, the GFCI shall be labeled (No equipment ground).

D. Laundry rooms

1. A minimum of one 120 volt grounded or ground fault circuit interrupter protected receptacle outlet shall be provided within the laundry room. If no equipment ground is available within this specific receptacle outlet, the GFCI shall be labeled (No equipment ground).
2. All receptacle outlets within six feet of a sink basin shall be ground fault circuit interrupter protected. If no equipment ground is available within these specific outlets, the GFCI shall be labeled (No equipment ground).

E. Bedrooms and other habitable rooms

1. All bedrooms and habitable rooms shall be provided with a minimum of two receptacle outlets.
2. All bedrooms and habitable rooms shall be provided with an electric luminaire.
3. All 120 volt receptacle and lighting outlets within bedrooms shall be protected by an appropriate ARC fault protected device as required by the National Electrical Code.

F. Unfinished basements

1. Any deficient wiring identified as a hazard shall be corrected.
2. A minimum of one ground fault circuit interrupter protected receptacle shall be provided.
3. All receptacle outlets shall be ground fault circuit interrupter protected. If no equipment ground is available within these specific receptacle outlets, the GFCI shall be labeled (No equipment ground).
4. Basements and areas around equipment shall be provided with an electric luminaire.

G. Attics

1. Any identified deficient wiring shall be corrected. Wiring, boxes, and outlets will not be required to have the attic insulation removed during the update process. It is assumed the old wiring covered by the insulation is compliant.

H. Exterior receptacle outlets and lights

1. All exterior receptacle outlets shall be ground fault circuit interrupter protected.
2. All exterior lighting fixtures shall be listed for exterior use.

I. Furnaces, A/C units, and corrugated stainless steel tubing (CSST)

1. There shall be a means to disconnect the furnace at the furnace or within the line of sight of the panel board breaker controlling the furnace.
2. The A/C condenser or equipment shall have a disconnect within 6' of the condenser or equipment.
3. The overcurrent protection device for the A/C condenser or equipment shall be sized according to the manufacturer nameplate rating.
4. Corrugated stainless steel tubing shall be bonded to the electrical grounding system or panelboard utilized by the existing electrical service. This shall be done according to the tubing manufacturer's recommendations.

J. Garages and accessory buildings

1. All receptacle outlets installed in garages and accessory buildings shall be ground fault circuit interrupter protected. If no equipment ground is available within these specific receptacle outlets, the GFCI shall be labeled (No equipment ground).

K. Smoke alarms and carbon monoxide alarms

1. Smoke alarms and carbon monoxide alarms shall be installed in all locations required by the currently adopted version of the International Residential Code and per the manufacturer's specifications.
2. All new smoke alarms and carbon monoxide alarms shall be interconnected. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

L. Knob and Tube wiring

1. If knob and tube wiring is identified within the residence, it shall be removed and replaced with code compliant wiring.

**10-2A-16: CONFLICTING PROVISIONS:** In any case where the provisions of this chapter, or the electrical code adopted hereby, are found to be in conflict with a provision of the code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the city of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**10-2A-17: SITE MAINTENANCE:**

- A. It shall be the permit holder's responsibility to inspect the construction site on a daily basis to ensure that the site is clean and free of excess debris. In no case shall debris, refuse, and/or junk be permitted to blow, drift, or otherwise be deposited upon an adjacent street or property.
- B. Similarly, the permit holder shall be solely responsible for controlling erosion on site throughout the duration of the construction project. Erosion control shall be managed in accordance with [chapter 11](#) of this title.

**10-2A-18: STREET PROTECTION:** No person performing construction of any nature or furnishing materials or performing services within the city shall drive across or cause any vehicle, trailer, implement, equipment, materials, or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

**10-2A-19: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

**10-2A-20: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code.

## CHAPTER 3

# PLUMBING CODE

<b>10-3-1: Short Title</b>	<b>10-3-12: Building Official</b>
<b>10-3-2: Purpose</b>	<b>10-3-13: Inspection</b>
<b>10-3-3: Warning</b>	<b>10-3-14: Stop Work Order</b>
<b>10-3-4: Interpretation</b>	<b>10-3-15: Deletions</b>
<b>10-3-5: Adoption</b>	<b>10-3-16: Amendments</b>
<b>10-3-6: Scope</b>	<b>10-3-17: Backflow Prevention with</b>
<b>10-3-7: Indemnification</b>	<b>Containment</b>
<b>10-3-8: Permit Requirements,</b>	<b>10-3-18: Conflicting Provisions</b>
<b>Conditions, and Fees</b>	<b>10-3-19: Site Maintenance</b>
<b>10-3-9: Plumbing Contractors</b>	<b>10-3-20: Street Protection</b>
<b>License</b>	<b>10-3-21: Violations</b>
<b>10-3-10: Installation by Owner</b>	<b>10-3-22: Appeals</b>
<b>10-3-11: Connection to City Owned</b>	
<b>System</b>	

**10-3-1: SHORT TITLE:** This chapter shall be known as the *CLIVE PLUMBING CODE*, and may be cited as such and may also be known, referred to and cited as the "plumbing code".

**10-3-2: PURPOSE:** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents, and others to meet their responsibilities with respect to proper plumbing installation, material selection, installation methods, and premises safety, and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-3-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed, or certificates issued pursuant to this chapter as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premise has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-3-4: INTERPRETATION:** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the Uniform Plumbing Code, adopted herein.

**10-3-5: ADOPTION:** Pursuant to state published notice and public hearing, as required by state law, the Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials, year and edition as amended and adopted by the Iowa Plumbing and Mechanical Systems Board is adopted in full except for such portions of the UPC as may be hereinafter deleted, modified, or amended and shall constitute the "plumbing code of the city of Clive, Iowa". The use of

the term "plumbing code" in this chapter shall be interpreted to refer to the Uniform Plumbing Code, year and edition as adopted by the State of Iowa. An official copy of the Uniform Plumbing Code, as adopted, and a certified copy of this chapter can be viewed in the community development department.

**10-3-6: SCOPE:** This code shall regulate the design, installation, maintenance, alteration, and inspection of plumbing systems. The provisions of this plumbing code shall apply to:

A. New Construction:

1. Public or private plumbing installations as governed by the Uniform Plumbing Code.

B. Existing Buildings:

1. Additions to, alterations of, and repairs to existing plumbing, if covered by this plumbing code. The Construction Services Administrator may, when such additions, alterations, or repairs are made, order other reasonable additions or alterations to the plumbing on a premises when a danger to life or property may result if such other additions or alterations were not made.
2. Installations, which were in compliance with the plumbing code in existence at the time such installations were made, shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
3. If the classification of a building has been changed due to a change in occupancy, the plumbing in the entire building shall comply with all the plumbing standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, each occupancy shall comply with its own particular classification and shall be plumbed in compliance with the plumbing standards of its particular classification.

**10-3-7: INDEMNIFICATION:** The applicant for any permit under this code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this code whether expressly recited therein or not.

**10-3-8: PERMIT REQUIREMENTS, CONDITIONS, AND FEES:**

- A. Required: Any owner or authorized agent who intends to repair, install, add, alter, remove, convert, or replace any plumbing system or part thereof, of which is regulated by this plumbing code, or to cause any such work to be done, shall not do so without first securing a permit from the community development department.



- B. Issuance: After proper application on forms provided by the community development department, permits shall be issued in the name of the property owner or of a firm or corporation registered with the Iowa Division of Labor Services, according to their rules and standards. The property owner or authorized representative of the firm or corporation named on the registration shall sign all applications for permits. Permits are not transferable. No permits shall be issued to any person, firm, or corporation who has fees outstanding or who has outstanding violations of any ordinance of the city.
- C. Fees: There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the city council. Fees on all buildings or structures constructed by any unit of the government may be waived by the city council. No fees shall be collected on buildings or structures constructed by or for the city.
- D. Expiration:
1. Every permit issued under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
  2. All permits shall expire after three hundred sixty five (365) days unless an extension is requested in writing to the Construction Services Administrator fourteen (14) days prior to expiration of said permit. The Construction Services Administrator may refuse any extension, but shall do so in writing within seven (7) days of receipt of the extension request. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
  3. In addition, any time work is suspended or abandoned for more than ten (10) days, the permit shall expire due to neglect if the site is not properly secured, including:
    - a. Removal of all construction debris, materials, weeds, etc., that makes the area unsightly and creates a public nuisance.
    - b. A fence to protect any excavation, including open basement foundations, in order to prevent the creation of an attractive nuisance in the neighborhood.
    - c. Ground cover, silt fencing, etc., shall be provided to help prevent erosion and damage to surrounding properties. Consideration may be given to proximity of the construction site, as described in [chapter 11](#) of this title.
- E. Revocation: Any permit required by the provisions of this code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this code.
- F. Outstanding Permits: If a permit is outstanding on the effective date hereof, the provisions of this chapter and the Uniform Plumbing Code, adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Construction Services Administrator shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

G. Work Without Permit: If any repairs, additions, alterations, or demolitions to any building or portions of any plumbing system, which is regulated by this code, the work having been completed without first obtaining a permit, the owner shall have the responsibility to certify that the work has been completed in accordance with the applicable codes. The Construction Services Administrator shall determine the appropriate level of special inspection necessary to ensure that the work was completed in accordance with the applicable codes. Special inspections shall be performed by an approved plumbing inspector who is qualified and/or licensed to inspect work similar to that which is being performed. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule.

**10-3-9: PLUMBING CONTRACTORS LICENSE:** Except as otherwise provided herein, no person shall engage or represent himself or herself to the public as engaging in the activity or business of installing, altering, or repairing any plumbing systems or apparatus for which permits are required by this plumbing code unless such person shall have first obtained from the state of Iowa, Department of Health, a plumbing license, as provided for in chapter 105 of the state code.

**10-3-10: INSTALLATION BY OWNER:** Homeowners who qualify for the homestead tax exemption may acquire permits for their principal residence for remodel plumbing work if such residence is an existing dwelling rather than new construction, and is not larger than a single family dwelling. The Construction Services Administrator may require the homeowner to pass a plumbing exam as he or she sees fit.

**10-3-11: CONNECTION TO CITY OWNED SYSTEM:** It is unlawful for any person(s) to connect his or her plumbing system to a city owned sanitary sewer, storm sewer, or water service without proper permits. Any person violating the provisions of this section shall, upon written notice from the Construction Services Administrator, immediately remove or cut off such connection.

**10-3-12: BUILDING OFFICIAL:** For the purposes of this code, the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any structure is suspected of being or found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-3-13: INSPECTION:** Except as otherwise provided in this code, no person shall cover or conceal or cause to be covered or concealed any new construction, electrical, plumbing or mechanical systems or apparatus for which a permit has been issued, until such new construction, electrical, plumbing or mechanical systems or apparatus have been inspected and approved as required by this code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions which may prevent the proper inspection of new construction, electrical, plumbing or mechanical systems or apparatus. Upon the completion of the new construction, electrical, plumbing or mechanical systems or apparatus in any building, it shall be the duty of the company, firm or individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this code. Certificates of

occupancy shall not be issued unless the new construction, electrical, plumbing or mechanical systems or apparatus are in conformity with the rules and regulations set forth in this code.

### **10-3-14: STOP WORK ORDER:**

**Authority:** Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator shall be authorized to issue a stop work order.

**Issuance:** The stop work order shall be in writing and shall state the reason for the order and the conditions under which the work will be permitted to resume. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work shall immediately cease. All other persons shall vacate the job site immediately or be subject to penalties as prescribed by law.

**Unlawful Continuance:** Upon issuance of a stop work order, all work shall immediately cease and all persons shall vacate the job site immediately. Any work on the premise shall be limited to the removal or correction of the violation or unsafe condition.

### **10-3-15: DELETIONS**

The following are deleted from the Uniform Plumbing Code (UPC) and are of no force or effect in this chapter:

#### **A. UPC Sections:**

101.1	Title
101.2	Scope
101.3	Purpose
104.3.2	Plan Review Fees
104.3.3	Time Limitation of Application
104.4.3	Expiration
104.4.4	Extensions
104.5	Fees
107.0	Board of Appeals
612.0	Residential Fire Sprinkler Systems
1204	Certificate of Inspection
1205	Authority to Render Gas Service

1207	Temporary Use of Gas
1211.3	Arc-Resistant Jacketed CSST

**10-3-16: AMENDMENTS:** The paragraphs in this section represent amendments to the requirements contained in the Uniform Plumbing Code.

**Subsection 314.4.1 Installation of Thermoplastic Pipe and Fittings:** Delete this subsection and replace with the following:

Trench width for thermoplastic pipe shall be limited to six times the outside diameter of the piping at the base. Thermoplastic piping shall be bedded in not less than 4 inches (4") of aggregate bedding material supporting the pipe. Initial backfill shall encompass the pipe. Aggregate material shall be three-eighths inch (3/8") p-gravel or one inch (1") clean class one bedding.

**Add section 321 Clive Water Division Rules and Regulations:** Add the following subsections under 321:

**Section 321.1 Water Meters:** Water meters shall be installed according to the most recently adopted Clive Water Division Rules and Regulations.

**Section 321.2 City Right of Way:** All work conducted within the city right of way shall be done in accordance with the Urban Standard Specifications and the most recently adopted Clive Water Division Rules and Regulations. A right of way permit shall be attained before working within the right of way.

**Section 321.3 Building Ownership:** Each separately owned building or dwelling unit shall have a separate sewer and water service connection for each building or dwelling unit.

**Section 407.3 Limitation of Hot Water Temperature for Public Lavatories:** Modify this section by adding the following sentence to the end of the section:

These devices shall be installed at or as close as possible to the point of use.

**Section 408.4 Waste Outlet:** Modify this section by adding the following exception to the end of this section:

Exception: In a residential dwelling unit where a two inch (2") waste pipe is not readily available and approval of the Authority Having Jurisdiction has been granted, the waste outlet, fixture tailpiece, trap and trap arm may be one and one half inch (1 1/2") when an existing tub is being replaced by a shower sized per section 408.6 (2). This exception only applies where one shower head rated at 2.5 gpm is installed.

**Section 409.4 Limitation of Hot Water in Bathtubs and Whirlpool Bathtubs:** Modify this section by adding the following sentence to the end of the section:

These devices shall be installed at or as close as possible to the point of use.

**Section 410.3 Limitation of Water Temperature in Bidets:** Modify this section by adding the following sentence to the end of the section:

These devices shall be installed at or as close as possible to the point of use.

**Section 418.3 Location of Floor Drains:** Modify this section by adding the following to the end of the section:

(5) Rooms equipped with a water heater.

**Section 422.1 Fixture Count:** Modify this section by deleting the first paragraph and inserting the following in lieu thereof:

Plumbing fixtures shall be provided in each building for the type of building occupancy and in the minimum number shown in table 403.1 of the International Plumbing Code. The design occupant load and occupancy classification shall be determined in accordance with Section 1004 of the International Building Code. Required public facilities shall be designated by a legible sign for each sex. Signs shall be readily visible and located near the entrance to each toilet facility.

**Subsection 422.1.1 Family or Assisted-Use Toilet and Bathing Facilities:** Modify this subsection by adding the following sentence to the end of the subsection:

Required family or assisted-use fixtures are permitted to be included in the number of required fixtures for either the male or female occupants in assembly and mercantile occupancies.

**Section 422.2 Separate Facilities:** Modify this section by adding an additional exception:

(4) Separate facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by any gender and sufficient privacy for water closets is installed. Partitions or compartment walls shall extend from no more than 1 inch from the floor to no less than 84" from the floor. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a stall.

**Add Section 422.6 Pay Facilities:** Where pay facilities are installed, such facilities shall be in excess of the required minimum facilities. Required facilities shall be free of charge.

**Add Section 422.7 Substitution for Water Closets:** In each bathroom or toilet room, urinals shall not be substituted for more than 67 percent of the required water closets in assembly and educational occupancies. Urinals shall not be substituted for more than 50 percent of the required water closets in all other occupancies.

**Section 609 Installation, Testing, Unions, and Locations:** Delete the last two sentences and add the following in lieu of

Building supply water piping shall be not less than 60 inches below earth cover.

**Section 609.12 Pipe Insulation:** Modify this section by deleting this section and inserting the following in lieu thereof:

Insulation of domestic hot water piping shall be in accordance with the applicable energy conservation code.

**Section 611.4 Sizing of Residential Softeners:** Modify this section by adding the following to the end of the last sentence in this section:

Or as specified in the manufacturer's installation instructions.

**Section 710.1 Backflow Protection:** Add the following to this section:

The requirement for the installation of a backwater valve shall apply only when determined necessary by the Authority Having Jurisdiction.

**Section 717.1 General:** Add the following to this section:

The minimum diameter for a building sewer shall be four (4) inches.

**Section 807.3 Domestic Dishwashing Machine:** Delete this section and replace it with the following:

No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher air gap fitting on the discharge side of the dishwashing machine, or by looping the discharge line of the dishwasher as high as possible near the flood level of the kitchen sink where the waste disposer is connected. Listed air gap fittings shall be installed with the flood level marking at or above the flood level of the sink or drainboard, whichever is higher.

**Section 901.2 Vents Required:** Add the following to this section:

In every new construction basement, there shall be not less than one two (2) inch dry vent pipe installed within the basement for future use. The vent pipe shall be connected to a properly sized vent stack that exits through the roof. The vent pipe shall be labeled as future vent and shall be capped or connected to the sewer. The vent pipe shall also be extended through all construction materials so that it is visible from the finished floor.

**Section 902 Vents Not Required:** Add the following to this section.

A vent is not required on a three (3) inch residential basement floor drain provided its drain branches into the building drain on the sewer side at a distance of five feet or more from the base of the stack and the branch line to such floor drain is not more than twelve (12) feet in length.

**Section 906.7 Frost or Snow Closure:** Modify this section by deleting two (2) inches in the first sentence and inserting three (3) inches in lieu thereof.

**Table 1002.2 Horizontal Lengths of Trap Arms:** Delete the table and insert the following table in lieu thereof:

Horizontal Lengths of Trap Arms

(Except for Water Closets and Similar Features) Notes: 1,2

Trap Arm Diameter	Distance Trap to Vent	Length Maximum
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(Inches)	Minimum (inches)	(Feet)
1 ¼	2 ½	5
1 ½	3	6
2	4	8
3	6	12
4	8	12
Exceeding 4	2 x Diameter	12

For SI Units: 1 inch = 25.4mm

Notes to table 1002.2:

1. Maintain ¼ inch per foot slope (20.8 mm/m.)
2. The developed length between the trap of a water closet or similar fixture (measured from the top of the closet flange to the inner edge of the vent) and its vent shall not exceed 6 feet (1829 mm).

**Section 1014.1 General:** The city of Clive will work with the state Wastewater Reclamation Authority for the sizing and installation requirements of grease interceptors.

**Subsection 1014.1.3 Food Waste Disposers and Dishwashers:** Modify this subsection by deleting the second sentence and inserting the following in lieu thereof:

Commercial food waste disposers shall discharge into the building's drainage system in accordance with the requirements of the Authority Having Jurisdiction.

**Add subsection 1014.1.4 Odor Containment Device:** Any required venting for a grease interceptor shall be capped with an approved odor containment device. The odor containment device shall be periodically inspected, maintained, and replaced by the owner in accordance with the manufacturer's requirements.

**Add subsection 1101.12.3 Storm Drainage Discharge:** All sumps and pumping systems shall be connected to the city's storm sewer system if available. In the case that the city's storm sewer system is not available for connection, the discharge may be permitted to grade provided that the discharge is made at least ten (10) feet from a public sidewalk and five (5) feet from a property line, or as determined by the Construction Services Administrator.

**Section 1208.6.4.5 Corrugated Stainless Steel Tubing:** Delete this section and insert the following:

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 the listing, the manufacturer's 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.

**10-3-17: BACKFLOW PREVENTION WITH CONTAINMENT:** All backflow prevention with containment shall be installed and maintained in accordance with the Clive Water Division Rules and Regulations as adopted from time to time by city council.

**10-3-18: CONFLICTING PROVISIONS:** In any case where the provisions of this chapter, or the Uniform Plumbing Code, adopted hereby, are found to be in conflict with the code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the city of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**10-3-19: SITE MAINTENANCE:**

- A. It shall be the permit holder's responsibility to inspect the construction site on a daily basis to ensure that the site is clean and free of excess debris. In no case shall debris, refuse, and/or junk be permitted to blow, drift, or otherwise be deposited upon an adjacent street or property.
- B. Similarly, the permit holder shall be solely responsible for controlling erosion on site throughout the duration of the construction project. Erosion control shall be managed in accordance with [chapter 11](#) of this title.

**10-3-20: STREET PROTECTION:** No person performing construction of any nature or furnishing materials or performing services within the city shall drive across or cause any vehicle, trailer, implement, equipment, materials, or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

**10-3-21: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

**10-3-22: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code.

## CHAPTER 4

# ENERGY CONSERVATION CODE

**10-4-1: Short Title**

**10-4-2: Purpose**

**10-4-3: Warning**

**10-4-4: Interpretation**

**10-4-5: Adoption**

**10-4-6: Scope**

**10-4-7: Indemnification**

**10-4-8: Permit Requirements,  
Conditions, and Fees**

**10-4-9: Building Official**

**10-4-10: Inspection**

**10-4-11: Stop Work Order**

**10-4-12: Conflicting Provisions**

**10-4-13: Site Maintenance**

**10-4-14: Street Protection**

**10-4-15: Violations**

**10-4-16: Appeals**

**10-4-1: SHORT TITLE:** This chapter shall be known as the *CLIVE ENERGY CONSERVATION CODE*, and may be cited as such and may also be known, referred to and cited as the "energy code".

**10-4-2: PURPOSE:** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents, and others to meet their responsibilities with respect to proper construction, construction techniques, and premises safety, and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-4-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed, or certificates issued pursuant to this chapter as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premise has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-4-4: INTERPRETATION:** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the International Energy Conservation Code, adopted herein.

**10-4-5: ADOPTION:** Pursuant to state published notice and public hearing, as required by state law, the International Energy Conservation Code, published by the International Code Council Inc., year and edition as amended and adopted by the State of Iowa Building Code Bureau, is adopted in full and shall constitute the "energy code of the city of Clive, Iowa". The use of the term "energy code" in this chapter shall be interpreted to refer to the International Energy Conservation Code, year and edition as adopted by the State of Iowa. An official copy of the International Energy Conservation Code, as adopted, and a certified copy of this chapter, can be viewed in the community development department.

**10-4-6: SCOPE:** This code shall establish thermal energy efficiency standards for the design of new buildings and structures, or portions thereof, additions to existing buildings, and renovation and remodeling of existing buildings.

Exception: The renovation and remodeling of residential buildings of one and two dwelling units, which are intended for human occupancy and which are heated or cooled by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating systems and equipment for the efficient use of energy, and lighting efficiency standards for buildings intended for human occupancy which are lighted.

**10-4-7: INDEMNIFICATION:** The applicant for any permit under this code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this code whether expressly recited therein or not.

**10-4-8: PERMIT REQUIREMENTS, CONDITIONS, AND FEES:**

- A. Required: Any owner or authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building of which is regulated by this energy conservation code, or to cause any such work to be done, shall not do so without first securing a building permit from the community development department. All building plans will be reviewed for energy compliance as specified in this energy conservation code.
- B. Issuance: After proper application and a full staff review, permits shall be issued in the name of the property owner or of a firm or corporation registered with the Iowa Division of Labor Services, according to their rules and standards. The property owner or authorized representative of the firm or corporation named on the registration shall sign all applications for permits. Permits are not transferable. No permits shall be issued to any person, firm, or corporation who has fees outstanding or who has outstanding violations of any ordinance of the city.
- C. Fees: There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the city council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the city council. No fees shall be collected on buildings or structures constructed by or for the city.
- D. Expiration:
  - 1. Every permit issued under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.

2. All permits shall expire after three hundred sixty five (365) days unless an extension is requested in writing to the Construction Services Administrator fourteen (14) days prior to expiration of said permit. The Construction Services Administrator may refuse any extension, but shall do so in writing within seven (7) days of receipt of the extension request. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
3. In addition, any time work is suspended or abandoned for more than ten (10) days, the permit shall expire due to neglect if the site is not properly secured, including:
  - a. Removal of all construction debris, materials, weeds, etc., that makes the area unsightly and creates a public nuisance.
  - b. A fence to protect any excavation, including open basement foundations, in order to prevent the creation of an attractive nuisance in the neighborhood.
  - c. Ground cover, silt fencing, etc., shall be provided to help prevent erosion and damage to surrounding properties. Consideration may be given to proximity of the construction site, as described in [chapter 11](#) of this title.
- E. Revocation: Any permit required by the provisions of this code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this code.
- F. Outstanding Permits: If a permit is outstanding on the effective date hereof, the provisions of this chapter and the International Energy Conservation Code, adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Construction Services Administrator shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.
- G. Work Without Permit: If any repairs, additions, alterations, or demolitions to any building or portions of any electrical, gas, mechanical, or plumbing system, which is regulated by this code, the work having been completed without first obtaining a permit, the owner shall have the responsibility to certify that the work has been completed in accordance with the applicable codes. The Construction Services Administrator shall determine the appropriate level of special inspection necessary to ensure that the work was completed in accordance with the applicable codes. Special inspections shall be performed by an approved energy inspector who is qualified and/or licensed to inspect work similar to that which is being performed. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule.

**10-4-9: BUILDING OFFICIAL:** For the purposes of this code the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any structure is suspected of being or found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the



Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-4-10: INSPECTION:** Except as otherwise provided in this code, no person shall cover or conceal or cause to be covered or concealed any mandatory energy conservation requirement, for which a permit has been issued, until such requirements have been inspected and approved as required by this code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions which may prevent the proper inspection of the building envelope or equipment. After the energy conservation measures have been installed and verification is needed, it shall be the duty of the company, firm or individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this code. The Construction Services Administrator has the authority to allow an approved third party energy inspector to conduct inspections and tests as required by this code. Inspection reports and tests results shall be made available to the Construction Services Administrator. Certificates of occupancy shall not be issued unless the energy conservation requirements are in conformity with the rules and regulations set forth in this code.

#### **10-4-11: STOP WORK ORDER:**

Authority: Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator shall be authorized to issue a stop work order.

Issuance: The stop work order shall be in writing and shall state the reason for the order and the conditions under which the work will be permitted to resume. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work shall immediately cease. All other persons shall vacate the job site immediately or be subject to penalties as prescribed by law.

Unlawful Continuance: Upon issuance of a stop work order, all work shall immediately cease and all persons shall vacate the job site immediately. Any work on the premise shall be limited to the removal or correction of the violation or unsafe condition.

**10-4-12: CONFLICTING PROVISIONS:** In any case where the provisions of this chapter, or the International Energy Conservation Code, adopted hereby, are found to be in conflict with a provision of the code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the city of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

#### **10-4-13: SITE MAINTENANCE:**

- A. It shall be the permit holder's responsibility to inspect the construction site on a daily basis to ensure that the site is clean and free of excess debris. In no case shall debris, refuse, and/or junk be permitted to blow, drift, or otherwise be deposited upon an adjacent street or property.
- B. Similarly, the permit holder shall be solely responsible for controlling erosion on site throughout the duration of the construction project. Erosion control shall be managed in accordance with [chapter 11](#) of this title.

**10-4-14: STREET PROTECTION:** No person performing construction of any nature or furnishing materials or performing services within the city shall drive across or cause any vehicle,



trailer, implement, equipment, materials, or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

**10-4-15: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

**10-4-16: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code.

## CHAPTER 5

# MECHANICAL CODE

<b>10-5-1: Short Title</b>	<b>10-5-10: Installation by Owner</b>
<b>10-5-2: Purpose</b>	<b>10-5-11: Building Official</b>
<b>10-5-3: Warning</b>	<b>10-5-12: Inspection</b>
<b>10-5-4: Interpretation</b>	<b>10-5-13: Stop Work Order</b>
<b>10-5-5: Adoption</b>	<b>10-5-14: Deletions</b>
<b>10-5-6: Scope</b>	<b>10-5-15: Amendments</b>
<b>10-5-7: Indemnification</b>	<b>10-5-16: Conflicting Provisions</b>
<b>10-5-8: Permit Requirements, Conditions, and Fees</b>	<b>10-5-17: Site Maintenance</b>
<b>10-5-9: Mechanical Contractors License</b>	<b>10-5-18: Street Protection</b>
	<b>10-5-19: Violations</b>
	<b>10-5-20: Appeals</b>

**10-5-1: SHORT TITLE:** This chapter shall be known as the *CLIVE MECHANICAL CODE*, and may be cited as such and may also be known, referred to and cited as the "mechanical code".

**10-5-2: PURPOSE:** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents, and others to meet their responsibilities with respect to proper mechanical installation, material selection, installation methods, and premises safety, and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-5-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed, or certificates issued pursuant to this chapter as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premise has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-5-4: INTERPRETATION:** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the International Mechanical Code, 2021 edition, or the International Residential Code chapters 12-24, 2021 edition, adopted herein.

**10-5-5: ADOPTION:** Pursuant to published notice and public hearing, as required by law, the International Mechanical Code, 2021 edition, and International Residential Code chapters 12-24, 2021 edition, published by the International Code Council Inc., are adopted in full except for such portions as may be hereinafter deleted, modified, or amended, and shall constitute the "mechanical code of the city of Clive, Iowa". The use of the term "mechanical code" in this chapter shall be interpreted to refer to the International Mechanical Code, 2021 edition, and International Residential Code chapters

12-24, 2021 edition. An official copy of the International Mechanical Code, 2021 edition, and International Residential Code chapters 12-24, 2021 edition, as adopted, and a certified copy of this chapter can be viewed in the community development department.

**10-5-6: SCOPE:** This code shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems. The provisions of this mechanical code shall apply to:

A. New Construction:

1. Public or private mechanical installations as governed by this mechanical code.
2. Detached one- and two- family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with chapters 12-24 of the International Residential Code, 2021 edition.

B. Existing Buildings:

1. Additions to, alterations of, and repairs to existing mechanical systems, if covered by this mechanical code. The Construction Services Administrator may, when such additions, alterations, or repairs are made, order other reasonable additions or alterations to the mechanical systems on a premises when a danger to life or property may result if such other additions or alterations were not made.
2. Detached one- and two- family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with chapters 12-24 of the International Residential Code, 2021 edition.
3. Installations, which were in compliance with the mechanical code in existence at the time such installations were made, shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
4. If the classification of a building has been changed due to a change in occupancy, the mechanical systems in the entire building shall comply with all the mechanical standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall have mechanical systems installed in compliance with the mechanical standards of its particular classification.

**10-5-7: INDEMNIFICATION:** The applicant for any permit under this code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this code whether expressly recited therein or not.

## **10-5-8: PERMIT REQUIREMENTS, CONDITIONS, AND FEES:**

- A. Required: Any owner or authorized agent who intends to repair, install, add, alter, remove, convert, or replace any mechanical system or part thereof, of which is regulated by this mechanical code, or to cause any such work to be done, shall not do so without first securing a permit from the community development department.
- B. Issuance: After proper application on forms provided by the community development department, permits shall be issued in the name of the property owner or of a firm or corporation registered with the Iowa Division of Labor Services, according to their rules and standards. The property owner or authorized representative of the firm or corporation named on the registration shall sign all applications for permits. Permits are not transferable. No permits shall be issued to any person, firm, or corporation who has fees outstanding or who has outstanding violations of any ordinance of the city.
- C. Fees: There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the city council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the city council. No fees shall be collected on buildings or structures constructed by or for the city.
- D. Expiration:
  - 1. Every permit issued under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
  - 2. All permits shall expire after three hundred sixty five (365) days unless an extension is requested in writing to the Construction Services Administrator fourteen (14) days prior to expiration of said permit. The Construction Services Administrator may refuse any extension, but shall do so in writing within seven (7) days of receipt of the extension request. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
  - 3. In addition, any time work is suspended or abandoned for more than ten (10) days, the permit shall expire due to neglect if the site is not properly secured, including:
    - a. Removal of all construction debris, materials, weeds, etc., that makes the area unsightly and creates a public nuisance.
    - b. A fence to protect any excavation, including open basement foundations, in order to prevent the creation of an attractive nuisance in the neighborhood.
    - c. Ground cover, silt fencing, etc., shall be provided to help prevent erosion and damage to surrounding properties. Consideration may be given to proximity of the construction site, as described in [chapter 11](#) of this title.
- E. Revocation: Any permit required by the provisions of this code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this code.

- F. Outstanding Permits: If a permit is outstanding on the effective date hereof, the provisions of this chapter and the International Mechanical Code, 2021 edition, and International Residential Code chapters 12-24, 2021 edition, adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Construction Services Administrator shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.
- G. Work Without Permit: If any repairs, additions, alterations, or demolitions to any building or portions of any mechanical system, which is regulated by this code, the work having been completed without first obtaining a permit, the owner shall have the responsibility to certify that the work has been completed in accordance with the applicable codes. The Construction Services Administrator shall determine the appropriate level of special inspection necessary to ensure that the work was completed in accordance with the applicable codes. Special inspections shall be performed by an approved mechanical inspector who is qualified and/or licensed to inspect work similar to that which is being performed. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule.

**10-5-9: MECHANICAL CONTRACTORS LICENSE:** Except as otherwise provided herein, no person shall engage or represent himself or herself to the public as engaging in the activity or business of installing, altering, or repairing any mechanical systems or apparatus for which permits are required by this mechanical code unless such person shall have first obtained from the state of Iowa, Department of Health, a mechanical license, as provided for in chapter 105 of the state code.

**10-5-10: INSTALLATION BY OWNER:** Homeowners who qualify for the homestead tax exemption may acquire permits for their principal residence for remodel mechanical work if such residence is an existing dwelling rather than new construction, and is not larger than a single family dwelling. The Construction Services Administrator may require the homeowner to pass a mechanical exam as he or she sees fit.

**10-5-11: BUILDING OFFICIAL:** For the purposes of this code the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any structure is suspected of being or found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-5-12: INSPECTION:** Except as otherwise provided in this code, no person shall cover or conceal or cause to be covered or concealed any new construction, electrical, plumbing or mechanical systems or apparatus for which a permit has been issued, until such new construction, electrical, plumbing or mechanical systems or apparatus have been inspected and approved as required by this code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions which may prevent the proper inspection of new construction, electrical, plumbing or mechanical systems or apparatus. Upon the completion of the new construction, electrical, plumbing or mechanical systems or apparatus in any building, it shall be the duty of the company, firm or

individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this code. Certificates of occupancy shall not be issued unless the new construction, electrical, plumbing or mechanical systems or apparatus are in conformity with the rules and regulations set forth in this code.

#### **10-5-13: STOP WORK ORDER:**

**Authority:** Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator shall be authorized to issue a stop work order.

**Issuance:** The stop work order shall be in writing and shall state the reason for the order and the conditions under which the work will be permitted to resume. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work shall immediately cease. All other persons shall vacate the job site immediately or be subject to penalties as prescribed by law.

**Unlawful Continuance:** Upon issuance of a stop work order, all work shall immediately cease and all persons shall vacate the job site immediately. Any work on the premise shall be limited to the removal or correction of the violation or unsafe condition.

#### **10-5-14: DELETIONS**

The following are deleted from the International Mechanical Code (IMC), 2021 edition, and International Residential Code chapters 12-24, 2021 edition, and are of no force or effect in this chapter:

##### **A. IMC Sections:**

103.3	Deputies
104.5	Identification
106.1.1	Annual Permit
106.1.2	Annual Permit Records
106.3.2	Time Limitation of Application
106.4.3	Permits: Expiration
106.4.4	Permits: Extensions
106.4.7	Posting of Permit
109	Fees
113	Means of Appeal
114	Board of Appeals



504.9.4.2	Manufacturer's Instructions
504.9.5	Length Identification

#### **B. IRC Sections**

M1502.4.5.2	Manufacturer's Instructions
M1502.4.6	Length Identification
G2439.7	Domestic Clothes Dryer Exhaust Ducts

**10-5-15: AMENDMENTS:** The paragraphs in this section represent amendments to the requirements contained in the International Mechanical Code, 2021 edition and the International Residential Code chapters 12-24, 2021 edition.

Delete all references to the “International Plumbing Code” and insert in lieu thereof:

Uniform Plumbing Code as adopted by the State of Iowa

Delete all reference to the electrical provisions of the International Residential Code, 2021 edition and insert in lieu thereof:

National Electrical Code as adopted by the state of Iowa.

**Section 504.9.2 Duct Installation:** Delete this section and insert the following in lieu thereof:

Exhaust ducts shall be supported at intervals not to exceed 4 feet, and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with section 603.9 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners. Where dryer exhaust ducts are enclosed in a wall or ceiling cavities, such cavities shall be of sufficient size to allow the installation of the duct, without changing the configuration of the duct.

Exception: Dryer duct sections that are longer than 4 feet shall be supported minimally every 6 feet.

**Section IRC M1502.4.2 Duct Installation:** Delete this section and insert the following in lieu thereof:

Exhaust ducts shall be supported at intervals not to exceed 4 feet, and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with section M1601.4.1 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners. Where dryer exhaust ducts are enclosed in a wall or ceiling cavities, such cavities shall be of sufficient size to allow the installation of the duct, without changing the configuration of the duct.

Exception: Dryer duct sections that are longer than 4 feet shall be supported minimally every 6 feet.

**Section 604.3 Coverings and Linings:** Insert the following to the existing text.

The use of air-inflated/encapsulated duct wrap to achieve required R-values shall be prohibited.

**Section IRC M1601.3 Duct Insulation Materials:** Add the following:

5. The use of air-inflated/encapsulated duct wrap to achieve required R-values shall be prohibited.

**Section 603.1 General:** Add the following to the existing text.

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

**Section IRC M1601.4 Installations:** Add the following subsection:

**Section IRC M1601.4.11 Air Plenum and Duct Separation:**

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

**Add section 602.5: Return Air Separation:**

Return air openings shall be located a minimum of 4 feet, measured in any direction, from a supply air diffuser.

**Section IRC M1602. Return Air:** Add the following sub-section.

**Section IRC M1602.3 Return Air Separation:**

Return air openings shall be located a minimum of 4 feet, measured in any direction, from a supply air diffuser.

**Section IRC G2414.5.4 Corrugated Stainless Steel Tubing (CSST):** Delete this section and replace with the following:

Arc resistant corrugated stainless steel tubing shall be listed in accordance with ANSI LC1 (Optional Section 5.16)/CSA 6.26.

**Section IRC G2415.2 CSST:** Delete this section and replace with the following:

Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC1 (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.

**10-5-16: CONFLICTING PROVISIONS:** In any case where the provisions of this chapter, or the International Mechanical Code, 2021 edition, or International Residential Code chapters 12-24, 2021 edition, adopted hereby, are found to be in conflict with a provision of the code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the city of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**10-5-17: SITE MAINTENANCE:**

- A. It shall be the permit holder's responsibility to inspect the construction site on a daily basis to ensure that the site is clean and free of excess debris. In no case shall debris, refuse, and/or junk be permitted to blow, drift, or otherwise be deposited upon an adjacent street or property.
- B. Similarly, the permit holder shall be solely responsible for controlling erosion on site throughout the duration of the construction project. Erosion control shall be managed in accordance with [chapter 11](#) of this title.

**10-5-18: STREET PROTECTION:** No person performing construction of any nature or furnishing materials or performing services within the city shall drive across or cause any vehicle, trailer, implement, equipment, materials, or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

**10-5-19: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

**10-5-20: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code.

## CHAPTER 6

# FUEL GAS CODE

<b>10-6-1: Short Title</b>	<b>10-6-10: Building Official</b>
<b>10-6-2: Purpose</b>	<b>10-6-11: Inspection</b>
<b>10-6-3: Warning</b>	<b>10-6-12: Stop Work Order</b>
<b>10-6-4: Interpretation</b>	<b>10-6-13: Deletions</b>
<b>10-6-5: Adoption</b>	<b>10-6-14: Amendments</b>
<b>10-6-6: Scope</b>	<b>10-6-15: Conflicting Provisions</b>
<b>10-6-7: Indemnification</b>	<b>10-6-16: Site Maintenance</b>
<b>10-6-8: Permit Requirements, Conditions, and Fees</b>	<b>10-6-17: Street Protection</b>
<b>10-6-9: Plumbing or Mechanical Contractors License</b>	<b>10-6-18: Violations</b>
	<b>10-6-19: Appeals</b>

**10-6-1: SHORT TITLE:** This chapter shall be known as the *CLIVE FUEL GAS CODE*, and may be cited as such and may also be known, referred to and cited as the "fuel gas code".

**10-6-2: PURPOSE:** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents, and others to meet their responsibilities with respect to proper fuel gas installation, material selection, installation methods, and premises safety, and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-6-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed, or certificates issued pursuant to this chapter as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premise has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-6-4: INTERPRETATION:** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the International Fuel Gas Code, 2018 edition, or the International Residential Code chapter 24, 2018 edition, adopted herein.

**10-6-5: ADOPTION:** Pursuant to published notice and public hearing, as required by law, the International Fuel Gas Code, 2021 edition, and International Residential Code chapter 24, 2021 edition, published by the International Code Council Inc., are adopted in full except for such portions as may be hereinafter deleted, modified, or amended, and shall constitute the "fuel gas code of the city of Clive, Iowa". The use of the term "fuel gas code" in this chapter shall be interpreted to refer to the International Fuel Gas Code, 2021 edition, and International Residential Code Chapter 24, 2021 edition. An official copy of the International Fuel Gas Code, 2021 edition, and International

Residential Code chapter 24, 2021 edition, as adopted, and a certified copy of this chapter can be viewed in the community development department.

**10-6-6: SCOPE:** This code shall regulate the design, installation, maintenance, alteration, and inspection of fuel gas systems. The provisions of this fuel gas code shall apply to:

A. New Construction:

1. Public or private mechanical installations as governed by this fuel gas code.
2. Detached one- and two- family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with chapter 24 of the International Residential Code, 2021 edition.

B. Existing Buildings:

1. Additions to, alterations of, and repairs to existing fuel gas systems, if covered by this fuel gas code. The Construction Services Administrator may, when such additions, alterations, or repairs are made, order other reasonable additions or alterations to the fuel gas systems on a premises when a danger to life or property may result if such other additions or alterations were not made.
2. Detached one- and two- family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with chapter 24 of the International Residential Code, 2021 edition.
3. Installations, which were in compliance with the fuel gas code in existence at the time such installations were made, shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
4. If the classification of a building has been changed due to a change in occupancy, the fuel gas systems in the entire building shall comply with all the fuel gas standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall have fuel gas systems installed in compliance with the fuel gas standards of its particular classification.

**10-6-7: INDEMNIFICATION:** The applicant for any permit under this code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this code whether expressly recited therein or not.

## **10-6-8: PERMIT REQUIREMENTS, CONDITIONS, AND FEES:**

- A. Required: Any owner or authorized agent who intends to repair, install, add, alter, remove, convert, or replace any fuel gas system or part thereof, of which is regulated by this fuel gas code, or to cause any such work to be done, shall not do so without first securing a permit from the community development department.
- B. Issuance: After proper application on forms provided by the community development department, permits shall be issued in the name of the property owner or of a firm or corporation registered with the Iowa Division of Labor Services, according to their rules and standards. The property owner or authorized representative of the firm or corporation named on the registration shall sign all applications for permits. Permits are not transferable. No permits shall be issued to any person, firm, or corporation who has fees outstanding or who has outstanding violations of any ordinance of the city.
- C. Fees: There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the city council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the city council. No fees shall be collected on buildings or structures constructed by or for the city.
- D. Expiration:
  - 1. Every permit issued under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
  - 2. All permits shall expire after three hundred sixty five (365) days unless an extension is requested in writing to the Construction Services Administrator fourteen (14) days prior to expiration of said permit. The Construction Services Administrator may refuse any extension, but shall do so in writing within seven (7) days of receipt of the extension request. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
  - 3. In addition, any time work is suspended or abandoned for more than ten (10) days, the permit shall expire due to neglect if the site is not properly secured, including:
    - a. Removal of all construction debris, materials, weeds, etc., that makes the area unsightly and creates a public nuisance.
    - b. A fence to protect any excavation, including open basement foundations, in order to prevent the creation of an attractive nuisance in the neighborhood.
    - c. Ground cover, silt fencing, etc., shall be provided to help prevent erosion and damage to surrounding properties. Consideration may be given to proximity of the construction site, as described in [chapter 11](#) of this title.
- E. Revocation: Any permit required by the provisions of this code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this code.



- F. **Outstanding Permits:** If a permit is outstanding on the effective date hereof, the provisions of this chapter and the International Fuel Gas Code, 2021 edition, and International Residential Code chapter 24, 2021 edition, adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Construction Services Administrator shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.
- G. **Work Without Permit:** If any repairs, additions, alterations, or demolitions to any building or portions of any fuel gas system, which is regulated by this code, the work having been completed without first obtaining a permit, the owner shall have the responsibility to certify that the work has been completed in accordance with the applicable codes. The Construction Services Administrator shall determine the appropriate level of special inspection necessary to ensure that the work was completed in accordance with the applicable codes. Special inspections shall be performed by an approved fuel gas inspector who is qualified and/or licensed to inspect work similar to that which is being performed. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule.

**10-6-9: PLUMBING OR MECHANICAL CONTRACTORS LICENSE:** Except as otherwise provided herein, no person shall engage or represent himself or herself to the public as engaging in the activity or business of installing, altering, or repairing any fuel gas system or apparatus for which permits are required by this code unless such person shall have first obtained from the state of Iowa, Department of Health, a plumbing or mechanical license, as provided for in chapter 105 of the state code.

**10-6-10: BUILDING OFFICIAL:** For the purposes of this code the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any structure is suspected of being or found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-6-11: INSPECTION:** Except as otherwise provided in this code, no person shall cover or conceal or cause to be covered or concealed any new construction, electrical, plumbing, mechanical, or fuel gas system or apparatus for which a permit has been issued, until such new construction, electrical, plumbing, mechanical, fuel gas system or apparatus have been inspected and approved as required by this code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions which may prevent the proper inspection of new construction, electrical, plumbing, mechanical, or fuel gas system or apparatus. Upon the completion of the new construction, electrical, plumbing, mechanical, or fuel gas system or apparatus in any building, it shall be the duty of the company, firm or individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this code. Certificates of occupancy shall not be issued unless the new construction, electrical, plumbing, mechanical, or fuel gas system or apparatus are in conformity with the rules and regulations set forth in this code.

### **10-6-12: STOP WORK ORDER:**

**Authority:** Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator shall be authorized to issue a stop work order.

**Issuance:** The stop work order shall be in writing and shall state the reason for the order and the conditions under which the work will be permitted to resume. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work shall immediately cease. All other persons shall vacate the job site immediately or be subject to penalties as prescribed by law.

**Unlawful Continuance:** Upon issuance of a stop work order, all work shall immediately cease and all persons shall vacate the job site immediately. Any work on the premise shall be limited to the removal or correction of the violation or unsafe condition.

### **10-6-13: DELETIONS**

The following are deleted from the International Fuel Gas Code (IFGC), 2021 edition, and IRC chapter 24, 2021 edition, and are of no force or effect in this chapter:

#### **A. IFGC Sections:**

103.3	Deputies
104.5	Identification
106.1.1	Annual Permit
106.1.2	Annual Permit Records
106.3.1	Time Limitation of Application
106.5.3	Permits: Expiration
106.5.4	Permits: Extensions
106.5.7	Posting of Permit
109	Fees
113	Means of Appeal
114	Board of Appeals

614.9.4.2	Manufacturer's Instructions
614.9.5	Length Identification

**10-6-14: AMENDMENTS:** The paragraphs in this section represent amendments to the requirements contained in the International Fuel Gas Code, 2021 edition and the International Residential Code chapter 24, 2021 edition.

Delete all references to the “International Plumbing Code” and insert in lieu thereof:

Uniform Plumbing Code as adopted by the State of Iowa

Delete all reference to the electrical provisions of the International Residential Code, 2021 edition and insert in lieu thereof:

National Electrical Code as adopted by the state of Iowa.

**Section 403.4.5 Corrugated Stainless Steel Tubing (CSST):** Delete this section and replace with the following:

Arc resistant corrugated stainless steel tubing shall be listed in accordance with ANSI LC1 (Optional Section 5.16)/CSA 6.26.

**Section IRC G2414.4.4 Corrugated Stainless Steel Tubing (CSST):** Delete this section and replace with the following:

Arc resistant corrugated stainless steel tubing shall be listed in accordance with ANSI LC1 (Optional Section 5.16)/CSA 6.26.

**Section 404.2 CSST:** Delete this section and replace with the following:

Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC1 (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 310. 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.

**Section IRC 2415.2 CSST:** Delete this section and replace with the following:

Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC1 (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.

**Section 614.9.2 Duct Installation:** Delete this section and insert the following in lieu thereof:

Exhaust ducts shall be supported at intervals not to exceed 4 feet and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with section 603.9 of the 2021 International Mechanical Code and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners. Where dryer exhaust ducts are enclosed in a wall or ceiling cavities, such cavities shall be of sufficient size to allow the installation of the duct, without changing the configuration of the duct.

Exception: Dryer duct sections that are longer than 4 feet shall be supported minimally every 6 feet.

**Section G2439.7.2 Duct Installation:** Delete this section and insert the following in lieu thereof:

Exhaust ducts shall be supported at intervals not to exceed 4 feet and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with section M1601.4.1 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners. Where dryer exhaust ducts are enclosed in a wall or ceiling cavities, such cavities shall be of sufficient size to allow the installation of the duct, without changing the configuration of the duct.

Exception: Dryer duct sections that are longer than 4 feet shall be supported minimally every 6 feet.

**10-6-15: CONFLICTING PROVISIONS:** In any case where the provisions of this chapter, or the International Fuel Gas Code, 2021 edition, or International Residential Code, chapter 24, 2021 edition, adopted hereby, are found to be in conflict with a provision of the code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the city of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

#### **10-6-16: SITE MAINTENANCE:**

- A. It shall be the permit holder's responsibility to inspect the construction site on a daily basis to ensure that the site is clean and free of excess debris. In no case shall debris, refuse, and/or junk be permitted to blow, drift, or otherwise be deposited upon an adjacent street or property.
- B. Similarly, the permit holder shall be solely responsible for controlling erosion on site throughout the duration of the construction project. Erosion control shall be managed in accordance with [chapter 11](#) of this title.

**10-6-17: STREET PROTECTION:** No person performing construction of any nature or furnishing materials or performing services within the city shall drive across or cause any vehicle, trailer, implement, equipment, materials, or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

**10-6-18: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

**10-6-19: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code.



## CHAPTER 7

# EXISTING BUILDING CODE

<b>10-7-1: Short Title</b>	<b>10-7-9: Building Official</b>
<b>10-7-2: Purpose</b>	<b>10-7-10: Inspection</b>
<b>10-7-3: Warning</b>	<b>10-7-11: Stop Work Order</b>
<b>10-7-4: Interpretation</b>	<b>10-7-12: Deletions</b>
<b>10-7-5: Adoption</b>	<b>10-7-13: Amendments</b>
<b>10-7-6: Scope</b>	<b>10-7-14: Conflicting Provisions</b>
<b>10-7-7: Indemnification</b>	<b>10-7-15: Site Maintenance</b>
<b>10-7-8: Permit Requirements, Conditions, and Fees</b>	<b>10-7-16: Street Protection</b>
	<b>10-7-17: Violations</b>
	<b>10-7-18: Appeals</b>

**10-7-1: SHORT TITLE:** The chapter shall be known as the *CLIVE EXISTING BUILDING CODE* and may be cited as such and may also be known, referred to and cited as the "existing building code".

**10-7-2: PURPOSE:** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents and others, to meet their responsibilities with respect to proper construction, construction techniques, and premises safety and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the City, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the City, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-7-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed or certificates issued pursuant to this chapter, as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premise has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-7-4: INTERPRETATION:** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the International Existing Building Code, 2021 edition, adopted herein.

**10-7-5: ADOPTION:** Pursuant to published notice and public hearing, as required by law, the International Existing Building Code, 2021 edition, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended, and shall constitute the "existing building code of the city of Clive, Iowa", to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of structures in the city, and the same are, by this reference, incorporated herein as fully and completely as if set forth in full. The use of the term IEBC in this chapter shall be interpreted to refer to the International Existing Building Code, 2021 edition. An official copy of the International Existing Building Code, 2021 edition, as adopted, and a certified copy of this chapter can be viewed in the community development department.

**10-7-6 SCOPE:** The provisions of this Code shall apply to:

A. Existing Buildings:

1. Additions to, alterations of, relocations of, and repairs to existing buildings, if covered by this code. The Construction Services Administrator may, when such additions, alterations, relocations, or repairs are made, order other reasonable additions or alterations in a building, structure, or on a premises when a danger to life or property may result if such other additions or alterations were not made. In addition to the code requirements of this existing building code, the construction requirements for existing buildings identified in the International Fire Code, chapter 11, shall also apply.
2. Installations, which were in compliance with the code in existence at the time such installations were made, shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
3. If the classification of a building has been changed due to a change in occupancy, the entire building shall comply with all the building standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy thereof shall comply with its own particular classification.

B. Conversion to Condominium or Multiple Housing Cooperative:

1. The conversion of any building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy classification for the building.
2. Any person or entity seeking to establish a horizontal property regime or multiple housing cooperative by establishing a horizontal property regime pursuant to Iowa Code 499B or by establishing a multiple housing cooperative pursuant to Iowa Code 499A shall establish and document compliance with the following, by filing and obtaining approval from the community development department of the development application defined in subsection C3 of this section:
  - a. That all materials, manner and means of construction in the proposed building meet current codes for new residential construction including current fire, building, plumbing, electrical, mechanical, energy conservation, and post construction stormwater management codes.
  - b. That the building and site meet all requirements of the zoning ordinance that would be required for new residential construction.
  - c. That the building and site meet all requirements for handicapped accessibility that would be required for new residential construction.
  - d. That separate utility services, with separate metering, be provided to each dwelling unit that would be required for new residential construction.
3. At least sixty (60) days before a declaration or other instrument establishing a horizontal property regime pursuant to Iowa Code 499B or establishing a multiple housing cooperative pursuant to Iowa Code 499A ("declaration") is to be recorded in the office of the county

recorder, any person or entity shall file a development application for approval with the community development department. In addition to the development application, the applicant shall file the following:

- a. A site plan, building plans, and code analysis demonstrating compliance with the provisions addressed above.
  - b. A copy of the declaration or other instrument consistent with Iowa Code 499A or 499B.
4. The declaration shall not be recorded unless a certificate of occupancy for the proposed building has been issued by the city.

**10-7-7: INDEMNIFICATION:** The applicant for any permit under this building code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this building code whether expressly recited therein or not.

#### **10-7-8: PERMIT REQUIREMENTS CONDITIONS, AND FEES:**

- A. Required: Any owner or authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this building code, or to cause any such work to be done, shall not do so without first securing a permit from the community development department.
- B. Issuance: After proper application on forms provided by the community development department, permits shall be issued in the name of the property owner or of a firm or corporation registered with the Iowa Division of Labor Services, according to their rules and standards. The property owner or authorized representative of the firm or corporation named on the registration shall sign all applications for permits. Permits are not transferable. No permits shall be issued to any person, firm, or corporation who has fees outstanding or who has outstanding violations of any ordinance of the city.
- C. Fees: There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the city council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the city council. No fees shall be collected on buildings or structures constructed by or for the city.
- D. Expiration:
1. Every permit issued under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit, or if the work authorized by such permit is suspended

or abandoned at any time after the work is commenced for a period of sixty (60) days. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.

2. All permits shall expire after three hundred sixty five (365) days unless an extension is requested in writing to the Construction Services Administrator fourteen (14) days prior to expiration of said permit. The Construction Services Administrator may refuse any extension, but shall do so in writing within seven (7) days of receipt of the extension request. Expired permits are subject to permit re-issuance fees as set forth in the adopted fee schedule.
3. In addition, any time work is suspended or abandoned for more than ten (10) days, the permit shall expire due to neglect if the site is not properly secured, including:
  - a. Removal of all construction debris, materials, weeds, etc., that makes the area unsightly and creates a public nuisance.
  - b. A fence to protect any excavation, including open basement foundations, in order to prevent the creation of an attractive nuisance in the neighborhood.
  - c. Ground cover, silt fencing, etc., shall be provided to help prevent erosion and damage to surrounding properties. Consideration may be given to proximity of the construction site, as described in [chapter 11](#) of this title.
- E. Revocation: Any permit required by the provisions of this code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this code.
- F. Outstanding Permits: If a permit is outstanding on the effective date hereof, the provisions of this chapter, the International Existing Building Code, 2021 edition, adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Construction Services Administrator shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.
- G. Work Without Permit: If any repairs, additions, alterations, or demolitions to any building or portions of any building or any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, the work having been completed without first obtaining a permit, the owner shall have the responsibility to certify that the work has been completed in accordance with the applicable codes. The Construction Services Administrator shall determine the appropriate level of special inspection necessary to ensure that the work was completed in accordance with the applicable codes. Special inspections shall be performed by an approved building inspector who is qualified and/or licensed to inspect work similar to that which is being performed. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule. Work without a permit, other than minor work initiated for plan execution, will be subject to fees as set forth in the adopted fee schedule.

**10-7-9: BUILDING OFFICIAL:** For the purposes of this code the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any structure is suspected of being or

found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-7-10: INSPECTION:** Except as otherwise provided in this code, no person shall cover or conceal or cause to be covered or concealed any new construction, electrical, plumbing or mechanical systems or apparatus for which a permit has been issued, until such new construction, electrical, plumbing or mechanical systems or apparatus have been inspected and approved as required by this code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions which may prevent the proper inspection of new construction, electrical, plumbing or mechanical systems or apparatus. Upon the completion of the new construction, electrical, plumbing or mechanical systems or apparatus in any building, it shall be the duty of the company, firm or individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this code. Certificates of occupancy shall not be issued unless the new construction, electrical, plumbing or mechanical systems or apparatus are in conformity with the rules and regulations set forth in this code.

**10-7-11: STOP WORK ORDER:**

**Authority:** Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator shall be authorized to issue a stop work order.

**Issuance:** The stop work order shall be in writing and shall state the reason for the order and the conditions under which the work will be permitted to resume. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work shall immediately cease. All other persons shall vacate the job site immediately or be subject to penalties as prescribed by law.

**Unlawful Continuance:** Upon issuance of a stop work order, all work shall immediately cease and all persons shall vacate the job site immediately. Any work on the premise shall be limited to the removal or correction of the violation or unsafe condition.

**10-7-12 DELETIONS:**

The following are deleted from the Existing Building Code, 2021 Edition (hereinafter known as the IEBC) and are of no force or affect in this chapter:

101.1	Title
101.2	Scope
103.0	Code Compliance Agency
105.1.1	Annual Permit
105.1.2	Annual Permit Records
105.3.2	Time Limitation of Application



105.5	Expiration
105.7	Placement of Permit
108.0	Fees
109.3.5	Lath or Gypsum Board Inspection
112.0	Means of Appeals

**10-7-13: AMENDMENTS:** The paragraphs in this section represent amendments to the requirements contained in the International Existing Building Code, 2021 edition.

**Section 105.2 Work Exempt from Permit:** Delete item number 1 and add the following in lieu thereof:

1. Private sidewalks and driveways

**Section 303 Storm Shelters:** Delete this section and insert the following code sections and language.

**Section 303.2 Additions To Group E Occupancy:** Where an addition is added to an existing group E occupancy located in an area where the shelter design wind speed for tornadoes is 250 mph in accordance with Figure 304.2 (1) of ICC 500, and the program occupant load of the addition is 50 or more, the addition shall have a storm shelter constructed in accordance with chapters 1 through 5 and 8 of ICC 500.

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

Exceptions:

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

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

**Section 303.2.1 Required Occupant Capacity:** The required occupant capacity of the storm shelter shall include all buildings classified as a group E occupancy on the campus or site, (whichever is larger) and shall be the greater of the following:

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

Exceptions:

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

**Section 303.2.2 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.

**Section 303.2.3 Occupancy Classification:** The occupancy classification for storm shelters shall be determined in accordance with section 423.3 of the International Building Code.

**Section 306.7 Alterations:** Strike International Building Code, ICC A117.1 and replace with International Building Code, 2009 ICC A117.1 and local accessibility amendments identified in the 2021 Clive Building Code.

**Section 502.6 Enhanced Classroom Acoustics:** Delete the requirements of this section; however, preserve language if enhanced classroom acoustics are proposed.

**Section 503.16 Enhanced Classroom Acoustics:** Delete the requirements of this section; however, preserve language if enhanced classroom acoustics are proposed.

**Section 505.3 Replacement Window for Emergency Escape and Rescue Openings:** Delete this section and insert the following language:

Where replacement windows are required to provide emergency escape and rescue openings in Group R-2 and R-3 occupancies and one-and two-family dwellings and townhouses regulated by the International Residential Code, these replacement windows shall meet all the following conditions:

Buildings built prior to January 1, 1972:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. The minimum net clear opening height shall be 20 inches and the minimum net clear opening width shall be 20 inches.
3. In no case shall the replacement window provide less than 4.0 square feet of net clear opening.
4. The bottom of the clear opening of the replacement window shall not be greater than 48 inches above the finished floor or code approved window platform.

Exception: Existing window openings that open directly to existing finished grade level are allowed up to (52) fifty-two inches above the finished floor or code approved window platform to accommodate existing taller foundations.

Buildings built after January 1, 1972:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. In no case shall the measurement from the bottom of the window opening to the finished floor and minimum net opening width and height requirements be less than the code applicable when the building was built.

**Section 506.6 Enhanced Classroom Acoustics:** Delete the requirements of this section; however, preserve language if enhanced classroom acoustics are proposed.

**Section 702.5 Replacement Window for Emergency Escape and Rescue Openings:** Delete this section and insert the following language:

Where replacement windows are required to provide emergency escape and rescue openings in Group R-2 and R-3 occupancies and one-and two-family dwellings and townhouses regulated by the International Residential Code, these replacement windows shall meet all the following conditions:

Buildings built prior to January 1, 1972:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. The minimum net clear opening height shall be 20 inches and the minimum net clear opening width shall be 20 inches.
3. In no case shall the replacement window provide less than 4.0 square feet of net clear opening.
4. The bottom of the clear opening of the replacement window shall not be greater than 48 inches above the finished floor or code approved window platform.

Exception: Existing window openings that open directly to existing finished grade level are allowed up to (52) fifty-two inches above the finished floor or code approved window platform to accommodate existing taller foundations.

Buildings built after January 1, 1972:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. In no case shall the measurement from the bottom of the window opening to the finished floor and minimum net opening width and height requirements be less than the code applicable when the building was built.

**Section 1011.5.6 Existing Emergency Escape and Rescue Openings:** Delete this section and insert the following language:

Where a change of occupancy would require an emergency escape and rescue opening at locations identified within the International Building Code or International Residential Code, existing operable windows serving as the emergency escape and rescue opening shall meet all the following conditions:

Buildings built prior to January 1, 1972:

1. The window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. The minimum net clear opening height shall be 20 inches and the minimum net clear opening width shall be 20 inches.
3. In no case shall the window provide less than 4.0 square feet of net clear opening.
4. The bottom of the clear opening of the window shall not be greater than 48 inches above the finished floor or code approved window platform.

Exception: Existing window openings that open directly to existing finished grade level are allowed up to (52) fifty-two inches above the finished floor or code approved window platform to accommodate existing taller foundations.

Buildings built after January 1, 1972:

1. The window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. In no case shall the measurement from the bottom of the window opening to the finished floor and minimum net opening width and height requirements be less than the code applicable when the building was built.

**10-7-14: CONFLICTING PROVISIONS:** In any case where the provisions of this chapter, or the International Existing Building Code, 2021 edition adopted hereby, are found to be in conflict with a provision of the code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the city of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**10-7-15: SITE MAINTENANCE:**

- A. It shall be the permit holder's responsibility to inspect the construction site on a daily basis to ensure that the site is clean and free of excess debris. In no case shall debris, refuse, and/or junk be permitted to blow, drift, or otherwise be deposited upon an adjacent street or property.
- B. Similarly, the permit holder shall be solely responsible for controlling erosion on site throughout the duration of the construction project. Erosion control shall be managed in accordance with [chapter 11](#) of this title.

**10-7-16: STREET PROTECTION:** No person performing construction of any nature or furnishing materials or performing services within the city shall drive across or cause any vehicle,

trailer, implement, equipment, materials, or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

**10-7-17: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.

**10-7-18: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in [title 2, chapter 2](#) of this code.



## **FIRE CODE**

- 10-8-1: ADOPTION OF INTERNATIONAL FIRE CODE**
- 10-8-2: DUTIES OF FIRE DEPARTMENT**
- 10-8-3: STORAGE OF FLAMMABLES; DISTRICTS ESTABLISHED**
- 10-8-4: AMENDMENTS TO INTERNATIONAL FIRE CODE**
- 10-8-5: APPEALS**
- 10-8-6: NEW MATERIALS, PROCESSES OR OCCUPANCIES; PERMITS**
- 10-8-7: LIABILITY FOR DAMAGES**
- 10-8-8: OUTSTANDING PERMITS**
- 10-8-9: INDEMNITY**
- 10-8-10: REPEAL OF CONFLICTING STANDARDS**
- 10-8-11: VIOLATIONS; PENALTIES**

### **10-8-1: ADOPTION OF INTERNATIONAL FIRE CODE:**

The International Fire Code (IFC) 2021 Edition, recommended by the participating communities of the Central Iowa Code Consortium, is hereby adopted by the City Council for the purpose of prescribing regulations 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 and property in the occupancy of buildings and premises in the city of Clive; providing for the issuance of permits for hazardous use or operations; that a certain document known as the International Fire Code, including Appendix Chapters B, C and D as published by the International Fire Code Council, being particularly the 2021 Editions thereof and the whole thereof, save and except those portions as are hereinafter deleted, modified or amended by section 10-8-4, one copy of the local amendments which have been and are now filed in the office of the City Clerk and one complete set of the International Fire Code, 2021 edition, to include local amendments filed in the fire administrative offices, and the same are hereby adopted and incorporated as fully set out at length herein, and from the date on which this chapter shall take effect, the provision thereof shall be controlling within the limits of the city.

### **10-8-2: DUTIES OF FIRE DEPARTMENT:**

The International Fire Code as adopted and amended herein shall be enforced by the Fire Prevention Bureau of the city, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

### **10-8-3: STORAGE OF FLAMMABLES; DISTRICTS ESTABLISHED:**

Establishment of limits and districts referred to and placed upon certain sections of the International Fire Code 2021 Edition are as follows.

A. The limits referred to in section 5806.2 in which flammable cryogenic fluids storage in stationary containers are prohibited are hereby established as follows: the entire City of Clive, Iowa except M-1 Light Industrial and M-2 Heavy Industrial District.

B. The limits that are placed on Chapter 57 in which outside aboveground storage of flammable or combustible liquids is restricted are hereby established as follows; the entire City of Clive, Iowa except as allowed as a principal, accessory or conditional use in the M-1 Light Industrial District; M-2 Heavy Industrial District. Exceptions:

1. An aggregate amount of 1,000 gallons or less may be stored above ground on a premises if used exclusively for heating fuel oil. A permit is required and the proposed installation must be approved by the Code Official prior to the issuance of a permit.

2. After July 1, 2005 any new above ground installations of Class I liquids shall have an aggregate total of not more than 1,100 gallons; Class II liquids shall have an aggregate total of not more than 5,000 gallons; and storage of more than 1,100 gallons shall be restricted to an approved vaulted tank above ground where allowed as a principal, accessory or conditional use in the M-1 and M-2 zoning districts; or ten thousand (10,000) gallons or less of Class I and/or Class II liquids on construction sites, per legal lot or contiguous lots under common ownership. A permit is required and the proposed installation must be approved by the Code Official prior to the issuance of a permit.

3. After July 1, 2005 any new outside installation of a generator shall be limited to a maximum of one thousand five hundred (1,500) gallons of type II fuel in a NFPA/UL compliant sub-base tank; quantities greater than 1,500 gallons but less than 5,001 gallons of a type II fuel shall be stored in an approved vaulted tank. Exception: Fuel storage requirements for generator use only shall not be limited to only M-1 and M2 districts.

C. The limits that are placed on Chapter 57 in which new bulk plants and terminals for flammable or combustible liquids are prohibited are hereby established as follows: the entire City of Clive, Iowa.

D. The limits that are placed on section 6104.2 (see section 10-8-4, "Amendments to International Fire Code", of this chapter) in which storage of liquefied petroleum gases is to be restricted are hereby established as follows: the entire City of Clive, Iowa.

E. The limits that are placed on section 5601.1 in which storage of explosives and blasting agents is to be restricted are hereby established as follows: the entire City of Clive, Iowa.

F. The limits that are placed on section 5301.1 Exception 2. In which the storage of compressed natural gas is prohibited, are hereby established as follows: the entire City of Clive, Iowa with the exception of M-1 and M-2 districts.

#### **10-8-4: AMENDMENTS TO INTERNATIONAL FIRE CODE.**

The International Fire Code is amended and changed in the following respects.

**Chapter 1 Section 101.1** Insert in section 101.1 “the City of Clive”.

**Section 103.1.1** Add section 103.1.1 Definitions.

A. Wherever the word “jurisdiction” is used in the International Fire Code, it is the City of Clive, Iowa.

B. Where the party responsible for the enforcement of the International Fire Code is given a title of “Fire Marshal”, and the following definition: “Fire Marshal is the Code Official of the Fire Prevention Bureau” or a duly authorized representative.

C. Whenever the words “department of fire prevention” are used they shall be held to mean “Fire Prevention Bureau”.

D. The word “shall” is mandatory, and the word “may” is permissive.

**Section 112.4** Amend section 112.4 Violation penalties. 112.4 to read as follows – Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under the provisions of this code, shall be guilty of **a misdemeanor crime** punishable by a fine not exceeding **500.00** dollars or by imprisonment not exceeding **30 days**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 113.4** Amend section 113.4 Failure to comply. 113.4 to read as follows – Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than **[refer to 10-8-11 for amount]** dollars or more than **[refer to 10-8-11]** dollars.

#### **Reinspection Fees**

First reinspection	No charge
Second reinspection	\$100.00
Third reinspection	\$200.00
Fourth reinspection	\$400.00
Fifth or more reinspection's	\$800.00

**Section 107.7 Mitigation Reimbursement Fees** Add Section 107.7 Mitigation Reimbursement Fees. Reimbursement fees that are actual and necessary expenses incurred in carrying out the mitigation of specialized emergencies including, but not limited to, hazardous materials, specialized rescue and crime scenes (including arson) shall be invoiced to the responsible person, firm or corporation. An available fee schedule shall be reviewed and posted annually by the Fire Chief's office. Fees may include, but not be limited to, personnel compensation, apparatus use, equipment use and specialized contract labor associated with the mitigation of the specialized emergency.

**Section 107.8 Negligent False Alarms** Add Section 107.8 Negligent false alarms. A negligent false alarm shall be determined by the Fire Chief or designee as an alarm due to cleaning, construction, maintenance, repair or any other act determined to be negligent in nature. Negligence shall be further defined as any activity where the life safety system shall be placed on test prior to the activity being performed or any careless act causing an activation of an alarm system. The fee schedule is defined below.

The first false alarms during a calendar year	\$500.00
The second false alarm during a calendar year	\$500.00
The third false alarm during a calendar year	\$1,000.00
The fourth false alarm and each false alarm thereafter during a calendar year	\$1,500.00

**Section 107.9 Excessive False Alarms** Add Section 107.9 Excessive False Alarms Because a false alarm for security, intrusion, robbery and other nonfire causes usually requires from one to three (3) police officers to respond in individual vehicular units, depending on the type of alarm, and a false alarm for fire suppression or other firefighting incidents usually requires multiple firefighters from the fire department to respond in multiple and specialized firefighting equipment, depending on the type of alarm, the city shall assess a service charge fee to any alarm user that generates an unnecessary number of false alarm responses during a calendar year as listed below ("false alarm fee"). The alarm user shall pay the city the assessed false alarm fee within twenty (20) days of the date an invoice is given to the alarm user for any false alarm created by the alarm user's alarm system in accordance with the following schedule:

The first and second false alarms during a calendar year	\$ 0.00
The third false alarm during a calendar year	75.00
The fourth false alarm during a calendar year	100.00

The fifth false alarm and each false alarm thereafter during a calendar year	150.00
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2. After the second false alarm, the alarm user shall receive a written notice from the chief. The notice shall require that by a specified date the alarm user shall have his/her alarm system inspected by an alarm company and alarm user shall review operational procedures with the alarm system operator and any other individuals having access to the use and operation of the alarm system. Notice or billing from the city to any alarm user shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, addressed to the alarm user at the address shown for the alarm user. The alarm user shall notify the applicable chief, in writing, after the inspection by the alarm company has been completed, and shall provide to the chief a copy of any report of service, repair or inspection of the alarm system given by the alarm company. An alarm company providing an inspection or repair of an alarm system shall notify the chief in advance of such service. The alarm company shall be assessed a fee of one hundred dollars (\$100.00) by the city when the police department and/or fire department respond to a false alarm and it is determined by the city that an on site employee of the alarm company directly caused the false alarm. In such a circumstance, the false alarm shall not count against the alarm user.

**Section 115 Life Safety Plans.** Add Section 115 Life Safety Plans. All life safety plans submitted for review to include, but not limited to, fire sprinkler system plans, fire alarm system plans and clean agent system plans shall be designed and stamped by a person with a minimum of a NICET III certification, fire protection engineer, qualified engineer with two years demonstrated experience in life safety system design or equivalency as determined by the Code Official. Plan approval will be based upon the plans submitted by the equipment supplier utilizing the above requirements.

Add section 115.1. All Life Safety Plans submitted to the Clive Fire Department will require a technical assistance review from a 3rd party firm. Life Safety Plans submitted that currently bear the stamp of a licensed Fire Protection Engineer shall be exempt from this requirement.

**Section 116 Inspection Tags.** Add Section 116 Inspection Tags. Tags for inspection of fire suppression systems, fire extinguishers and fire alarm systems are required to be purchased from the West Des Moines Fire Prevention Bureau for use in the City of Clive as part of the West Metro licensing for fire protection contractors.

**Chapter 2 Section 202 Definitions.** Add to section 202

**Business** is a commercial enterprise or establishment that is not part of a home occupation, for the purpose of the fire code.

**Commercial Buildings or Structures** are buildings that are used for purposes other than detached dwellings, for the purpose of the fire code.

**Condominium** is a building or structure of residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, having public space, unless defined as a townhouse, for purpose of the fire code.

**Fire Prevention Bureau** is the Fire Department of the jurisdiction.

**Home Occupation** is any occupation or profession conducted solely by the resident occupants in their place of abode, involving primarily service and limited sale of commodities upon the premises, for the purposes of the fire code.

**Licensed Daycare** is a daycare that is licensed with the State of Iowa.

**Licensed Fire Alarm Monitoring Service** is a business that supplies and/or contracts with a UL listed remote station monitoring service.

**WestCom** is the 9-1-1 dispatch center that serves the City of Clive.

#### **Amend Section 202 Amend the following definitions:**

**[M] Commercial Cooking Appliances** are appliances used in a commercial food service establishment for heating or cooking food and which produce grease laden vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers; (charbroilers); ovens; barbecues; rotisseries; residential stoves/ovens and similar appliances. For the purposes of this definition, a food service establishment shall include any commercial building or a portion thereof used for the preparation and serving of food including for employee purposes.

**Dwelling** is a detached building on a building site designed for and used exclusively for residential purposes by one and two families and containing one or two dwelling units, for the purpose of the fire code.

**Dwelling Unit** is one room or rooms connected together and containing independent cooking, sleeping and bathroom facilities, constituting a separate, independent housekeeping establishment for one family, for owner occupancy or rental or lease to the same family for a time period of more than 31 consecutive days and physically separated from any other dwelling unit by a wall or yard.



## Chapter 3 GENERAL PRECAUTIONS AGAINST FIRE

Add **Section 307.2.1.1 Responsible Agencies for Open Burning**. Within the city limits of Clive; in Polk County, approval from Polk County Water, Air and Waste Management Department and the Code Official; in Dallas County, approval from State of Iowa DNR and the Code Official; future annexed land shall use the County Water, Air and Waste Management Department of record and/or DNR and the Code Official.

Amend Section 307.4.1: Bonfires are prohibited within the City of Clive

Amend Section 307.4.2: Open burning is prohibited within the City of Clive

Add Section 307.6: Outdoor fires are permitted when they meet the following requirements

1. Contained in a fireplace or grill, defined by the following requirements

Fireplace: A structure, with an open recess at the base or a chimney or stack, with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

- a. Fuel shall consist of wood or charcoal only
- b. Fire wood shall be larger than (2) two inches in diameter, and no longer than (3) feet in length. This requirement shall not apply to wood used/needed to start the fire (kindling)
- c. Device shall be no closer than (10) ten ft. from any structure
- d. Wood or charcoal within the device, shall not sit more than (3) feet above the base of the device
- e. Smoke shall not exit the user's property at or below the user's roof line
- f. Shall not be used to dispose of yard waste, leaves, or twigs

Grill: A cooking utensil with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

- a. Fuel shall consist of wood or charcoal only
- b. Fire wood shall be larger than (2) two inches in diameter, and no longer than (3) feet in length. This requirement shall not apply to wood used/needed to start the fire (kindling)
- c. Device shall be no closer than (10) ten ft. from any structure

- d. Wood or charcoal within the device, shall not sit more than (3) feet above the base of the device
- e. Smoke shall not exit the user's property at or below the user's roof line
- f. Shall not be used to dispose of yard waste, leaves, or twigs

Amend **section 308.1.4 Open Flame Cooking Devices.**

Replace with: No barbecue grills or other devices which produce ashes or embers shall be operated or stored within twenty (20) feet of multi-story buildings such as apartment buildings and condominiums. A maximum of one 20# propane cylinder attached to the cooking device shall be allowed. Exception: One- and two-family dwellings and townhomes. Cooking devices and/or the propane cylinders shall not be stored inside the living unit of apartment buildings and/or condominiums.

## **Chapter 5 FIRE SERVICE FEATURES**

Add section **507.5.1.2 Hydrant for Fire Department Connections**

Buildings equipped with an automatic fire sprinkler system with fire department connections installed per NFPA 13 shall have a fire hydrant within 100 feet of the fire department connections.

**Exception: The distance shall be permitted to exceed 100 feet where approved by the fire code official.**

## **Chapter 9 FIRE PROTECTION SYSTEMS**

For the purposes of this section, "story" shall be defined as any level of a structure, whether above or below grade capable of occupancy.

Open corridors/hallways shall be required to have fire sprinklers installed in them when the building they are constructed in is required by this Code to have a fire sprinkler system.

An approved complete automatic fire extinguishing system shall be installed on all levels (including wood attics and wood cocklofts, but not wood attics and wood cocklofts in one- and two-family dwellings) in all buildings and structures erected from and after the effective date of the ordinance codified by this chapter, in which the gross square floor area exceeds the amounts specified in the following tables. An "approved automatic fire extinguishing system" includes, but is not limited to, a complete automatic fire sprinkler system. The following sections requiring complete automatic fire sprinkler systems shall install the fire sprinkler system following NFPA 13 standards unless otherwise noted. Alternative automatic extinguishing systems may be used if in the opinion of the Code Official the same life safety and property conservation measures are equivalent to the NFPA standard listed in this Code.

Delete sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.4.1, 903.2.5, 903.2.5.1, 903.2.5.2, 903.2.5.3, 903.2.6, 903.2.7, 903.2.9, 903.2.9.1, 903.2.9.2, 903.2.10, 903.2.10.1 903.2.11.

Add **section 903.2.1**. Group A to read as follows:

(Suppression Type)

Add <b>section 903.2.1</b> Group A to read as follows:		
Group A:		
NFPA 13	A-1. Building or structures or portions thereof, having an assembly use, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures including, but not limited to: See IFC Occupancy Classification definition A-1	
NFPA 13	1. Occupant load of 299 or less	6,000 sq/ft
NFPA 13	2. Occupant load of 300 or more	0
	A-2. Building or structures or portions thereof, having an assembly use intended for food and/or drink consumption, including, but not limited to: See IFC Occupancy Classification definition A-2	
NFPA 13	1. Occupant load of 49 or less	1,500 sq/ft
NFPA 13	2. Occupant load of 50 or more	0 sq/ft
	A-3. Building or structures or portions thereof, having an assembly use intended for worship, recreation or amusement and other assembly uses not classified elsewhere in group A, including, but not limited to: See IFC Occupancy Classification definition A-3	
NFPA 13	1. Occupant load of 299 or less	6,000 sq/ft
NFPA 13	2. Occupant load of 300 or more	6,000 sq/ft
	A-4. Building or structures or portions thereof, having an assembly use intended for viewing of indoor sporting events and activities with spectator seating, including, but not limited to: See IFC Occupancy Classification definition A-4	
NFPA 13	1. Occupant load of 299 or less	6,000 sq/ft
NFPA 13	2. Occupant load of 300 or more	4,500 sq/ft
NFPA 13	A-5. Building or structures or portions thereof, an assembly use intended for participation in or viewing outdoor activities including, but not limited to: See IFC Occupancy Classification Definition A-5 and IFC section 903.2.1.5 for areas to be provided with protection.	1,000 sq/ft
Add <b>section 903.2.2</b> Group B to read as follows:		
Group B:		
NFPA 13	B. Building or structures or portions thereof, used for office, professional or service type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to: See IFC Occupancy Classification definition B.	6,000 sq/ft
Add <b>section 903.2.3</b> Group E to read as follows:		
Group E:		
NFPA 13	Building or structures or portions thereof, used by six or more persons at any one time for educational purposes.	0 sq/ft
NFPA 13	A licensed daycare is any buildings or structures, or portions thereof, used for educational, supervision or personal care services for more than five children older than 2½ years of age shall be classified as an E occupancy.	0 sq/ft
Add <b>section 903.2.4</b> Group F to read as follows:		
Group F:		
NFPA 13	F-1. Moderate-hazard factory and industrial occupancies including factory and industrial uses not classified as group F, division 2 occupancies shall include, but not be limited to: See IFC Occupancy Classification definition F-1.	2,500 sq/ft
NFPA 13	F-1.1. Woodworking operations which generate finely divided combustible waste or uses finely divided combustible materials.	2,500 sq/ft
NFPA 13	F-2. Low-hazard factory and industrial occupancy uses that involve the fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard shall include, but not be limited to: See IFC Occupancy Classification definition F-1.	15,000 sq/ft
Add <b>section 903.2.5</b> Group H to read as follows:		
Group H:		

NFPA 13	H-1. Building or structures or portions thereof, that pose a detonation hazard in excess of those listed in table 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-1.	0 sq/ft
NFPA 13	H-3. Building or structures or portions thereof, which contain materials that readily support combustion or pose physical hazard in excess of those listed in table 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-3.	0 sq/ft
NFPA 13	H-4. Building or structures or portions thereof, which contain materials that are health hazards in excess of those listed in table 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-4.	0 sq/ft
NFPA 13	H-5. Semiconductors fabrication facilities and comparable research and development areas in which production materials are used, and s.f. the aggregate quantity of material is in excess of those listed in tables 5003.1.1(See 2015 IBC) Such facilities and areas shall be designed and constructed in accordance with section 415.10 of IBC. Design of the sprinkler system shall not be less than table 903.2.5.2.	0 sq/ft
NFPA 13	FPA Pyroxylin plastics. Buildings or structures where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities s.f. exceeding 100 pounds.	0 sq/ft
Add <b>section 903.2.6</b> Group I to read as follows: Group I:		
NFPA 13D or NFPA 13R	I-1. Building or structures or portions thereof, housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment but which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. A facility such as the above with five or fewer persons shall be classified as group R-3. A facility such as the above with at least six and not more than 16 persons shall be classified as group R-4.	0 sq/ft
NFPA 13	I-2. Building or structures or portions thereof, used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. A facility such as the above with five or fewer persons shall be classified as group R-3. Childcare facility is any buildings or structures, or a portion thereof, which provides care on a 24-hour basis to more than five children 2½ years of age or less shall be classified as group I-2.	0 sq/ft
NFPA 13	I-3. Building or structures or portions thereof, which are inhabited by more than five persons who are under restraint or security. See IFC Occupancy Classification definition I-3 for type of condition.	0 sq/ft
NFPA 13	I-4. Building or structures or portions thereof, which are occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as group R-3. Places of worship during religious functions are not included.	0 sq/ft
NFPA 13	Adult care facilities provide accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services. Childcare facilities provide supervision and personal care on less than a 24 hour basis for more than five children 2½ years of age or less.	0 sq/ft
Add <b>section 903.2.7</b> Group M to read as follows: Group M:		
NFPA 13	Building or structures or portions thereof, for the display and sale of merchandise, and involving stocks of goods, wares or merchandise, incidental to such purposes and accessible to the public shall include, but not be limited to: See IFC Occupancy Classification definition group M. (High-piled storage to refer to chapter 32 IFC)	6,000 sq/ft
Add <b>section 903.2.8</b> Group R to read as follows: Group R:		
NFPA 13R in 4 stories or less, NFPA 13 in more than 4 stories, both systems to include attic space as NFPA 13	R-1. Hotels, motels, boarding houses (transient). (Occupy less than 30 days)	0 sq/ft
NFPA 13R in 4 stories or less, NFPA 13 in more than 4	R-2. Apartment houses, condominiums, boarding houses (nontransient), convents, dormitories, fraternities and sororities, monasteries.	0 sq/ft

stories, both systems to include attic space as NFPA 13		
NFPA 13R to include attic space as NFPA 13	Convents, dormitories, fraternities and sororities, monasteries.	0 sq/ft
NFPA 13D	R-3. Dwellings.	8,000
NFPA 13D	R-3. Townhouse.	Refer to IFC 2015
Townhouses that are not open on at least two sides are required to install fire sprinkler systems as set forth in the IFC, 2018 edition.		
NFPA 13D or NFPA 13R	R-4. Residential care/assisted living facilities for more than five but not more than 16 occupants, excluding staff.	0 sq/ft
Add <b>section 903.2.9</b> Group S to read as follows: Group S:		
NFPA 13	S-1. Moderate hazard storage occupancies including building or portions of buildings used for storage of combustible materials not classified as group S, division 2 or group H occupancies but not be limited to: See IFC Occupancy Classification definition group S-1.	6,000 sq/ft
NFPA 13	NFPA Repair garages/service stations	3,500 sq/ft
NFPA 13	Bulk storage of tires	20,000 cu.f
NFPA 13	S-2. Low-hazard storage occupancies including buildings or portions of buildings used for storage of noncombustible materials, but not be limited to: See IFC Occupancy Classification definition group S-2	15,000 sq/ft
Add <b>section 903.2.10.2</b> Group U to read as follows: Group U:		
NFPA 13	Private garages, carports, sheds and agricultural buildings.	n/a

Add **section 903.3.7.1 Fire Department Connection Identification.** A minimum of 110 candela weather proof strobe light suitable for cold weather use with a minimum of 75 candela at minus 30° shall be tied into the building fire alarm system and mounted directly above the Fire Department connection between seven feet and ten feet in height from the ground or as approved by the Code Official.

Add **section 903.3.1.4 Fire Sprinklers for Canopies.** 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 four feet out from the door and is 12 feet or less in height from the ground regardless if the canopy is combustible or noncombustible. All canopies, regardless of height or construction type, that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the entire canopy.

Exception. If a building is not required by Code to have a fire sprinkler system, section 903.3.1.4 does not apply.

Add **section 903.7 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 by the fire sprinkler system and/or the fire alarm panel. Access to the fire sprinkler riser room shall not be accessed from the electrical room, but the electrical room may be accessed from the fire sprinkler riser room.

Add **section 903.7.1 Fire Sprinkler Riser Signage**. Signage as determined by the Code Official shall be placed on the main sprinkler riser denoting a shunt trip has been installed.

## **STANDPIPE SYSTEMS**

Add **section 905.3.9 Additional Standpipe Systems**: Additional standpipe systems may be added to new buildings or structures as deemed necessary by the Code Official.

## **PORTABLE FIRE EXTINGUISHERS**

Amend **table 906.3 (1) Fire Extinguishers for Class A Fire Hazards** to read as follows:

Portable fire extinguishers for fire protection in low and moderate hazard occupancies shall be 5lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in low or moderate hazard occupancy, a 10lb. ABC fire extinguisher shall be installed. Spacing is based on a 75-foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in high hazard occupancies shall be 10lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a high hazard occupancy, a 20lb. ABC fire extinguisher shall be installed. Spacing is based on a 50-foot travel distance to the fire extinguisher.

Amend **table 906.3 (2) Fire Extinguishers for Flammable and Combustible Liquids with Depths of Less Than or Equal to 0.25 in.** to read as follows:

Portable fire extinguishers for fire protection in low hazard occupancies shall be 5lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a low hazard occupancy, a 10lb. ABC fire extinguisher shall be installed. Spacing is based on a 50-foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in moderate hazard occupancies shall be 10lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a moderate hazard occupancy, a 20lb. ABC fire extinguisher shall be installed. Spacing is based on a 50-foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in high hazard occupancies shall be 20lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a high hazard occupancy, a 20lb. ABC fire extinguisher shall be

installed. Spacing is based on a 50-foot travel distance to the fire extinguisher with a fire sprinkler system, 30-foot travel distance with no fire sprinkler system. Other hazardous occupancies will refer to NFPA 10.

## **FIRE ALARM AND DETECTION SYSTEMS**

### **Add section 907.1.4. Fire Alarm Control Panels**

Each building shall have no more than one (1) Fire Alarm Control Panel (FACP).

Panel Height. Installation of the fire alarm panels shall not exceed six feet in height measured from the floor to the top of the panel.

Exception 1. Panel height may be altered by the Code Official.

Exception 2. Suppression system releasing panels are not required to meet limitation in the number of panels.

Amend **section 907.2 Where Required General** to read as follows: An approved addressable fire alarm system meeting provisions of this Code and NFPA 72 shall be installed when the gross square footage of a building is equal to or greater than the area as specified in sections 903.2.1 through 903.2.11 inclusive, subject to the authority having jurisdiction or by section 907.2, which ever shall be more restrictive. Exceptions:

1. Buildings with eight (8) or less initiating devices may use zoned systems provided only one device is used per zone. Each device shall have a plain English LCD (liquid crystal display). This alpha/numeric descriptor location is required to be reported to the WestCom dispatch center upon activation of the fire alarm system.
2. R-3 dwellings are not required to meet section 907.2 of this Code.
3. Townhouses are required to be monitored only if a single fire sprinkler system is used for multiple units.

Add **section 907.2 (a) Manual Fire Alarm Pull Boxes**. Manual fire alarm pull boxes "pull stations" shall be required where deemed necessary by the Code Official.

Add **section 907.2 (b) Monitoring**. All fire alarm systems shall be monitored by a UL listed monitoring station.

Add **section 907.2 (c) Location**. Each address point ID shall have an alpha/numeric descriptor location for the fire alarm system. This alpha/numeric descriptor location is required to be reported to the City Fire Department dispatch center upon activation of the fire alarm system.

Add **section 907.2 (d) Where Required**. Where corridors and/or hallways are protected by fire sprinkler systems they shall also be protected by smoke detection. Smoke detection shall be of the photoelectric type or as approved by the Code Official.

Amend **section 907.2.3 General** to read as follows: Educational occupancies shall have a monitored fire alarm system. Upon notification, existing educational occupancies having existing fire alarm systems shall comply within two years to meet the monitoring of the fire alarm system.

Delete **section 907.2.8 and 907.2.9**

Add **section 907.2.8 Group R General**. Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities and monasteries; and Group R-4 shall have a monitored addressable fire alarm system. Upon adoption of this Fire Code, Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities and monasteries that have existing automatic fire alarm systems shall comply within five years to have that fire alarm system monitored.

Amend **section 907.2.11 Single and Multi-Station Smoke Alarms** to read as follows: Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this Code and the household fire warning equipment provision of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

Note: section 907.2.11 only applies to R-1, R-2, R-4 and I-1 occupancies

Add **section 907.6.4.3 Zone and Address Location Labeling**. Fire alarm panels shall have all zones and address points plainly and permanently labeled as to their location on the outside of the panel or on an easily readable map of the building if no display screen is present.

Amend **section 907.6.6 Monitoring General** to read as follows: When required by this chapter, or the Code Official, an approved UL listed remote station in accordance with NFPA 72 shall monitor fire alarm systems to provide for the immediate and automatic notification of the Fire Department.

Exception. Supervisory service is not required in one- and two-family dwellings.

Add **section 910.1 Exception 1**. The Code Official may require smoke removal equipment be installed if it is deemed necessary by the Code Official for the protection of life and property.

Add **section 912.1.1 Fire Department Connection Height**. The Fire Department connection shall be located not less than 18 inches from the bottom of the cap(s) and not more than three feet from the top of the cap(s) above the level of the adjacent grade or access level. The Code Official for just cause may grant deviation to this height.

Amend **section 912.4 Access around Fire Department Connections** to read as follows: Immediate access to Fire Department connect shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other objects for a minimum of a five-foot clear space on each side of the connection to include in front of and above the connection.

## **Section 1009 ACCESSIBLE MEANS OF EGRESS**

### **Add to section 1009.2 Continuity and Components item #11**

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

## **Section 1010 DOORS, GATES AND TURNSTILES**

### **Add the following language to section 1010.1.9.1 Hardware**

## **Section 1013 EXIT SIGNS**

Add **section 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.

## **Chapter 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION**

Add **section 3311.1.1 Construction Site Access**. Construction sites shall have approved access roads as noted on the approved site plan to all areas of building or structure being constructed prior to actual construction taking place. Access roads to buildings or structures shall be constructed to provide vehicular access to within 50 feet of the building or structure with the middle of the building or structure no further than 150 feet from the access road. If the middle of the building or structure is more than 150 feet from the access road, temporary access roads shall be constructed around the building or structure where topography allows. It is highly recommended to install

parking lots if planned for, prior to the beginning of construction, for storage of construction material and easier access to the site. Access road surface material shall be of aggregate or a base layer of asphalt capable of meeting load limits as outlined in Appendix D § D 102 of this Code for fire apparatus imposed loads unless otherwise approved by the Code Official.

Add section **3315.3 Temporary Fire Department Connections**. Where an automatic sprinkler system is being installed in a building under construction, temporary dry connections shall be made to a fire department connection as areas of the system are completed when combustible materials are being used for construction.

Add section **3315.3.1 Temporary Fire Department Connection Identification**. Where a temporary fire department connection is provided, temporary weather proof signage shall also be provided to indicate what areas of the building under construction are served by the fire department connection.

## **Chapter 50 HAZARDOUS MATERIALS – GENERAL PROVISIONS**

Add **section 5003.13** Hazardous Substances, Notification and Cleanup.

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

(b) Definitions. For the purpose of this section, these words have the following Meaning:

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

2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage or release of a hazardous substance:

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

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

Hazardous conditions include any accident involving hazardous materials required to be reported under section 321.266 (4) of the Code of Iowa.

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

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

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

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



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

(c) Notifications. When a hazardous condition is created, the responsible person shall notify WestCom 911 Dispatch Center and the Fire Department immediately upon discovery of the condition but in no instance later than 30 minutes after the discovery of the hazardous condition.

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

(e) Loss, burden or costs. A responsible person shall be liable to the city for all mitigation costs incurred by the city or other contract agencies, including, but not limited to, chemical damage, contamination of equipment, and the use of consumable materials. If charges for cleanup costs are not paid within 30 days after invoice, the city shall proceed to obtain payment by all legal means.

## **Chapter 56 EXPLOSIVES AND FIREWORKS**

Amend **SECTION 5601.1** Scope to read as follows:

**ADD** (a) The City of Clive deems the use of first-class and second-class consumer fireworks as a threat to public safety or a nuisance to landowners or persons with certain health conditions and therefore prohibits the use of first-class and second-class consumer fireworks in the city. It shall be unlawful without a permit for any person to offer for sale, expose for sale, sell at retail or use or explode any explosives, explosive materials, first-class and second-class consumer fireworks within the corporate limits of the city of Clive.

**ADD** (b) The sale of consumer fireworks shall be regulated by the State Fire Marshal (SFM) who shall establish dates of permitted sales, the minimum requirements for obtaining a consumer fireworks seller license and registration by wholesalers, and shall issue such licenses and as otherwise provided by state law and the SFM rules.

**ADD** (c) Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard;

2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small ammunition when packaged in accordance with DOTn packaging requirements.
4. The possession, storage and use of not more than one pound (0.454 kg.) of commercially manufactured sporting black powder, 20 pounds (9 kg.) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies in their official capacities.
6. Special industrial explosive devices which in the aggregate contain less than 50 pounds (23 kg.) of explosive materials.
7. The possession, storage and use of blank industrial power load cartridges when packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOT 49 C.F.R. parts 100 through 178.
9. Items preempted by federal regulations.

**ADD** 10. Items considered as “Novelties” under state law.

Amend **section 5601.2.4 Financial Responsibility** to read as follows: The applicant shall, at the time he or she makes his or her application for a permit, attach thereto a bond or certificate of insurance naming the applicant and the city as insured, in the sum of not less than \$1,000,000, provided that the Code Official or the City Council may at their discretion require a greater amount. The bond and insurance shall insure to the use and benefit of the city and/or any person who suffers damage either to person or property by reason of the display of fireworks.

Amend **section 5601.4 Qualifications** to read as follows: Persons in charge of magazines, blasting, fireworks display or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age, and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks. Exception: Persons in charge of fireworks display or pyrotechnic special effect operations shall possess a valid PGI display fireworks operator certification or equivalent certification approved by the Code Official.

Amend **section 5601.7 Seizure**. Replace with: The Code Official is authorized to seize, take, remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials and all stocks of illegal fireworks (not state approved), offered or exposed for sale, possess, stored and held to be in violation of this section.

Amend **section 5605.1 Manufacture, Assembly and Testing of Explosives, Explosive Materials and Fireworks** to read as follows:

**General:** It shall be unlawful to manufacture, assemble and test explosives, explosive materials and fireworks within the corporate limits of the City of Clive.

Exceptions.

1. The hand loading of small arms ammunition prepared for personal use and not offered for sale;
2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

## **Chapter 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS**

Add **section 5704.2.9.7.10 Alternative Containment and Protection**. All tanks that have a secondary tank of steel, concrete or approved materials shall be capable of holding 110% of the product stored. A non-combustible roof and roof framework shall cover all open top secondary tanks exposed to weather.

## **Chapter 61 LIQUIFIED PETROLEUM GASES**

Amend **section 6104.2 Maximum Capacity within Established Limits** to read as follows: Within the limits established by law in the adopting ordinance restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 1,000 gallons. Within the limits established by law in the adopting ordinance restricting the storage of liquefied petroleum gas for the protection of M-1 Light Industrial Districts or M-2 Heavy Industrial District, the aggregate capacity of any one installation shall not exceed a water capacity of 5,000 gallons.

## **REFERENCED STANDARDS**

NFPA 10	2018 Edition
NFPA 13	2019 Edition
NFPA 13D	2019 Edition
NFPA 13R	2019 Edition
NFPA 20	2019 Edition
NFPA 30	2021 Edition
NFPA 30A	2021 Edition
NFPA 58	2020 Edition
NFPA 70	2020 Edition
NFPA 72	2019 Edition
NFPA 96	2021 Edition
NFPA 101	2021 Edition
NFPA 1123	2018 Edition
NFPA 1124	2006 Edition
NFPA 2001	2018 Edition

## **APPENDIX D. FIRE APPARATUS ACCESS ROADS.**

Amend **section D101.1** Scope to read as follows: Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code. Public streets are regulated using the State Wide urban design and specifications for public improvements as amended by the City of Clive. Private streets are regulated using the statewide urban design and specifications for public improvements as amended by the City of Clive.

### **Section D103 Minimum Specifications**

Amend **D103.2** Grade. Fire apparatus access roads shall not exceed statewide urban design and specifications for public improvements as amended by the city.

Amend **D103.3** Turning Radius. The minimum turning radii shall be determined by the Code Official.

Amend **D103.4** Dead Ends. Replace with: Dead-end fire apparatus access roads shall not exceed statewide urban design and specifications for public improvements or as approved by City Engineer.

Amend **D103.5** Fire Apparatus Access Road Gates. Replace with: Gates securing fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall accommodate a 14' clear drive lane width.
2. Gates shall be of the swinging or sliding type;
3. Construction of the gate shall be of materials that allow for manual operation by one person;
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective;
5. Electric gates shall be equipped with a means of opening the gate by Fire Department personnel for emergency access. Emergency opening devices shall be approved by the Code Official;
6. Manual opening gates shall not be locked with a padlock or chain unless they are capable of being opened by means of forcible entry tools; and
7. Locking device specifications shall be submitted for approval by the Code Official.

Amend **D103.6** Signs. Replace with: Where required by the Code Official, fire apparatus access roads shall conform to section 511.4. Signs shall be posted on one or both sides of the fire apparatus road as required by § D103.6.1 or D103.6.2.

Amend **D103.6.1** Roads 20 to 26 Feet in Width to read as follows: Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane when required by the Code Official.

Amend **D103.6.2** Roads more than 26 Feet in Width to read as follows: Fire apparatus access roads more than 26 feet wide shall be posted on one side of the road as a fire lane when required by the Code Official.

Amend **section D104** Commercial and Industrial Developments.

Amend **D104.1** Access. All buildings shall have at a minimum two fire apparatus accesses as approved by the Code Official. Based on the building occupancy hazard the Code Official may require more than two fire apparatus accesses. The Code Official may reduce this requirement for just cause as long as safety to the buildings/occupants is not jeopardized.

Amend **D104.3** Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The Code Official may reduce the separation distance between accesses for just cause as long as safety to the buildings/occupants is not jeopardized.

#### **10-8-5 APPEALS:**

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the international fire code do not apply or that the true intent and meaning of said code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Building Code Appeals Board within thirty (30) days from the date of the decision appealed.

#### **10-8-6: NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS:**

The Building Official and the Code Official of the Fire Department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Code. The Code Official shall post the list in a

conspicuous place at the administrative offices of the Fire Department and distribute copies thereof to interested persons.

#### **10-8-7: LIABILITY FOR DAMAGES:**

A. This Code is enacted only for the purpose of securing to individuals the enjoyment of rights and privileges to which they are entitled as members of the public, rather than for the purpose of protecting any individual from harm.

B. The city, its officers, employees or agents make no representations or warranties of any kind whatsoever, expressed or implied, with respect to the completeness or thoroughness of the inspections and examinations performed under this Code, but the inspections are made solely to assist the owner of the building, structure, equipment and premises to meet certain minimum requirements of this Code and to compel, if necessary, the owner to meet the minimum requirements for the protection of the health, welfare and safety of persons and property. Nothing herein contained in this Code shall alleviate the owner of any building, structure, equipment and premises to make an independent inspection in order to fulfill the requirements of this Code nor shall this Code be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building, structure, equipment or premises regulated herein from any damages to any person or property caused by defects or Code violations. The city, its officers, employees or agents shall not be held as assuming any liability for damages to any person or property by reason of any inspections authorized by this Code or investigations, or any approvals issued herein, or for any act or failure to act in the enforcement of this Code.

#### **10-8-8: OUTSTANDING PERMITS:**

If a building permit is outstanding on the effective date of this chapter and the fire code adopted hereby, the provisions of this chapter, and the fire code adopted hereby shall apply to the work authorized by such permit, except to the extent that the fire chief and building official shall determine that the application of such provisions to such work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

#### **10-8-9: INDEMNITY:**

The applicant for any permit under the fire code, by making application, assumes and agrees to pay all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this fire code or any other ordinance of the city; and such applicant by



making such application, forever indemnifies the city, its officers and employees, and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees, may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of the permit issued under the fire code whether or not expressly recited therein.

#### **10-8-10: REPEAL OF CONFLICTING STANDARDS:**

In any case where the provisions of this chapter, or the fire code adopted hereby, are found to be in conflict with any provision of Iowa Code or regulations of the state fire marshal, or any provision of any zoning, building, fire, electrical, plumbing, mechanical, safety or health ordinance or code of the city, the provision which establishes the higher standard for the promotion and protection of the safety of persons and property shall prevail.

#### **10-8-11: VIOLATIONS; PENALTIES:**

SECTION 3. Title 10, Chapter 8, Section 11 of the Violations; Penalties of the City of Clive, Iowa, 2008 Code is repealed and replaced in part by:

#### **10-8-11: VIOLATIONS; PENALTIES:**

Unless otherwise provided by law, violations of this chapter are simple misdemeanors and are punishable by a fine not to exceed five hundred dollars (\$500.00) and/or a term of imprisonment not to exceed thirty (30) days. Pursuant to Iowa Code section 100.41, the officials of the fire prevention bureau shall have the authority to issue citations for violations of this chapter or report the violation to the Clive Police Department for citation. Violations of this chapter are also declared to be municipal infractions and may be punished as provided in title 1, chapter 4 of this code. Officials of the fire prevention bureau shall have the discretion to enforce this chapter either as a municipal infraction or a simple misdemeanor.

SECTION 4. Title 10, Chapter 8, of the Fire Code of the City of Clive, Iowa, 2008 Code is being amended to add a new Section 12 as follows:

#### **ADD 10-8-12 FIREWORKS**

- A. Definitions. The sale, use or exploding of consumer fireworks within the City is subject to the definitions enumerated in Iowa Code Section 727.2 and Iowa Code Section 100.19, which definitions are incorporated herein by reference.
- B. Sales – General Requirements

1. Prior to any person engaging in the sale of first-class or second-class consumer fireworks a Fireworks Sales Permit must be issued by the City Clerk, or their designee, of the City of Clive. The following shall be provided to the City Clerk for consideration in the issuance of a Fireworks Sales Permit:

a. Fireworks Sales Permit Application: A completed application must be submitted to the Clive City Clerk at least 30 days prior to the first date that sales are anticipated to commence. Exception: An exception shall be granted for the first sales period of 2017, running from June 1 to July 8, which shall allow applications to be turned in at least 14 days prior to the first sale period. This one time exception shall be granted due to the newly implemented state law.

(1) A separate application must be submitted for the June 1 to July 8 sales period and for the December 10 to January 3 sales period, as set forth below.

(2) The application form shall be prescribed by the Fire Chief.

b. License: State License issued by the Iowa State Fire Marshal. At the time the Fireworks Sales Permit Application is submitted to the City Clerk, it is recognized that the license from the Iowa State Fire Marshal may not have been issued. If the license has not been issued, the applicant must provide proof that an application for the state license has been submitted to the Iowa State Fire Marshal. Proof of valid license issued from the Iowa State Fire Marshal must be provided to the City Clerk upon receipt by the applicant. Failure to provide proof of a valid license will preclude the issuance of a Fireworks Sales Permit.

c. Fireworks Sales Permit Fee: A permit fee as set by the Council shall be due when the Fireworks Sales Permit Application is submitted to City Clerk.

d. Liability Insurance: Proof of liability insurance separate from the building property insurance in amounts required under state law and administrative rules.

e. Site Plan: A site plan of the location where sales are requested must accompany the Fireworks Sales Permit Application. Two paper copies and one electronic copy shall be provided.

f. Building or Structure Floor Plan: A building or structure floor plan of the location where sales are requested must accompany the Fireworks Sales Permit Application. Two paper copies and one electronic copy shall be provided.

g. Approval of Property Owner: A copy of a lease agreement or letter of approval from the property owner of the location where sales are requested must accompany the Fireworks Sales Permit Application.

h. Fire Inspection: Any property, building, or premise whether it be permanent or temporary, intended for the sale of first-class or second-class consumer fireworks shall have an inspection completed by the Fire Chief or their designee prior to engaging in the sale of first-class or second-class consumer fireworks for each sales period set forth in Iowa Code Section 727.2. The Fire Chief, or their designee, shall cause an inspection to occur meeting the requirements of the current fire code adopted by the City of Clive, state law and regulations, and NFPA 1124. A Fireworks Sales Permit shall only be issued upon completion of a satisfactory inspection.

2. Dates of Sale. First-class and second-class consumer fireworks sales shall only be conducted in accordance with dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this Code, or to sell consumer fireworks outside of the dates specified.
  - a. Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.
  - b. Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved temporary structure between June 13 and July 8.
3. Safety Requirements: The following safety requirements shall be adopted for all locations where consumer fireworks are sold:
  - a. All retailers and community groups shall remain compliant with all applicable laws and rules throughout the duration of their selling period.
  - b. Consumer fireworks sales shall only be allowed in areas properly zoned for such use.
  - c. No person shall sell consumer fireworks to a person under the age of 18.
  - d. Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.

C. Declaration of Emergency and Suspension of the Discharge of Fireworks.

1. Whenever drought, high winds, or other natural phenomena create, or are likely to create, hazardous conditions and increased chance of fire danger and the Fire Chief determines that adverse conditions exist for the use and exploding of consumer fireworks, the Fire Chief, or their designee, may issue a temporary ban on the use of consumer fireworks within the City of Clive.

The Fire Chief, or their designee, shall have the authority to declare an emergency and temporarily halt the use of all fireworks.

2. The Fire Chief, or their designee, shall inform the area radio and television stations and the local press of the emergency declaration and when the emergency will be in effect and ask that public service announcements be made. The City Manager, or their designee, shall post information concerning the emergency declaration and summarizing the regulations on the City website.
- D. Manufacture of Fireworks. It shall be unlawful for a person to manufacture consumer fireworks within the city limits without a permit as may be required by local, state, or federal laws and regulations.
- E. Revocation of Fireworks Sales Permit. The Fire Chief may, for cause, revoke the permit of any Fireworks Sales Permit Holder. An appeal of the decision may be taken to the City Manager by filing a written notice with the city clerk. The appeal must be filed within ten days from the date of the decision. The City Manager shall schedule a hearing on the appeal within seven days from the receipt of the notice. The appeal shall stay the decision of the Fire Chief unless the City Manager directs otherwise. A hearing on the appeal shall be scheduled before the City Manager or the City Manager's designee within fourteen days. At the public hearing, the applicant shall have the opportunity to present evidence or arguments the applicant may have as to why the action of Fire Chief appealed from should not be approved by the City Manager. The City Manager shall render a written decision on the appeal within seven days after the hearing. The decision of the City Manager shall be final. The parties may extend the time limits set forth herein by mutual agreement.
- F. Violations. Unless otherwise provided by law or this Code, violations of any provisions of this Section are hereby declared simple misdemeanors. Anyone violating the provisions of this ordinance shall upon conviction be fined a minimum amount of not less than \$500 and punished as further provided in Section 1-4A-2 and pursuant to Iowa Code Section 727.2. Violations of this Chapter shall be reported to the State Fire Marshal.
- G. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such consumer fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

SECTION 5. REPEALER. All parts of the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2008" in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

## **Chapter 12**

### **RENTAL HOUSING CODE**

<b>10-12-1: Short Title</b>	<b>10-12-9: Building Official</b>
<b>10-12-2: Purpose</b>	<b>10-12-10: Audit Inspection</b>
<b>10-12-3: Warning</b>	<b>10-12-11: Complaint By Tenant</b>
<b>10-12-4: Interpretation</b>	<b>10-12-12: Deletions</b>
<b>10-12-5: Adoption</b>	<b>10-12-13: Amendments</b>
<b>10-12-6: Scope</b>	<b>10-12-14: Collection of Fees, Fines, Penalties, and Costs</b>
<b>10-12-7: Indemnification</b>	<b>10-12-15: Appeals</b>
<b>10-12-8: Rental Registration, Certificate Requirements, Conditions, and Fees</b>	<b>10-12-16: Violations</b>

**10-12-1: SHORT TITLE:** This chapter shall be known as the Clive Rental Housing Code, and may be cited as such, and will be referred to herein as “rental housing code.”

**10-12-2: PURPOSE:** It is the purpose of this chapter to ensure that property owners, their agents and others, to meet their responsibilities with respect to proper operation and maintenance of rental housing facilities and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**10-12-3: WARNING:** No person shall place reliance upon this chapter, any inspections performed or certificates issued pursuant to this chapter, as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premises has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

**10-12-4: INTERPRETATION:**

- A. In interpreting and applying the provisions of this Ordinance, such provisions shall be held to the minimum requirements for the promotion of the public health, safety, and welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- B. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, private covenants or other provision of law except as provided in these regulations. If a conflict between requirements appears within this Ordinance; the most restrictive requirement shall prevail.
- C. Information erroneously presented by any official or employee of the City does not negate or diminish the provisions of this Ordinance pertaining thereto.



- D. Whenever a number of days is specified in this Ordinance, or in any permit, condition of approval or notice issued or given as set forth in this Ordinance, such number of days shall be deemed to be consecutive calendar days, unless otherwise specified.
- E. Whenever application of this Ordinance results in standards being expressed in fractions of whole numbers, such fractions are to be rounded to the next higher whole number.
- F. No action of the City, its City Council, Community Development Department staff or the Building Code Appeals Board shall be deemed invalid by reason of failure to comply with or conform to the provisions of this Ordinance, provided that the procedural requirements of the Code of Iowa have been met.
- G. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Construction Services Administrator, and that such questions shall be presented to the Building Code Appeals Board only on appeal from the decision of the Construction Services Administrator and that recourse from the decision of the Building Code Appeals Board shall be as provided by law.

**10-12-5: ADOPTION:** Pursuant to published notice and public hearing, as required by law, the International Property Maintenance Code, 2021 edition, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended, and shall constitute the "rental housing code" of the City of Clive, Iowa. An official copy of the International Property Maintenance Code, 2021 edition, as adopted, and a certified copy of this chapter can be viewed in the Community Development Department.

**10-12-6: SCOPE:** The provisions of this ordinance shall apply to the maintenance, repair, equipment, use and occupancy of all rental housing units and accessory structures now in existence or hereafter constructed, habilitated, renovated or converted to residential use within the corporate limits, including but not limited to single and two family dwellings, multiple family dwellings and rooming/sleeping units.

**EXCEPTIONS:**

- A. Single family dwellings occupied by the owner, or members of that owner's immediate family. Such members are defined as spouse, child, parent, step-parent, stepchild, father-in-law, mother-in-law, brother, sister, daughter-in-law, son-in-law, grandchild, and grandparent.
- B. A duplex, at least one of the units of which is occupied by the owner, and the other unit is occupied by a member of that owner's immediate family. Such members are defined as spouse, child, parent, step-parent, stepchild, father-in-law, mother-in-law, brother, sister, daughter-in-law, son-in-law, grandchild, and grandparent.
- C. Transient shelters and group homes subject to state licensing;
- D. Hotels, motels, extended stay hotels, and other similar uses subject to state-licensing.

**10-12-7: INDEMNIFICATION:** The applicant for any rental certificate under this ordinance, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such rental certificate or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Ordinance or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and

employees and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any certificate issued under this Ordinance whether expressly recited therein or not.

**10-12-8: RENTAL REGISTRATION, CERTIFICATE REQUIREMENTS, CONDITIONS AND FEES:**

- A. Required Registration: After the effective date of this Ordinance, no person shall rent, lease, let, operate or otherwise allow the occupancy of any dwelling unit or any portion of any dwelling unit (including sleeping rooms) unless they hold a valid rental inspection certificate issued by the Community Development Department.
- B. Certificate Issuance: Following submission of a proper registration application, on forms provided by the Community Development Department, payment of associated rental fees, performance of a self-inspection of the unit being registered and signing a rental owner acknowledgement form the Community Development Department shall issue a Rental Certificate to the owner.
- C. Rental Certificate: The owner of a single family dwelling, condo, apartment, or duplex must be able to show a copy of a valid rental certificate upon request. Apartment buildings will only be issued one certificate that lists all the individual units within said building. Failure to maintain all units within an apartment may jeopardize the rental certificate for the entire said building.
- D. Expiration: Prior to the expiration date of the Rental Certificate, the Community Development Department shall provide a renewal notice to the owner advising of the requirements for renewal of the Rental Certificate. Failure of the owner to complete the requirements for renewal will result in a late payment penalty being applied to the balance owed. If the renewal is not completed within thirty (30) days following expiration of the Rental Certificate, a notice of violation will be issued to the property owner.
- E. Revocation: Any Rental Certificate may be summarily revoked by the Building Codes Appeals Board upon the review of a notice of violation of any provision of this Ordinance.

If, at the discretion of the Construction Service Administrator, an emergency exists which threatens the immediate health, safety or general welfare of the occupant or general public, the Construction Services Administrator may immediately issue an order suspending the Rental Certificate. Upon issuance of the order, the occupant of the unit shall immediately vacate the premise until the Rental Certificate is reinstated.

- F. Transfer. Rental certificates shall not be transferable to succeeding owners. Rental certificates shall automatically terminate and become null and void, without further action of the City, upon transfer of property ownership or upon execution of an agreement to purchase property on contract.

Every seller of a rental property shall give notice to the Community Development Department within two (2) days after closing or execution of a contract for sale. This notice shall include the name and address of the buyer.

Every buyer of a rental property, including contract buyer, shall give notice to the Community Development Department within two (2) days after closing. This notice shall include the name and address of the buyer and his/her agent.

G. Outstanding Issues: If an owner has outstanding fees, fines or violations on any property within the City of Clive, the issuance of a Rental Certificate may be withheld by the Community Development Department.

H. Fees: The fees for activities and services performed by the Community Development Department in carrying out its responsibilities under this code shall be as indicated in a fee schedule adopted from time to time by the City Council.

**10-12-9: BUILDING OFFICIAL:** For the purposes of this code, the Construction Services Administrator may also be referred to as the Building Official. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Construction Services Administrator or an appointed assistant or agent shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Construction Services Administrator, any structure is suspected of being or found to be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workers, or the general public, the Construction Services Administrator shall at once order the removal of such defects and the remedying of such improper condition.

**10-12-10: AUDIT INSPECTION:** The Community Development Department shall seek to conduct an audit inspection of every rental unit within the corporate limits of the City every six (6) years. As part of the inspection process, the City may determine to extend or shorten the timeframe to the next scheduled inspection. Factors that may influence the City to inspect more or less frequently include, but are not limited to, the following:

- A. Age and condition of building or unit
- B. Inspection history
- C. Tenant/management/resident complaints
- D. Natural disasters such as flooding
- E. Delayed maintenance/repairs, follow-up, or fee payments by the owner

**10-12-11: COMPLAINT BY TENANT:** Unless there are significant health, safety or general welfare issues, a tenant must first complain to the owner or agent. Complaints must be submitted in writing and if desired, forms for that purpose will be available from the Community Development Department.

- A. An owner or agent shall have seven (7) days to address the complaint. If the complaint is not remedied to the tenant's satisfaction within twenty (20) days, the Community Development Department will schedule an inspection with the tenant and owner. If violations are found, an inspection fee shall be charged to the owner.
- B. No person shall pursue an action for eviction because the occupant has reported a violation of this Ordinance to the Community Development Department.
- C. No person shall cause any service, facility, equipment or utility required under this Ordinance to be removed, shut off or discontinued in retaliation for a complaint.

**10-12-12: DELETIONS:** The following sections are deleted from the Property Maintenance Code and are of no force or effect in this chapter.

**Section 101 Scope and General Requirements**  
**Section 103 Code Compliance Agency**  
**Section 107 Means of Appeal**  
**Section 108 Board of Appeals**

**10-12-13: AMENDMENTS:** The paragraphs in this section represent amendments to the requirements contained in the Property Maintenance Code.

**Section 202 General Definitions add the following:**

“Agent” means an individual of legal majority who has been designated by the Owner as the agent of the Owner or manager of the Property under the provisions of this Ordinance.

“Apartment house or multi-family residence” means a building or portion thereof containing (2) two or more dwelling units designed for or occupied by (2) two or more tenants with separate housekeeping and cooking facilities for each.

“Bedroom” is defined as a space primarily designed and intended for use as a sleeping room which shall include all of the following characteristics:

1. A room with a minimum floor area of seventy (70) square feet of area that is capable of being secured by a door.
2. A room with an enclosed closet space of a minimum floor area of six (6) square feet.
3. A room with the provisions for emergency escape and rescue opening, smoke alarms and natural light in accordance with the adopted version of the international residential code or international building code as applicable for the dwelling type.

“Dwelling unit” means a single unit providing complete independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purposes of this definition, a bed, day bed, couch, futon or other similar multipurpose sleeping furniture shall constitute the provisions for sleeping. Similarly, a hotplate, microwave, toaster oven or similar cooking appliance shall constitute the provisions for cooking.

“Family” means a person living alone or in a group living as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities up to a maximum occupant dwelling load as provided in title 11, chapter 6 of the city code.

The definition of family does not include, and is not intended to provide an exclusion for, any of the following:

- A. More than eight (8) people who are:
    1. Residents of a “family home” as defined in section 414.22 of the Iowa Code; or
    2. “Handicap” as defined in the fair housing act, 42 USC section 3602(h).
  - B. Any group of individuals who are in a group living arrangement as a result of criminal offenses;
  - C. Any group of individuals whose association is temporary, seasonal in nature or limited to the duration of an educational school year cycle;
  - D. Any society, club, fraternity, sorority, association, lodge or like organization.
- (Ord. 1052, 1-11-2018)

“Family, Immediate” defined as spouse, child, parent, step-parent, stepchild, father-in-law, mother-in-law, brother, sister, daughter-in-law, son-in-law, grandchild, and grandparent.

“Hotel” means one or more buildings containing six (6) or more guest rooms, with such rooms being designed, intended to be used, or are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, general cleaning, and a registration lobby staffed on a twenty-four (24) hour daily basis are provided by the management. Access to all rooms shall be provided through one (1) or more common entrance(s). All hotels shall be licensed and inspected by the State of Iowa in accordance with Chapter 137C of the Iowa Code.

“Hotel, Extended Stay” means one or more buildings containing six (6) or more guest rooms with the provisions necessary for living, sleeping, eating, cooking and sanitation, with such guest rooms being designed, intended to be used, or are used as a temporary residence not exceeding six (6) months, which weekly services of linen change, central telephone switchboard, towel change, general cleaning, and a registration lobby staffed on a twenty-four (24) hour daily basis are provided by the management. Access to all rooms shall be provided through one (1) or more common entrance(s). All extended stay hotels shall be licensed and inspected by the State of Iowa in accordance with Chapter 137C of the Iowa Code.

“Kitchen” means any room or portion of rooms which are occupied or are intended and designed to be used for cooking and preparation of food, including any room having a sink and provisions for either a gas or electric stove.

In addition to the above definitions, the following criteria shall be utilized to determine if the intent of a single family dwelling unit has been met:

1. There shall not be more than one kitchen for each single family zoned property address with the following exception: additional sinks, wet-bars, or kitchen areas will not be considered an additional kitchen provided walls, floors, and locking doors, as specified below, do not separate the dwelling into multiple tenant use.
2. There shall not be more than one electric meter, gas meter, or water meter for each single family zoned property address.
3. There shall not be any walls or floor/ceiling assemblies in any single family zoned property address, which separates the one-family dwelling into more than one unit. Determining factors shall include locked or locking interior doors and separate entrances, which make portions of the unit inaccessible to all “family” members.

“Motel” means one or more buildings containing six (6) or more guest rooms, with such rooms being designed, intended to be used, or are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, general cleaning, and a registration lobby staffed on a twenty-four (24) hour daily basis are provided by the management. Individual access to each room shall be provided from outside of the building. Each room may be equipped with cooking facilities. All motels shall be licensed and inspected by the State of Iowa in accordance with Chapter 137C of the Iowa Code.

“Rental certificate” means a certificate that is issued by the Community Development Department after written application if the dwelling unit, at the date of such application, is entitled thereto. Such a certificate shall thereafter be known as a rental certificate.

“Rental unit” means any house or building or portion thereof which is occupied in whole or part as a home or residence of one or more tenants, on a rental basis, or when, in return for housing, a tenant agrees to occupy and maintain the premises and pay utilities.

“Tenant” means: (i) a person occupying a dwelling unit who pays (or has payments made on his or her behalf) a stated payment at fixed intervals for the use of the dwelling unit; or (ii) a person occupying a dwelling unit owned by another individual, who, in return for housing, agrees to occupy and maintain the premises and pay utilities.

**Section 302.4 Weeds. Delete in its entirety and insert the following.**

Weeds. All premises and exterior property shall be maintained free from grasses and weeds in accordance with Title 5, Chapter 6 Nuisances; Abatement Procedures.

**Section 303.2 Enclosures. Delete this section and insert the following.**

**Enclosures.** Enclosures, covers, and gates protecting swimming pools and hot tubs and spas shall be installed and maintained in accordance with Title 10, chapter 10 of the city code.

**Section 304.14 Insect Screens. Insert the following dates.**

April 1<sup>st</sup> to November 1<sup>st</sup>.

**Section 307 Handrails and Guardrails. Delete this section and insert the following.**

**General.** Existing handrails and guardrails as constructed in accordance with standards in place at the time of the building’s construction may be maintained. Handrails and guardrails undergoing any change, remodel or replacement shall be installed in accordance with the Clive Building Code.

**Section 404.4.1 Room Area. Delete this section and insert the following.**

Every living room shall contain not less than 120 square feet and every bedroom shall contain not less than 70 square feet.

**Section 404.5 Overcrowding. Delete this section in its entirety, including table 404.5, and replace with the following.**

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following table.

Room Type	Room Area	Maximum Occupant Load
Bedroom	At least 70 sq. ft. but less than 120 sq. ft.	1 per room
Bedroom	120 sq. ft. to 180 sq. ft.	2 per room
Bedroom	180 sq. ft. or more	3 per room
Multipurpose Room	At least 70 sq. ft.	1 per room, not more than 2 per dwelling unit

- See section 202 for bedroom definition
- For the purposes of this section, a multi-purpose room may include a living room, den, study, or other similar room that by design or layout is not primarily intended to be used as a bedroom, but that is otherwise habitable and provides accommodations for sleeping such as a bed, daybed, couch, futon or similar multipurpose sleeping furniture. All rooms used for sleeping shall contain a code compliant emergency escape and rescue opening and code compliant smoke alarms.



**Section 602.3 Heat Supply. Insert the following dates.**

September 1<sup>st</sup> to May 30<sup>th</sup>.

**Section 602.4. Occupiable Work Spaces. Insert the following dates.**

September 1<sup>st</sup> to May 30<sup>th</sup>.

**Add section 603.7 Corrugated Stainless Steel Tubing (CSST)**

Corrugated stainless steel tubing shall be bonded to the electrical grounding system or panelboard utilized by the existing electrical service. This shall be done in accordance with the tubing manufacturer's recommendations.

**Add section 605.2.1 Kitchen Receptacles**

All 15 and 20 amp receptacle outlets that serve kitchen countertop areas shall be ground fault circuit interrupter (GFCI) protected.

**Add section 605.2.2 Bathroom Receptacles**

All 15 and 20 amp receptacle outlets located within bathrooms shall be ground fault circuit interrupter (GFCI) protected.

**Add section 605.2.3 Other Receptacle Outlets**

All 15 and 20 amp receptacle outlets located within 6' of a sink shall be ground fault circuit interrupter (GFCI) protected.

**Add section 605.2.4 Garage/Accessory Building Receptacles**

All 15 and 20 amp receptacle outlets located within garages/accessory buildings shall be ground fault circuit interrupter (GFCI) protected.

**Add section 605.2.5 Outdoor Receptacles**

All 15 and 20 amp receptacle outlets located outdoors shall be ground fault circuit interrupter (GFCI) protected.

**Section 702.4 Emergency Escape and Rescue Openings. Delete this section and insert the following language.**

All emergency escape and rescue windows original to when the dwelling unit was constructed, that easily open to the maximum extent designed and are located within 52 inches or less from the finished floor or provided platform shall be allowed to remain in place. All emergency escape and rescue windows considered for replacement or that have already been replaced with replacement windows or insert windows shall meet the following conditions:

Buildings built prior to January 1, 1972:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. The minimum net clear opening height shall be 20 inches and the minimum net clear opening width shall be 20 inches.
3. In no case shall the replacement window provide less than 4.0 square feet of net clear opening.
4. The bottom of the clear opening of the replacement window shall not be greater than 48 inches above the finished floor or code approved window platform.

Exception: Existing window openings that open directly to existing finished grade level are allowed up to (52) fifty-two inches above the finished floor or code approved window platform to accommodate existing taller foundations.

Buildings built after January 1, 1972:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. In no case shall the measurement from the bottom of the window opening to the finished floor and minimum net opening width and height requirements be less than the code applicable when the building was built.

All new window openings created, that will serve as an emergency escape and rescue opening, shall be sized and placed to accommodate windows with net openings and heights like that for new construction. New construction requirements shall follow the most currently adopted International Residential Code or International Building Code.

Doors used as emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction.

All emergency escape and rescue openings shall meet both of the following requirements:

1. Shall be operational from the inside of the room without the use of keys, tools or special knowledge.
2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code referenced above and the unit is equipped with code compliant smoke alarms. Such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the escape and rescue opening.

**704.6 Single and Multiple-Station Smoke Alarms.** Add the following language:

Smoke alarms shall be listed in accordance with UL 217. Combination smoke and carbon monoxide alarms shall be listed in accordance with UL 217 and UL 2034.

**704.6.1 Where Required.** Delete the three exceptions.

**704.6.1.2 Groups R-2, R-3, R-4 and I-1.** Add the following:

1. Immediate vicinity shall mean the following distances from the alarm to the bedroom door.
  - (25') twenty-five feet for alarms with primary power from building wiring or per manufacturer recommendations, whichever is less.
  - (10') ten feet for battery operated alarms or per manufacturer recommendations, whichever is less.
4. In theater rooms, exercise rooms and mechanical rooms. Mechanical closets less than (16) sixteen square feet are exempt from the requirement of having a smoke alarm within the closet if another smoke alarm is located within the immediate vicinity of the closet door as determined above.

**704.6.2 Interconnection.** Delete the two exceptions and add the following language.

All smoke alarms shall be interconnected physically by wire or wirelessly by January 1, 2025 in the following rental units.

- All multi-story rental units (basements considered a story).
- All single-story rental units with 4 or more alarms as required above.

**704.6.3 Power Source.** Add the following language.

Existing smoke alarms powered by building power shall never be replaced with solely battery operated alarms.

By January 1, 2025, all solely-battery operated smoke alarms shall be 10-year sealed in place battery type.

**705.2 Carbon Monoxide Alarms and Detectors.** Add the following subsection:

**705.2.1 Power Source.** Add the following language.

By January 1, 2025, when more than one carbon monoxide alarm is required, the alarms shall be interconnected and all solely-battery operated carbon monoxide alarms shall be 10-year sealed in place battery type.

**10-12-14: COLLECTION OF FEES, FINES, PENALTIES AND COSTS:** All fees, fines, penalties and costs imposed upon an owner in the enforcement of this Ordinance shall be due when notice of the amount of such fees, fines, penalties and costs is mailed to the owner.

A. If notice containing the information required by Iowa Code 364.17 is given and the total amount of such fees, fines, penalties and costs is not paid within thirty (30) days of when due, or within ten (10) days of the final action of the Building Code Appeals Board, then:

1. The owner shall be charged a late payment penalty in the amount set forth in the fee schedule adopted by the City Council from time to time;
2. Interest shall thereafter accrue on the unpaid balance at the rate of one and a half (1.5) percent per month; and
3. The City may certify the unpaid balance, interest and late payment penalty to the county auditor as a lien upon the rental property for collection in the same manner as a property tax.

**10-12-15: APPEALS:** Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision before the Building Code Appeals Board as set forth in title 2, chapter 2 Building Code Appeals Board. Such appeal shall be taken within ten (10) days by filing application request on the forms provided by the Community Development Department. Additionally, the application must be accompanied with the appropriate fee as determined in fee schedule adopted from time to time by the City Council. An appeal stays all proceedings in furtherance of the action appealed from, unless the Construction Services Administrator certified to the Building Code Appeals Board after notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would in the opinion of the Construction Services Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Building Code Appeals Board or by a court of record on application, on due cause shown.

**10-12-16: VIOLATIONS:** Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in [title 1, chapter 4, article A](#) of this code of ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the city seeks court intervention for a violation of any provision of this chapter, the city may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the city from taking such other lawful actions as necessary to prevent or remedy violations.



CLIVE, CITY OF  
1900 NW 114TH ST

CLIVE IA 503257077

# of Affidavits 1

## AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

### THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

Ad No.	Start Date:	Run Dates:	Cost:
0005729370	6/15/23	06/15/23	\$61.64

Copy of Advertisement  
Exhibit "A"

Staff member, Register Media

Subscribed and sworn to before me by said affiant this

15th day of June, 2023

Notary Public

1-7-25

Commission expires

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

ORDINANCE NO 1134  
AN ORDINANCE AMENDING  
THE CODE OF ORDINANCES OF  
THE CITY OF CLIVE, IOWA,  
2019, BY AMENDING  
PROVISION OF TITLE 10  
BUILDING REGULATIONS  
Be It Enacted by the City Council  
of the City of Clive, Iowa:

SECTION 1. INTERNAL  
REFERENCES. All references to  
section numbers in this ordinance  
shall be to sections contained  
within Title 10 Building  
Regulations specifically identified  
as Chapter 1 (Building Code),  
Chapter 2 (Electrical Code),  
Chapter 2A (Electrical Update  
Code) Chapter 3 (Plumbing Code),  
Chapter 4 (Energy Conservation  
Code), Chapter 5 (Mechanical  
Code), Chapter 6 (Fuel Gas Code),  
Chapter 7 (Existing Building  
Code), Chapter 8 (Fire Code) and  
Chapter 12 (Rental Housing Code)  
of the "2019 Clive Code of  
Ordinances" unless otherwise  
specified.

SECTION 2. AMENDMENT.  
Title 10 Building Regulations,  
Chapters 1, 2, 2A, 3, 4, 5, 6, 7, 8  
and 12 are hereby amended by  
striking Chapters 1, 2, 2A, 3, 4, 5,  
6, 7, 8 and 12 in their entirety and  
inserting in lieu thereof the text of  
the following chapters attached  
hereto in Exhibit A (full content of  
Exhibit A can be viewed or copy  
obtained at Clive City Hall, 1900  
NW 114th Street, Clive, Iowa, or  
by visiting [www.cityofclive.com](http://www.cityofclive.com))  
and incorporated herein by this  
reference: Chapter 1 (Building  
Code), Chapter 2 (Electrical  
Code), Chapter 2A (Electrical  
Update Code), Chapter 3  
(Plumbing Code), Chapter 4  
(Energy Conservation Code),  
Chapter 5 (Mechanical Code),  
Chapter 6 (Fuel Gas Code),  
Chapter 7 (Existing Building  
Code), Chapter 8 (Fire Code) and  
Chapter 12 (Rental Housing Code).

SECTION 3. REPEALER. All  
parts of the "CODE OF  
ORDINANCES OF THE CITY OF  
CLIVE, IOWA, 2019" in conflict  
herewith are hereby repealed.

SECTION 4. SEVERABILITY  
CLAUSE. If any section,  
provision, sentence, clause, phrase  
or part of this Ordinance shall be  
adjudged to be invalid or  
unconstitutional, such adjudication  
shall not affect the validity of this  
Ordinance as a whole or any  
section, subsection, provision,  
sentence, clause, phrase or part  
thereof not adjudged invalid or  
unconstitutional.

SECTION 5. WHEN  
EFFECTIVE. This Ordinance  
shall be in effect from and after  
its final passage, approval and  
notice of its passage is given as  
provided by law.

PASSED AND APPROVED by the  
City Council on the 8th day of  
June, 2023.

Matthew Graham, City  
Clerk Ordinance No. 1134  
authenticated this 8th day of June,  
2023.

Matthew Graham, City Clerk  
John Edwards, Mayor  
Officially published on the 15th  
day of June, 2023

CERTIFIED BY:  
Matthew Graham, City Clerk





CLIVE, CITY OF  
1900 NW 114TH ST

# of Affidavits 1

CLIVE IA 503257077

## AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown, ss.:

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### THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:


Ad No.	Start Date:	Run Dates:	Cost:
0005663742	4/19/23	04/19/23	\$51.19

Copy of Advertisement  
Exhibit "A"

  
\_\_\_\_\_  
Staff member, Register Media

Subscribed and sworn to before me by said affiant this

19th day of April, 2023

  
\_\_\_\_\_  
Notary Public

1-7-25  
\_\_\_\_\_  
Commission expires

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

NOTICE OF PUBLIC HEARING  
TO CONSIDER AMENDING  
PROVISIONS OF TITLE 10  
BUILDING REGULATIONS OF  
THE CITY OF CLIVE, IOWA,  
REGARDING BUILDING,  
ELECTRICAL, PLUMBING,  
ENERGY CONSERVATION,  
MECHANICAL, FUEL GAS,  
EXISTING BUILDING, FIRE,  
AND RENTAL HOUSING CODES.  
NOTICE IS HEREBY GIVEN that  
the City Council of the City of  
Clive, Iowa, will meet at the Clive  
City Hall, 1900 N.W. 114th Street,  
in the City of Clive, Iowa, at 6:00  
p.m. on the 4th day of May, 2023.  
At the prescribed time and place  
referenced above, the City Council  
will hold a public hearing on  
amending Title 10 Building  
Regulations ("the Building  
Regulations") of the City of Clive  
Code of Ordinances regarding  
Chapter 1 (Building Code),  
Chapter 2 (Electrical Code),  
Chapter 3 (Plumbing Code),  
Chapter 4 (Energy Conservation  
Code), Chapter 5 (Mechanical  
Code), Chapter 6 (Fuel Gas Code),  
Chapter 7 (Existing Building  
Code), Chapter 8 (Fire Code), and  
Chapter 12 (Rental Housing Code).  
Such amendment is set forth in the  
proposed Ordinance(s) entitled as  
follows:

AN ORDINANCE AMENDING  
THE CODE OF ORDINANCES OF  
THE CITY OF CLIVE, IOWA, 2019  
BY AMENDING THE  
PROVISIONS OF TITLE 10  
BUILDING REGULATIONS  
REGARDING BUILDING,  
ELECTRICAL, PLUMBING,  
ENERGY CONSERVATION,  
MECHANICAL, FUEL GAS,  
EXISTING BUILDING, FIRE,  
AND RENTAL HOUSING CODES.

For all the particulars of the  
proposed amendments, see the  
proposed Ordinances entitled as  
set forth above now on file at the  
Clive City Hall with the City Clerk  
of the City of Clive, which may be  
examined there. The proposed  
Ordinances are by this reference  
made a part of this Notice.

All interested persons may appear  
at the public hearing and at such  
time and place the Clive City  
Council will consider any  
objections to the proposed  
amendments described above and  
give all interested persons an  
opportunity to be heard. This  
Notice is given by order of the  
City Council of the City of Clive,  
Iowa.

John Edwards, Mayor

ATTEST:  
Matthew Graham, City Clerk