

CHAPTER 156

BUILDING CODE

156.01 Building Official; Building Services Department	156.10 Waiting Period For Demolition Permits
156.02 Building Code Commission	156.11 Swimming Pools
156.03 Limitations On Administrative Authority	156.12 Demolitions, Moving Buildings or Structures, and Use or Occupancy of the Public Streets For Construction or Demolition
156.04 Violations	156.13 Electrical Code Adopted
156.05 Duties Owed To The Public Only	156.14 Mechanical Code Adopted
156.06 Expenses To Enable Investigations	156.15 Plumbing Code Adopted
156.07 Building Code Adopted	
156.08 Residential Building Code Adopted	
156.09 Permit Issuance During Rezoning Consideration Prohibited	

156.01 BUILDING OFFICIAL; BUILDING SERVICES DEPARTMENT.

1. Creation. There is hereby established a Building Services Department under the supervision and control of the Building Official, who is appointed by and serves at the discretion of the City Council.
2. General Authority. In addition to any other authority expressly granted in this chapter, the Building Official shall have authority to do all things necessary or proper, consistent with this chapter and all administrative, personnel, accounting, budgetary and procedural policies of the City, to carry out and to enforce the codes adopted pursuant to this chapter and the acts and decisions of the Building Code Commission. In accordance with any prescribed procedures and with the approval of the City Council, the Building Official may appoint technical officers and inspectors and other employees as authorized representatives of the Building Official to assist in the enforcement of the provisions of this chapter.
3. Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or Building Code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official shall have the rights of entry set forth in Section 1.15 of this Code of Ordinances.
4. Interpretations. The Building Official shall have the power to render interpretations of the codes adopted by this chapter and to adopt and enforce rules and regulations supplemental thereto as deemed necessary in order to clarify the application of the provisions, provided that such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

5. Stop Orders. Whenever any work is being done contrary to the provisions of this chapter, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.
6. Cooperation of Other Officials and Officers. The Building Official may request, and shall receive so far as is required in the discharge of duties, the assistance and cooperation of other officials of this City.
7. Written Orders. The decisions, orders and notices of the Building Official shall be in writing and a duplicate or copy thereof filed in the City Hall for public inspection. Where immediate action and response is proper, orders may be made orally and later reduced to writing.
8. Maintenance of Records. The Building Services Department shall maintain adequate records of its acts, investigations, decisions, orders and notices.

156.02 BUILDING CODE COMMISSION.

1. Creation. A Building Code Commission is hereby created, consisting of five (5) members qualified by experience and training to pass on matters pertaining to this chapter. Members shall be appointed by the City Council and shall serve for staggered three-year terms, provided that upon completion of the term of office, members of the Building Code Commission shall continue to serve in their full capacity until their successors have been duly appointed.
2. General Authority. In addition to specific authority granted in this chapter, the Building Code Commission shall have authority to:
 - A. Elect officers and establish rules and regulations for conducting its business and for conducting hearings consistent with this chapter, and maintain records of its meetings, acts, investigations, hearings and decisions;
 - B. Hear and decide appeals from the acts, decisions or orders of the Building Official, as provided herein;
 - C. Adopt regulations establishing examinations for and/or minimum technical expertise and commercial practices for registration, licensing and/or certification of persons engaged in the building, electrical, mechanical and plumbing trades, and for

suspension or revocation of such licenses, consistent with this chapter and recognized standards for licensing of such trades; and

D. Conduct studies and investigations for which necessary funds have been approved by the City Council, and advise the City Council on all building construction regulations and procedures.

All administrative, personnel, accounting, budgetary, and procedural policies of the City shall govern in all of its operations.

3. Meetings. Three (3) members shall constitute a quorum. The concurring vote of three (3) members of the board shall be necessary to pass any motion or render any decision. The attendance of all members shall be entered on the minutes by the secretary. All meetings shall be held in conformance with provisions of the Iowa Open Meetings Law. A copy of the minutes of each meeting shall be filed with the City Administrator within ten (10) working days after such meeting.

4. Appeals. Except where a different procedure is expressly provided in this chapter, any person who is aggrieved by any act, decision or order of the Building Official may appeal to the Building Code Commission by giving written notice of such appeal to the Building Official within seven (7) days of receipt of decision from which the appeal is taken. The notice of appeal shall contain:

A. A copy of any written notice, order or decision.

B. a brief statement setting forth the legal interest of the appellant in the building or the land involved or the rights of the appellant affected by the notice, order or decision.

C. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

D. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

E. The signature of all parties named as appellants and their official mailing addresses.

F. The verification of the appellant as to the truth of the matters stated in the appeal.

5. Hearing. Except when the interests of justice require otherwise, the Building Code Commission shall hold a hearing within ten (10) working days after receiving such notice of appeal and render a decision

within five (5) working days thereafter. Any interested party, including the Building Official, shall have the right to present evidence and argument. The decision of the Building Code Commission shall be final. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of such person's right to an administrative hearing and adjudication of the notice, order or decision, or any portion thereof. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal. The decisions of the Building Code Commission shall be made in writing and supported by substantial evidence in the record presented at the hearing. It may reverse or modify a decision of the Building Official only on finding that:

- A. The Building Official incorrectly interpreted or applied a provision of or acted beyond the Building Official's authority under this chapter; or
- B. The decision of the Building Official creates undue hardship upon the appellant. If the decision concerns alternate materials or methods of construction, such materials or methods must be satisfactory for the use intended and at least equivalent to that prescribed by this chapter in suitability, strength, effectiveness, durability, fire protection and safety.

156.03 LIMITATIONS ON ADMINISTRATIVE AUTHORITY. Neither the Building Official nor the Building Code Commission may waive requirements of this chapter except as expressly authorized herein.

156.04 VIOLATIONS. Unless there is in effect a stay or injunction to the contrary, it is unlawful for any person to:

1. Commit any act prohibited by or omit any act required by any code adopted by this chapter;
2. Commit any act prohibited by or omit any act required by the Building Official or the Building Code Commission in the exercise of their respective discretions granted under this chapter; or
3. Interfere with, obstruct, refuse, disregard or frustrate any act, notice, order or decision of the Building Official, or his authorized representatives, or the Building Code Commission, engaged in the enforcement of this chapter.

Unlawful acts or omissions shall be deemed a separate offense and infraction for each and every day or portion thereof during which they are continued or permitted and shall be punishable as provided in Chapters 1 or 3 of the Code of

Ordinances, or both, in addition to any revocation, cancellation or forfeiture of any license or permit and in addition to any other remedies authorized by this chapter. *(Ord. 18-04 – Nov. 04 Supp.)*

156.05 DUTIES OWED TO THE PUBLIC ONLY. The duties of the Building Official, the Building Services Department, and the Building Code Commission are owed to the City. Nothing herein shall be construed to create any legal or contractual duty owed to any special class of citizen or to authorize them to assume any such duty in the performance of any function under this chapter.

156.06 EXPENSES TO ENABLE INVESTIGATIONS. All expenses incurred by any person to enable inspections in relation to new construction, repairs, remodeling or reconstruction, or in relation to buildings or structures moved into or within the City, are not the responsibility of the City.

156.07 BUILDING CODE ADOPTED. There is hereby adopted by reference as the *Asbury Building Code* that certain building code known as the *International Building Code*, 2015 Edition, as published by the International Code Council, Inc., exclusive of sections 112 and 113 as well as any appendix not specifically adopted by the City, notwithstanding any reference thereto in the provisions of said *International Building Code*, 2015, and subject to the amendments and other provisions of this section. The provisions of the *Asbury Building Code* shall be controlling in the construction of buildings and other structures and in all matters covered by such building code within the corporate limits of the City. A copy of said *International Building Code*, 2015, shall be on file in the office of the City Clerk for public inspection. Said *International Building Code* is amended as follows:

1. Section 103.3 “Scope” is hereby amended by repealing paragraph 1.
2. Section 102, “Unsafe Buildings or Structures” is hereby amended by repealing Paragraph 2.
3. Section 105.5 “Expiration,” is hereby amended to read as follows:
105.05 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced, or if the work authorized on the site by such permit is not completed within two years after its issuance. The *Building Official* is authorized to

grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

4. Section 108, Fees is amended by repealing the entire paragraph and replacing with Section 109, "Fees," to read as follows:

109.2 Fees. Fee for permits, plan review, inspections and other fees, and rules governing their application, shall be established by the City Council by ordinance which shall be made available for public inspection. Unless expressly provided by ordinance of the City Council, the payment of a fee or fees shall not relieve the applicant, permit holder or other persons from the payment of any other fee or fees that may be prescribed by this code, by law or by ordinance. No permit fees shall be required in connection with buildings owned and used exclusively by the City.

109.2.1 Permit Fees. The fee for each permit shall be as set forth in Table No. 109-2.

The determination of value or valuation under any of the provisions of this Building Code shall be made by the Building Official. The value to be used in computing the building permit fee for new construction shall be the cost of all building materials and the usual cost of labor whether such labor is performed by the owners or others. Such valuation may exclude the cost of the lot or improvements to the lot such as grading, landscaping, walks or drives, and/or the cost of the air conditioning, electrical, heating, plumbing or ventilation systems, for which separate inspection fees are charged; however, the approximate value of these items shall be shown on the permit in the space provided for that purpose.

The valuations for alterations, repairs, replacement or remodeling shall include the cost of materials and the usual cost of labor, whether such labor is performed by the owner or by others, for the installation or construction of any repair, replacement or remodeling which becomes an integral part of the building or structure.

The payment of fees under this section of the code shall not relieve the applicant, permit holder or other persons from the payment of any other fee or fees that may be

prescribed by this code, by law or by ordinance. No fee shall be required for buildings owned and used exclusively by the city.

109.2.2 Plan Review Fees. When a plan or other data is required to be submitted by Section 107 of this Building Code a plan review fee shall be due and payable prior to the issuance of a permit. Such plan review fee shall be as set forth in Table 109.2.

The plan review fees specified in this subsection are separate from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged as set forth in Table No. 109-2.

109.3 Building Permit Valuations.

The applicant for a permit shall provide an estimated value at the time of the application. The Building Official, shall either deny the permit or permit the applicant to amend the application. If in the opinion of the Building Official, the valuation is underestimated, then applicant must provide detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

109.4 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be required to pay an amount equal to twice the amount of the initial permit fee. The payment of such doubled fee shall not relieve any person from otherwise fully complying with any of the requirements of this chapter and the Asbury Building Code in the execution of the work nor from other fees or penalties provided in the City Code of Ordinances.

109.6 Refunds. The Building Official is authorized to refund fees under the following conditions:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.

2. Not more than 80 (eighty) percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

TABLE NO. 109-2

BUILDING PERMIT FEES

1 Permit Issuance Fee for each permit	\$ 10.00
2 Valuation Fee Schedule (in addition to Permit Issuance Fee)	
\$1.00 to \$500.00	\$ 20.00
\$501.00 to \$2,000.00	\$ 20.00
for the first \$500.00, plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.	
\$2,001.00 to \$25,000.00	\$ 50.00
for the first \$2,000.00, plus \$10.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.	
\$25,001.00 to \$50,000.00	\$280.00
for the first \$25,000.00, plus \$8.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.	
\$50,001.00 to \$100,000.00	\$480.00
for the first \$50,000.00, plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.	
\$100,001.00 to \$500,000.00	\$730.00
for the first \$100,000.00, plus \$40.00 for each additional \$10,000.00 or fraction thereof.	
\$500,001.00 and above	\$2,330.00
for the first \$500,000.00, plus \$30.00 for each additional \$10,000.00 or fraction thereof.	

Other Inspections and Fees

- 1 Plan review fees when a plan is required by Section 302(b) of the code, per hour of review time.....\$ 80.00*
(Minimum of one-hour charge and charged in half-hour increments beyond the first hour)
- 2 Inspections outside of normal business hours per hour.....\$ 80.00*
(Minimum charge of two hours)
- 3 Reinspection fee assessed under provisions of Section 305(g), each.....\$ 80.00*
- 4 Inspections for which no fee is specifically indicated per hour.....\$ 80.00*
(Minimum charge of one-half hour)
- 5 Additional plan review fees required by changes, additions or revisions to approved plans, per hour.....\$ 80.00*
(Minimum charge of one-half hour)
- 6 Inspections upon less than 24-hour advance notice, in addition to any other inspection fee(s) which may apply\$ 160.00

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include outside plan review expense, supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

(Ord. 1-2017 – Feb. 17 Supp.)

156.08 RESIDENTIAL BUILDING CODE ADOPTED. There is hereby adopted by reference as the *Asbury Residential Building Code* that certain building code known as the *International Residential Code, 2015 Edition*, as published by the International Code Council, Inc., exclusive of sections R103, R111, R112 and R313, as well as any appendix not specifically adopted by the City, notwithstanding any reference thereto in the provisions of said *International Residential Code, 2015*, and subject to the amendments and other provisions of this section. The provisions of said *Asbury Residential Building Code* shall be controlling in the construction of one and two family residential buildings and in all matters covered by the *Asbury Residential Building Code* within the corporate limits of the City. A copy of said *International Residential Code, 2015* shall be on file in the office of the City Clerk for public inspection. Said *International Residential Code* is amended as follows:

1. Section R105.5 “Expiration,” is hereby amended to read as follows:

R105.5. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced, or if the work authorized on the site by such permit is not completed within one year after its issuance. The *Building Official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

2. Section R108.2, "Fees," is hereby amended to read as follows:

R108.2 Fees. The fee for each permit shall be as set forth in Table No. 108.2 Fees for permits, plan review, inspections and other fees, and rules governing their application, shall be established by the City Council by ordinance which shall be made available for public inspection. Unless expressly provided by ordinance of the City Council, the payment of a fee or fees shall not relieve the applicant, permit holder or other persons from the payment of any other fee or fees that may be prescribed by this code, by law, or by ordinance. No permit fees shall be required in connection with buildings owned and used exclusively by the City.

R108.2.1 Permit Fees. The fee for each permit shall be as set forth in Table No. R108-2. The determination of value or valuation under any of the provisions of this Building Code shall be made by the Building Official. The value to be used in computing the building permit for new construction shall be the cost of all building materials and the usual cost of labor whether such labor is performed by the owners or others. Such valuation may exclude the cost of the lot or improvements to the lot such as grading, landscaping, walks or drives, and/or the cost of the air conditioning, electrical, heating, plumbing or ventilation systems, for which separate inspection fees are charged; however, the approximate value of these items shall be shown on the permit in the space provided for that purpose.

The valuations for alterations, repairs, replacement or remodeling shall include the cost of materials and the usual cost of labor, whether such labor is performed by the owner or by others, for the installation or construction of any repair, replacement or remodeling which becomes an integral part of the building or structure.

The payment of fees under this section of the codes shall not relieve the applicant, permit holder or other persons from the payment of any other fee or fees that may be prescribed by this code, by law or by ordinance. No fee shall be required for buildings owned and used exclusively by the city.

108.2.2 Plan Review Fees. When a plan or other data is required to be submitted by Section 106 of this Building Code or when a plan is incomplete or changed, a plan review fee shall be charged as set forth in Table No. R108-2.

The plan review fees specified in this subsection are separate from the permit fees specified in Section 108.2 and are in addition to the permit fees.

R108.3 Building Permit Valuations. The applicant for a permit shall provide an estimated value at the time of the application. The Building Official, shall either deny the permit or permit the applicant to amend the application. If in the opinion of the Building Official, the valuation is underestimated, then the applicant must provide detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

TABLE NO. R108-2

BUILDING PERMIT FEES

1	Permit Issuance Fee for each permit	\$ 10.00
2	Valuation Fee Schedule (in addition to Permit Issuance Fee)	
	\$1.00 to \$500.00	\$ 20.00
	\$501.00 to \$2,000.00.....	\$ 20.00
	for the first \$500.00, plus \$2.00 for each additional	

\$100.00 or fraction thereof, to and including \$2,000.00.

\$2,001.00 to \$30,000.00 \$ 50.00
for the first \$2,000.00, plus \$9.25 for each additional \$1,000.00 or fraction thereof, to and including \$30,000.00.

\$30,001.00 to \$50,000.00 \$309.00
for the first \$30,000.00, plus \$6.75 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.

\$50,001.00 to \$100,000.00 \$444.00
for the first \$50,000.00, plus \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.

\$100,001.00 to \$500,000.00 \$656.50
for the first \$100,000.00, plus \$3.25 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees

- 1 Plan review fees when a plan is required by Section 302(b) of the code, per hour of review time \$ 80.00*
(Minimum of one-hour charge and charged in half-hour increments beyond the first hour)
- 2 Inspections outside of normal business hours per hour \$ 80.00*
(Minimum charge of two hours)
- 3 Reinspection fee assessed under provisions of Section 305(g), each..... \$ 80.00*
- 4 Inspections for which no fee is specifically indicated per hour \$ 80.00*
(Minimum charge of one-half hour)
- 5 Additional plan review fees required by changes, additions or revisions to approved plans, per hour \$ 80.00*
(Minimum charge of one-half hour)
- 6 Inspections upon less than 24-hour advance notice, in addition to any other inspection fee(s) which may apply: \$160.00

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include outside plan review

expense, supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

R108.5 Refunds. The Building Official is authorized to refund fees under the following conditions:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 (eighty) percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

R108.6 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be required to pay an amount equal to twice the amount of the initial permit fee. The payment of such doubled fee shall not relieve any person from otherwise fully complying with any of the requirements of this chapter and the Asbury Building Code in the execution of the work nor from other fees or penalties provided in the City Code of Ordinances.

3. Section R302.13 “Fire protection of floors,” is hereby amended to read as follows:

R302.13 Fire protection of floors. Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall be provided with a 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. The use of FX Lumber Guard, or an approved equal, is also an approved fire protection barrier for the basement. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers, drainage, piping and similar openings or penetrations shall be permitted.

4. Section R310.1, “Emergency escape and rescue opening required,” is hereby amended to read as follows:

R310.1 Emergency escape and rescue opening required. Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exceptions:

1. Storm shelters and basements used only to house mechanical *equipment* not exceeding a total floor area of 200 square feet (18.58 m²).
2. Basements without bedrooms that provided a second stairway that terminates in a room separate from the first stairway.
3. The finished sill height may exceed 44 inches (1118 mm) above the floor if approved by the Building Official and the following conditions are met:

The exterior finish grade is more than 36 inches (914 mm) above the interior floor level of the room, or altering the exterior configuration of the building would adversely affect the historical significance of the building.

A platform capable of supporting a live load of 300 pounds shall be permanently affixed at the exterior of the window. This platform shall be no lower than 20 inches (508 mm) above the floor and no higher than 36 inches (914 mm) above the floor. The distance from the platform to the finished sill height shall not exceed 36 inches (914 mm). The platform shall extend outward from the wall a minimum of 24 inches (610 mm) and shall be at least as wide as the clear open able width of the window.

The escape or rescue window shall have a minimum clear open able area of 9 square feet (0.84m²), with a minimum dimension of 36 inches (914 mm).

The building is equipped with smoke alarms installed in accordance with Section R314.

5. Section R311.7.8.2, “Continuity,” is hereby amended to read as follows:

R311.7.8.2 Continuity. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1 ½ inches (38 mm) between the wall and the handrails.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.
3. Top rails may be interrupted by walls.

6. Section R404.1.3.2, “Reinforcement for foundation walls,” is hereby amended by adding an exception as follows:

Exception:

The following reinforcement requirements may be used as an alternative for 8" (204 mm) thick concrete foundation walls between 96 (2438 mm) and 120 inches (3048 mm) in height: #4 bars 20 inches (508 mm) on center vertically and #4 bars 24 inches (610 mm) on center horizontally.

7. Section P3114.3, “Where permitted,” is hereby amended to read as follows:[†]

P3114.3 Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to an air admittance valve when approved by the Building Official or their agent in cases where structural or existing conditions do not allow for determination of a vent to the open air.

8. Part VIII “Electrical,” is hereby amended by deleting Chapters 34-41 in their entirety.

(Subsections 7-8 – Ord. 3-2019 – Jun. 19 Supp.)

[†] **EDITOR’S NOTE:** Ordinance No. 3-2019 supplemented in June 2019 had an effective date of July 1, 2019. The previous Subsection 7, effective until July 1, 2019 read as follows: Chapter 11 “Energy Efficiency,” is hereby amended by deleting the entire chapter.

156.09 PERMIT ISSUANCE DURING REZONING CONSIDERATION PROHIBITED. The Building Official of the City is hereby prohibited from issuing a building permit to the owner or owners of real property for which action has been initiated for the purpose of securing a zoning reclassification. The period of such prohibition shall extend from the date of the official act of the Planning and Zoning Commission calling for a public hearing on such zoning reclassification up to and including the date of final action of the City Council upon such zoning reclassification.

156.10 WAITING PERIOD FOR DEMOLITION PERMITS. The provisions of this section apply to all buildings located in whole or in part within the following described neighborhood areas:

Upon receiving an application for a demolition permit for any building located in whole or in part within the areas described above, the Building Official shall immediately notify the City Council of such application. At its next regular meeting the Council must then take formal action to either approve or withhold the demolition permit for a specified period not to exceed ninety (90) days. If the Council fails to take action to approve or withhold the demolition permit at its next regular meeting, the Building Official shall issue the permit forthwith. The Council may in its discretion withhold the demolition permit whenever it determines that the building for which the permit is sought may be of historical or architectural significance to the City. The purpose of this waiting period is to enable the Council to have time to investigate the historical or architectural value of the building to the community and to take such action as may be appropriate to ensure or encourage its preservation. However, nothing in this section shall authorize the withholding by the Building Official of a demolition permit for more than ninety (90) days following notification of Council of application for such permit.

156.11 SWIMMING POOLS.

1. Definition. “Swimming pool” is defined as any constructed or prefabricated pool used for swimming, bathing or wading, over twenty-four (24) inches in depth. *(Ord. 5-2020 – Aug. 20 Supp.)*
2. Permit Required. All swimming pools, whether public or private, require a building permit.
3. Permit Fees. Permit fees for swimming pools are based on the valuation of the work to be done, pursuant to the following Table 2-B:

TABLE 2-B

SWIMMING POOL PERMIT FEES

Valuation	Fee	Valuation	Fee	Valuation	Fee
\$0-\$500	\$5.00	\$1,501-\$1,600	\$10.40	\$8,001-\$9,000	\$40.00
\$501-\$600	\$5.50	\$1,601-\$1,700	\$10.80	\$9,001-\$10,000	\$44.00
\$601-\$700	\$6.00	\$1,701-\$1,800	\$11.20	\$10,001-\$11,000	\$48.00
\$701-\$800	\$6.50	\$1,801-\$1,900	\$11.60	\$11,001-\$12,000	\$52.00
\$801-\$900	\$7.00	\$1,901-\$2,000	\$12.00	\$12,001-\$13,000	\$56.00
\$901-\$1,000	\$7.50	\$2,001-\$3,000	\$16.00	\$13,001-\$14,000	\$60.00
\$1,001-\$1,100	\$8.00	\$3,001-\$4,000	\$20.00	\$14,001-\$15,000	\$64.00
\$1,101-\$1,200	\$8.50	\$4,001-\$5,000	\$24.00	\$15,001-\$16,000	\$68.00
\$1,201-\$1,300	\$9.00	\$5,001-\$6,000	\$28.00	\$16,001-\$17,000	\$72.00
\$1,301-\$1,400	\$9.50	\$6,001-\$7,000	\$32.00	\$17,001-\$18,000	\$76.00
\$1,401-\$1,500	\$10.00	\$7,001-\$8,000	\$36.00	\$18,001-\$19,000	\$80.00
				\$19,001-\$20,000	\$84.00

4. Construction. Plans and specifications concerning a swimming pool shall be submitted to the building department and such pool shall be designed and constructed in accordance with generally accepted standards and practices, as outlined in the latest edition of *Recommended Practice for Design, Equipment and Operation of Swimming Pools and Other Public Bathing Places*, of the American Public Health Association.

5. Fencing Requirements.

A. Every person in possession of land upon which is situated a swimming pool shall, at all times, maintain on the lot or premises

upon which such pool is located and completely surrounding such pool, lot or premises, a fence or other structure six (6) feet in height with no openings therein, other than doors or gates, larger than six (6) inches in any dimension; provided, however, if a picket or similar fence is erected or maintained the horizontal dimension of the openings, other than the gates or doors, shall not exceed four (4) inches.

(Ord. 6-2014 – Dec. 14 Supp.)

B. All gates or doors opening through such enclosure shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such gate or door securely closed and latched at all times when not in actual use. Such self-latching device shall be located not less than four (4) feet above the underlying ground surface or otherwise made inaccessible from the outside to small children. Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

(1) An alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be *listed* and *labeled* as a water hazard entrance alarm in accordance with UL 2017. The operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than four (4) feet above the finished floor or underlying ground surface.

(2) A *safety cover* that is *listed* and *labeled* in accordance with ASTM F 1346 is installed for the pools and spas.

(3) An *approved* means of protection, such as self-closing doors with self-latching device located not less than four (4) feet above the finished floor or underlying ground, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by item 1 or 2.

(Subsection B – Ord. 2-2019 – Jun. 19 Supp.)

C. All fencing must be in place with gates when the pool is filled with water.

6. Location. The location of swimming pools shall be governed by the Zoning Ordinance.

156.12 DEMOLITIONS, MOVING BUILDINGS OR STRUCTURES, AND USE OR OCCUPANCY OF THE PUBLIC STREETS FOR CONSTRUCTION OR DEMOLITION.

1. Permits Required. It is unlawful for any person to:
 - A. Demolish a building or structure, or portion thereof;
 - B. Move a building or structure from one location to another across private or public property;
 - C. Use or occupy the streets or public property for the purpose of erecting, constructing, enlarging, altering, repairing or remodeling a building or structure, or storing or using materials, machinery or equipment in relation thereto, or engaging in construction, demolition or related operations on adjacent streets or public property;

within the City, unless such person shall have obtained a permit therefor from the building services division in compliance with the provisions of this section and of this chapter. For purposes of this section, “building” includes any structure used or intended for supporting or sheltering any use or occupancy including all public or private garages, barns, sheds, residential, commercial, educational, institutional or industrial uses and any accessories thereto. Nothing herein shall relieve any person obtaining a permit from compliance with all other applicable regulations and ordinances of the City.

2. Application for Permit.
 - A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building services division. Every such application shall:
 - (1) Identify and describe the work to be covered by the permit for which application is made.
 - (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed work.
 - (3) Indicate the use or occupancy for which the proposed work is intended.
 - (4) Be accompanied by plans, diagrams, computations and specifications and other data as required in paragraph B of this subsection.

(5) Be signed by permittee or the permittee's authorized agent, who may be required to submit evidence to indicate such authority.

(6) Be accompanied by proof of insurance as required by this section for the type of permit desired.

(7) Include the applicant's agreement to indemnify and hold the City harmless from any damage to public property and fully to protect any and all work, space, materials or equipment in connection with any use of public property.

(8) Give such other data and information as may be required by the Building Official.

B. Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The Building Official may require plans, computations, diagrams and specifications to be prepared and designed by an architect or engineer licensed by the State to practice as such. Exception: The Building Official may waive the submission of plans, calculations, etc., if the Building Official finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this section.

C. Information On Plans and Specifications. Plans, specifications and diagrams shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this section and all relevant laws, ordinances, rules and regulations.

3. Permit Issuance and Expiration.

A. The application, proof of insurance, plans, specifications, diagrams and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans shall also be reviewed by other departments and divisions of the City to verify compliance with any applicable laws or requirements under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, diagrams and other data filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, that the required insurance has been arranged and that the fees specified in Table 2-C of this section have been paid, the Building Official shall issue the permit together with any special

conditions which may be attached to and made a part of the permit. Approved plans, specifications and diagrams shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans, specifications and diagrams.

B. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this section or of this chapter. No permit presuming to give authority to violate or cancel any provisions of this section or Building Code shall be valid, except insofar as the work or use which it authorized is lawful.

C. Every permit issued by the Building Official under the provisions of this section shall expire by limitation and become null and void if the moving or demolition of the building or structure, or the use of the public property, is not accomplished during the period of time which is stated on the permit. Such work or use of public property shall cease upon expiration of the permit and shall not be recommenced until a new permit has been obtained by revising or renewing the original application and by payment of a new fee. Every moving permit shall be valid only on the moving date or dates written on the permit. In those instances wherein the moving contractor was unable to move the building or structure on the specified moving date, the Building Official is authorized to change said moving date, provided that the moving contractor shall obtain the approval of other City officials in the same manner as required for the original moving permit and further provided that a fee of ten dollars (\$10.00) for changing the moving date has been paid to the Building Department. Every demolition permit shall expire thirty (30) days from the date of issue, unless the building or structure is part of a demolition project which, because of its complexity or proportions, will require more time, in which instance the original permit may be issued for the approved term of the demolition schedule. Each demolition permit may be renewed for successive additional periods of thirty (30) days provided that a fee is paid for each renewal in the same amount as the original demolition permit fee. Every permit for the use of streets or public property shall expire on the last day for which the permit was issued, as described on said permit, and shall be renewed upon the payment of an additional fee to the Building Department, as provided in Table 2-C of this section. Failure to renew the permit for the use of streets or public property shall be considered as due cause for

the Building Official to order all barricades or fences removed and the public property returned to public availability and use.

D. No moving permit, demolition permit or permit for use of public property shall be transferable from one building, structure or building site to another building, structure or building site, or from one person to another.

E. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued in error, on the basis of incorrect information supplied, failure to comply with permit conditions, or in violation of any ordinance.

4. Fees. A fee for each moving permit, demolition permit, or permit for the use of streets or public property, shall be paid to the Building Official as set forth in Table 2-C of this section; provided that where the moving of a building, the demolition of a building or the use of public property for which a permit is required by this section is started prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this section and this chapter in the execution of the work or from other fees or penalties.

**TABLE 2-C
PERMIT FEES**

Part (A) – Moving Permit Fees:

Item	Fee
Building inspection fee (for application, prior to moving building), per hour, with a minimum charge of one-half (½) hour	\$15.00
Moving permit fee (each garage, barn or shed; each day and fraction thereof public property is occupied)	\$15.00
Moving permit fee (other buildings; each day and fraction thereof public property is occupied)	\$30.00

Part (B) – Building–Demolition Permit Fees:

Item	Fee
Inspection fee (for application, prior to demolishing building), per hour, with a minimum charge of one-half (½) hour	\$15.00
One- or Two-Family Dwellings: Each one- or two-family dwelling	\$25.00
Buildings Other Than One- or Two-Family Dwellings: Each story with less than one thousand (1,000) square feet of floor area	\$25.00
Each story with one thousand (1,000) square feet of floor area	\$30.00
Each story with more than three thousand (3,000) square feet of floor area	\$35.00

Note: A basement or cellar in a building other than a one- or two-family dwelling shall be counted as a story.

Exception: The Building Official may waive the demolition fee to a home owner for an unsalvageable, worn-out building located on the premises on which said owner resides, provided that the floor area of the building is less than seven hundred twenty (720) square feet.

Part I – Fees For–Permit For Use of Street or Public Property:

Item	Fee
Fee for permit to barricade a public sidewalk or other public property normally used by the public, when such space is needed and used for the erection, repair, storage or demolition of a building, and for which no other rental or meter fee is assessed: For each square foot of barricaded area for each day and fraction thereof	\$0.05
Minimum fee for each permit for use of street or public property	\$5.00

Part (D) – Fees For–Escort Service:

Item	Fee
Per person and car, per ten-hour day or prorated fraction thereof	\$80.00

5. Special Provisions.

A. A building or structure being moved shall follow the route prescribed on the permit by the City Engineer. The mover shall coordinate the route with the utility companies. A police escort shall be required during any move within the corporate limits of the City utilizing public streets or alleys or when, in the opinion of the Chief of Police, such escort is necessary to protect the general welfare. The Chief of Police shall determine the required number of personnel and vehicles for escort service. The permit applicant shall pay all costs for the trimming of trees and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load.

B. No building or structure shall be relocated or moved if the building or structure is so constructed or in such condition as to be dangerous or unsafe or if it is infested with pests, is unfit for human habitation or if it is so deteriorated, dilapidated or defective that relocation would or could create a safety or health hazard, or cause a blighted condition in the new neighborhood.

C. All buildings or structures when relocated from outside of the City into the City shall comply with all ordinances and regulations applicable to new buildings or structures, including,

but not limited to, building, electrical, mechanical, plumbing, fire, health and zoning regulations.

D. All residential buildings or structures relocated within the City shall comply with the *Uniform Code for Building Conservation* and with this Building Code. All nonresidential buildings or structures relocated within the City shall comply with all ordinances and regulations applicable to new buildings or structures, including, but not limited to, building, electrical, mechanical, plumbing, fire, health and zoning regulations. All moved buildings or structures shall be completely enclosed within thirty (30) days after said building or structure is placed on its new site. All required changes, improvements and modifications shall be completed and the building or structure made ready for occupancy or use within one hundred twenty (120) days from the time the building permit is issued.

E. All pieces, parts, scraps, debris, rubbish and organic material from a building, structure, or portion of a building in the process of being moved or demolished shall be cleaned up and removed from the premises at least once weekly except for streets and public property, which shall be cleaned daily unless otherwise specified on the permit. Final cleanup after the building or structure is moved or demolished shall include the thorough removal of all wood, debris and organic materials, filling of excavations, cisterns and other depressions with acceptable rubble or earthen fill, and spreading a tillable layer of topsoil over the entire lot to a uniform natural grade consistent with the established adjacent grades. When directed by the Building Official, water shall be used to minimize dust when demolishing structures or under any dust producing conditions. As ordered by the Building Official, buildings shall be washed down frequently to keep dust at a minimum. When an interior wall is exposed, said wall shall be provided with a weather resistive barrier as required in this chapter. No such wall shall be exposed to the weather without the written approval of the Building Official.

F. When a moving or demolition project has been abandoned or is found to be unsafe, the Building Official may order the unsafe conditions corrected, the building boarded up and the premises barricaded. Upon failure of the owner or the owner's agent to comply with the order of the Building Official within seven (7) days, the Building Official, after notice and opportunity for hearing, may cause said building or structure to be

demolished, the premises cleaned and suitable drainage grades established. The cost of such demolition, cleaning and grading shall be assessed to the property as provided by law.

G. The power in all electric service lines shall be shut off and all such lines cut or disconnected at or outside the moving or demolition area before work is started on the site. Prior to the disconnection of such lines, the contractor or property owner shall notify the utility company and the Building Official and shall obtain approval in compliance with applicable codes and requirements. Exception: If it is necessary to maintain electrical service during the process of moving or demolition, such service shall be temporarily relocated or protected with substantial covering to the satisfaction of the electric service company and the Building Official and said relocation shall be in conformance with applicable codes and requirements. All gas, water, sewer and other service lines shall be shut off and capped or otherwise controlled at or outside of the moving or demolition area or curb line before moving or demolition work is commenced. In each case, the service company and the Building Official shall be notified in advance and approval obtained by the contractor or property owner in compliance with applicable codes and requirements. Exception: If it is necessary to maintain any water or other lines during the moving or demolition process, such lines shall be temporarily relocated or protected with substantial covering to the satisfaction of the utility companies and Building Official and in conformance with applicable codes and requirements.

6. Insurance.

A. Before any permit under this section may be issued, the applicant shall arrange for insurance required by this section.

B. The contractor shall not commence work under this section until the contractor has obtained all insurance required under this subsection. The contractor shall not allow any subcontractor to commence work on the contractor's subcontract until all similar insurance required for the subcontractor has been so obtained and approved. The contractor, or subcontractors, shall maintain all such insurance during the life of the project at no expense to the City and shall comply with any and all special requirements of coverage in any such insurance policy. The insurance shall be provided by a reliable insurance company licensed to do business

in Iowa in such limits as is acceptable to the Building Official. Certificates of insurance, together with duplicates of the policies, fully executed by officers of the insurance company written or countersigned by an authorized Iowa agent, shall be filed with the Building Official for approval. Said policies shall be maintained during the period of the permit and provide that they may not be canceled, permitted to expire, or materially changed without ten (10) days' written notice in advance to the City.

C. The contractor shall purchase and maintain comprehensive public liability insurance insuring the contractor and subcontractors, and defending and indemnifying the City, its elected and appointed officers, employees and agents, including their employees, representative agents and sub-consultants, as additional insured or otherwise, from bodily injury and property damage claims, demands, actions or causes of action arising out of or resulting directly or indirectly from any occurrence in connection with the action or work for which the permit is to be issued. In no event shall limits less than \$500,000 per person, \$1,000,000 per accident, and \$300,000 property damage be required.

D. Insurance covering special hazards, as determined by the Building Official, shall be covered by rider or riders in the comprehensive public liability insurance policy or policies required to be furnished by the contractor, or by separate policies or insurance in the amounts as defined in the special conditions of the contract.

E. The contractor shall purchase and maintain motor vehicle liability insurance in amounts not less than two hundred fifty thousand dollars (\$250,000.00) per person, five hundred thousand dollars (\$500,000.00) per accident, and property damage liability insurance in amounts not less than one hundred thousand dollars (\$100,000.00), covering each motor vehicle engaged in operations covered by the permit.

F. The contractor shall require subcontractors, if any, not protected under the contractor's insurance policies to take out and maintain insurance of the same nature and in the same amounts as required of the contractor for comprehensive liability and property damage, including but not limited to motor vehicle insurance on all motor vehicles operated by the subcontractor.

G. The Building Official may modify the insurance requirements for demolition of buildings if the owner of a one- or two-family dwelling shall do all the work involved in said demolition; provided a public liability insurance policy in a gross amount of two hundred fifty thousand dollars (\$250,000.00) for any occurrence is provided in such form as is acceptable to the Building Official.

7. Violations. It is unlawful for any person to move or demolish any building or structure, or use streets or public property during the operations of erecting, constructing, enlarging, altering, repairing, remodeling, or demolishing of a building or structure, within the City or cause the same to be done, contrary to or in violation of any of the provisions of this section or of this chapter.

156.13 ELECTRICAL CODE ADOPTED. There is hereby adopted by reference as the Asbury Electrical Code that certain building code known as the *National Electric Code*, including Annex H, as prepared and edited by the National Fire Protection Association, Quincy, Massachusetts, of the most current edition adopted by the Iowa Administrative Code with amendments except those provisions thereof which are hereinafter deleted, modified or amended. The provisions of the Asbury Electrical Code shall be to regulate the practice and materials used in the installation, maintenance, extension and alternation of all wiring, fixtures, appliances and appurtenances in connection with various electrical systems and installation of optical fiber cable within the corporate limits of the City. A copy of the current *National Electrical Code*, adopted by the State of Iowa shall be on file in the office of the City Clerk for public inspection. Said *National Electrical Code* is hereby amended as follows:

(Ord. 7-2021 – Jul. 21 Supp.)

1. Article 80, “Administration” is hereby added as a new article to read as follows:

80-1. Application to existing electrical systems and equipment.

(a) Additions, alterations or repairs. Additions, alterations or repairs may be made to any electrical system and equipment without requiring the existing electrical system and equipment to comply with all the requirements of this code, provided the addition, alteration or repair conforms to that required for a new electrical system and equipment and provided further that no hazard to life, health, property or safety will be created by such additions, alterations or repairs.

Minor additions, alterations and repairs to existing electrical systems and equipment may be made in accordance with the law in effect at the time the original installation was made, when approved by the Building Official.

- (b) Existing installations. Electrical systems and equipment lawfully in existence at the time of the adoption of this code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property has been created by such electrical system and equipment.
- (c) Changes in building occupancy. Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the Asbury Building Code, shall comply with the requirements of this code which are applicable to the new use or occupancy.
- (d) Maintenance. All electrical systems and equipment, both existing and new, and all parts thereof shall be maintained in a proper operating condition in accordance with the original design and in a safe and hazard-free condition. AR devices or safeguards which are required by this code shall be maintained in conformance with this code. The owner or designated agent shall be responsible for the maintenance of the electrical system. To determine compliance with this subsection, the Building Official may cause any electrical system to be reinspected.
- (e) Moved building. Electrical systems and equipment which are a part of buildings or structures moved into or within this City shall comply with the provisions of this code for new installations.

80-2. Definitions.

“Approved,” as to materials, equipment and method of construction, refers to approval by the Building Official as the result of investigation and tests conducted, or by

reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

“Approved agency” or “approved testing agency” is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the Building Official.

“Building Code” means the building code as adopted and amended by the City.

“Building Official” is the officer appointed pursuant to Section 156.01 of the Code of Ordinances, or any duly authorized representatives.

“Chief electrical inspector” shall be the Building Official, or any person providing expertise for the Building Official in the area of electrical regulations.

“Code enforcement agency” is the Building Services Department established under Section 156.01 of the Code of Ordinances, which is under the administration and operational control of the Building Official.

“Firewall” is the same as an area separation wall as used in the Building Code.

“Listed” and “listing” are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that the equipment complies with nationally recognized safety standards.

“Multiple occupancy building” is a building having more than one tenant and may be of single or mixed use groups as classified by the Building Code.

“Occupancy” is the purpose for which a building, or part thereof, is used or intended to be used.

80-3. Conflicting provisions. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

80-4. Alternate materials and methods of construction. The provisions of this code are not intended to prevent the use of

any material or method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the Building Official.

The Building Official may approve any alternate, provided it is found that the proposed design is satisfactory and complies with the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability and safety.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the use of alternates. The details of any action granting approval of an alternate shall be recorded and entered in the files of the Building Services Department.

80-5. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official may grant modifications for individual cases, provided it is found that a special individual reason makes the strict letter of this code impractical and the modification is in conformity with the intent and purpose of this code, and that such modification does not fail to meet minimum health, life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the files of the Building Services Department.

80-6. Tests. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that materials or construction do not conform to the requirements of this code, the Building Official may require tests as evidence of compliance to be made at no expense to the City.

Test methods shall be as specified by this code or by other recognized test standards. In the absence of recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for the retention of public records.

2. Article 81, "Enforcement" is hereby added as a new article to read as follows:

81-1. Powers and duties of Building Official.

(a) Authority to disconnect utilities in emergencies. The Building Official or authorized representative shall have the authority to disconnect any electric power or energy service supplied to the building, structure or building service equipment therein regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever practicable notify the serving utility, the owner and occupant of the building, structure or electrical system or equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

(b) Authority to condemn electrical system and equipment. Whenever the Building Official ascertains that any electrical system or equipment regulated in this code has become hazardous to life, health or property, the Building Official shall order in writing that such electrical system or equipment either be removed or restored to a safe condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective electrical systems or equipment after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within twenty-four (24) hours of the order to disconnect to the serving utility, the owner and occupant of such building, structure or premises.

When any electrical system or equipment is maintained in violation of this code and in violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

(c) Connection after order to disconnect. No person shall make connections from any energy or power supply nor supply power to any electrical system or equipment which

has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such electrical system or equipment.

81-2. Unsafe electrical systems or equipment. All electrical systems or equipment regulated by this code which constitute a fire hazard, or are otherwise a hazard to safety, health, property or public welfare, are unsafe. All such unsafe electrical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures for repair, vacation, or demolition of dangerous buildings set forth in Chapter 145 of the Code of Ordinances. As an alternative, the Building Official or other employee or official of this City as designated by the City Council may institute any other appropriate action to prevent, restrain, correct or abate the violation.

81-3. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any electrical system or equipment or cause or permit the same to be done in violation of this code.

3. Article 82, "Permits and Inspections," is hereby added as a new article to read as follows:

82-1. Permits.

- (a) Permits required. Except as specified in subsections (b) and (c) of this section, no electrical system regulated by this code shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit for each building or structure has first been obtained from the Building Official.
- (b) Exempt work. An electrical permit shall not be required for the following:
 - (1) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.

- (2) Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
- (3) Temporary decorative lighting.
- (4) Repair or replacement of current-carrying parts of any switch, contractor or control device.
- (5) Reinstallation of attachment plug receptacles, but not the outlets therefor.
- (6) Repair or replacement of any overcurrent device of the required capacity in the same location.
- (7) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
- (8) Taping joints.
- (9) Removal of electrical wiring.
- (10) Temporary wiring for experimental purposes in suitable experimental laboratories.
- (11) The wiring for temporary theater, motion picture or television stage sets.

However, any such exempted work that is to be performed in other than a single-family home by the home owner, shall be performed or directly supervised by a City licensed Class I, II or III electrician.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this City.

- (c) Exempt systems and utilities. An electrical permit shall not be required for the following:
 - (1) Electrical wiring, devices, appliances, apparatus or equipment operation at less than twenty-five (25) volts and not capable of supplying more than fifty (50) watts of energy.

- (2) Low energy power, control and signal circuits of Classes II and III as defined in this code.
- (3) A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this City.

82-2. Application for permit.

- (a) Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Services Department for that purpose. Every such application shall:
 - (1) Identify and describe the work to be covered by the permit for which application is made.
 - (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 - (3) Indicate the use or occupancy for which the proposed work is intended.
 - (4) Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection (b) of this section.
 - (5) Be signed by permittee, or authorized agent.
 - (6) Give such other data and information as may be required by the Building Official.

- (b) Plans and specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such. EXCEPTION: The Building Official may waive the submission of plans, calculations, etc., if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.
- (c) Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

Plans for buildings more than two stories in height of other than Groups R, Division 3 and M Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical and communication conduits, pipes and similar systems.

82.3. Permit issuance and expiration.

- (a) Issuance. The application, plans and specifications, and other data, filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this City to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in Section 82-4. have been paid, a permit shall be issued therefor to the applicant.

When the Building Official issues the permit where plans are required, the plans and specifications shall be endorsed in writing or stamped "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of an electrical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at personal risk without assurance that the permit for the entire building, structure or building service will be granted.

- (b) Retention of plans. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building work at all times during which the work authorized thereby is in progress. One set of approved plans, specifications and computations shall be retained by the Building Official until final approval of the work.
- (c) Validity of permit. The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code, or of any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of these codes shall be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this City.

- (d) Expiration. Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days following the last inspection of said work. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

- (e) Suspension or revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of the City.

82-4. Fees.

- (a) Permit fees. The fee for each electrical permit shall be as set forth in Table No. 3-A below:

- (b) Plan review fees. When a plan or other data are required to be submitted by subsection (c) of Section 82-2, a plan review fee shall be paid as set forth in Table No. 3-A. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table No. 3-A.
- (c) Expiration of plan review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action, on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
- (d) Investigation fees work without a permit.
 - (1) Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
 - (2) Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code nor from any penalty prescribed by law.
- (e) Fee refunds.

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

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

**TABLE 3-A.
ELECTRICAL PERMIT FEES**

Permit issuance:

- 1. For the issuance of each permit\$10.00
- 2. For issuing each supplemental permit.....\$ 5.00

Minimum fee schedule:

Minimum permit fee (in addition to permit issuance fee)\$ 7.50

System fee schedule:

New residential buildings, excluding hotels and motels. The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time:

For new residential buildings (including apartments and condominiums) not including the area of garages, carports, and other noncommercial automobile storage areas constructed at the same time, per square foot.....\$ 0.05

For uninhabitable areas such as unfurnished basements, garages, carports and other types of residential occupancies and alterations, additions and modifications to existing residential buildings, use the unit fee schedule.

Private swimming pools:

For new private, residential, in-ground swimming pools for single-family, multifamily occupancies including a complete set of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool, each\$29.00

Temporary power service:

For a temporary service power pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances, each.....\$17.00

For a temporary distribution system and temporary lighting and receptacle outlets for construction sites,

decorative light, Christmas tree sales lots, fireworks stands, etc., each \$17.00

Unit fee schedule:

Receptacle, switch and lighting outlets. For receptacle, switch, lighting or other outlets at which current is used or controlled, except services, feeders and meters:

First 20, each \$ 0.60
Additional outlets, each \$ 0.25

Note: For multi-outlet assemblies, each 5 feet or fraction thereof may be considered as one outlet.

Lighting fixtures:

For lighting fixtures, sockets or other lamp holding devices:

First 20, each \$ 0.60
Additional fixtures, each \$ 0.25
For pole or platform-mounted lighting fixtures, each ... \$ 1.15
For theatrical-type lighting fixtures or assemblies, each \$ 1.15

Residential appliances:

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges, self-contained room, console, or through-wall air conditioners; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one horse-power (HP) in rating, each \$ 6.00

Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see “power apparatus.”

Power apparatus:

For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

Rating in horsepower (HP), kilowatts (KW), kilovolt-amperes (KVA), or kilovolt-amperes-reactive (KVAR):

Up to and including 1, each	\$ 6.00
Over 1 and not over 10, each	\$ 7.00
Over 10 and not over 20, each	\$ 9.00
Over 20 and not over 30, each	\$12.00
Over 30, each	\$12.00 + 0.25/hp

Notes:

1. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.
2. These fees include all switches, circuit breakers, contractors, thermostats, relays and other directly related control equipment.

Busways:

For trolley and plug-in-type busways, each 100 feet or fraction thereof	\$ 0.60
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Note: An additional fee will be required for lighting mixtures, motors and other appliances that are connected to trolley and plug-in-type busways. No fee is required for portable tools.

Signs, outline lighting and marquees:

Neon signs, First transformer or sign over 2 sockets	\$ 7.50
Each additional transformer or ballast	\$ 4.60

Gasoline sales equipment:

Each gasoline pump or dispenser	\$ 7.50
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Services and/or subparcels:

0 to 100 AMPS	\$ 9.00
Over 100 to 400 AMPS	\$14.00
Over 400 to 600 AMPS	\$21.00
Over 600 to 1,000 AMPS	\$28.00
For services over 600 volts or over 1,000 amperes in rating, each	\$43.00

Miscellaneous apparatus, conduits and conductors:

For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth.....	\$17.00
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Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment.

Miscellaneous fees not covered elsewhere.

For each reinspection	\$60.00
For annual permit at \$15.00 per month, yearly	\$ 180.00
For construction plan review (minimum charge – 1 hour), – per hour	\$60.00
Inspections for which no fee is specifically indicated (minimum charge – ½ hour–, per hour	\$60.00
Inspections outside of normal business hours, per hour	\$60.00*
Inspections upon less than 24-hour advance notice, in addition to any other inspection fees which may apply:	\$100.00

* Or the total hourly cost to the City, whichever is greater.

This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

(Ord. 1-09 – May 10 Supp.)

82-5. Inspections.

- (a) General. All electrical systems and equipment for which a permit is required by this code shall be subject to inspection by the Building Official. No portion of any electrical system intended to be concealed shall be concealed until inspected and approved. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this code shall not be connected to the energy source until authorized by the Building Official.
- (b) Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least

one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting inspections required by this code to provide access to and means for proper inspection of such work.

- (c) Operation of electrical equipment. The requirements of this section shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. The request for inspection of such equipment must have been filed with the Building Official not more than forty-eight (48) hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building.
- (d) Other inspections. In addition to the called inspections required by this code, the Building Official may make or require other inspections of any work to ascertain compliance with the provisions of this code and other laws which are enforced by the Building Services Department.
- (e) Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with Table No. 3-A.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

- (f) Monthly maintenance inspections. In industrial plants where experienced electricians are regularly employed and who have charge of the electrical work in such plants, a monthly inspection shall be made by the Building Official of the installation of electric wiring, fixtures, appliances, work and materials used in connection with the operation of work in said plant. A record shall be kept at such plants covering the preceding month. This record shall be filed with the Building Official each month prior to the time set for making regular inspection. Any false statement contained in the reports required to be filed with the Building Official shall subject the person, firm or corporation responsible therefor to the penalties provided in this article.

82-6. Connection approval.

- (a) Energy connections. An electrical system or equipment regulated by this code for which a permit is required shall not be connected to a source of energy or power until approved by the Building Official.
- (b) Temporary connections. The Building Official may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for use under a temporary certificate of occupancy.”

4. Article 83, “Registration and Examination of Electricians” is hereby added as a new article to read as follows:

83-1. Definitions. For use within this article, the following words and phrases are defined:

“Apprentice and/or helper” shall include any person who does not hold a license as a journeyman electrician, maintenance electrician or contractor and is assisting in the installation, alteration or repair of electrical work.

“Electrical contractor” means any person, firm or corporation who undertakes, or offers to undertake to plan for, supervise, lay out, and do electrical work for a fixed sum, price, fee, percentage, or other compensation.

“Electrical equipment” means all electrical materials, wiring, conductors, fittings, devices, appliances, fixtures, signs and apparatus or parts thereof.

“Electrical work” means all installations, alterations, repairs, removals, renewals, replacements, connections, disconnections and maintenance of all electrical equipment except as otherwise noted.

“Journeyman electrician” means a person having necessary qualification, training, experience and technical knowledge to do electrical work in accordance with current electrical ordinances of the City.

“Maintenance electrician” means a person who has the necessary training, experience and technical knowledge to undertake the work of installing, servicing, maintaining, altering and repairing electrical devices, appliances and equipment within the stipulated confines of property owned or controlled by the firm, business or company by whom employed. An electrical maintenance certificate of competency may be issued to an individual and will entitle the holder thereof to undertake the work of installing, servicing, maintaining, altering and repairing electrical devices, appliances and equipment only within the confines of the property owned by such individual for use or application to such property.

“Registered” means registered under this article, except as otherwise specified.

83-2. Registration required; exceptions.

- (a) No person, firm or corporation shall perform any electrical work as an electrical contractor, journeyman electrician or maintenance electrician in the City unless registered as provided in this article.

- (b) No Class I electrical contractor or Class II electrical maintenance electrician shall hire or employ any apprentice/helper to perform any electrical work unless said apprentice/helper is under the direct supervision of a Class I registrant or Class II or III holder of a certificate of competency. The ratio of apprentice/helper electricians to Class I registrants or Class II or III holders of certificates of competency at any time shall not exceed the ratios given in Table 3-B. Supervision shall mean the physical presence of a Class I registrant or Class II or III certificate of competency holder on the job site and within visual sight of the apprentice/ helper who shall be engaged in the same phase of the project as the supervising party.

Every person who desires to perform the work of an electrical apprentice/helper shall register by name with the Building Official on such forms as the Building Official shall prescribe.

Employment of an unregistered apprentice/helper shall be grounds for the suspension or revocation of the employing Class I electrical contractor's registration or Class II electrical maintenance certificate of competency.

Table 3-B

MAXIMUM NUMBER OF APPRENTICE/ HELPER ELECTRICIANS THAT MAY BE SUPERVISED BY CLASS I REGISTRANTS OR CLASS II OR CLASS III HOLDERS OF CERTIFICATES OF COMPETENCY.

Number of Class I Registrants, Class II or Class III Holders of Certificates of Occupancy	Maximum Number of Apprenticed Helpers Supervised
1	1
2-3	2
4-5	3
6-7	4
8-9	5
10-11	6
12-13	7
14-15	8
16-17	9
18-19	10

These ratios may be extrapolated beyond those given as long as the proportion of supervisors to apprentice/helpers is constant.

- (c) The owner or owners of a single-family dwelling (or mobile home) including the usual accessory building and quarters used exclusively for living purposes may do such electrical work without registration as demonstrated by the capability to do, to the Building Official, providing that the dwelling (or mobile home) will be occupied by the owner and that a permit is issued as provided in the electrical code. No person qualifying for the owner-occupant exemption shall be eligible for a subsequent exemption on any other structure for seven (7) years.
- (d) The provisions of this article shall not apply to any regular employee of a public utility who does electrical work for such public utility only, nor shall they apply to the electrical work of a telephone or telegraph company, nor the persons, firms or corporations performing electrical work

for such a company, where such electrical work is an integral part of the plant used by such telephone or telegraph company in rendering its duly authorized service to the public, nor to any regular employee of any railroad who does electrical work only as a part of that employment.

- (e) The provisions of this article shall not apply to the replacement of integral parts of equipment or appliances by firms or persons in possession of a valid certificate of competency, issued previously to the firm or person, by the building services division of the City, under other pertinent City ordinances.

83-3. Classes of registration. Four (4) classes of registration are hereby established and certificates thereof shall be issued only upon the direction of the Building Code Commission, which classes shall be designated respectively as:

- (1) Class I. Electrical contractor's registration shall entitle the holder thereof to engage in the business of electrical contracting, and to secure permits for the installation, alteration or repair of any electric wiring, device, appliances or equipment.
- (2) Class II. Electrical maintenance certificate of competency shall entitle the holder thereof to undertake the work of installing, servicing, maintaining, altering and repairing electrical devices, appliances, and equipment within the confines of property owned or controlled by the firm, business or company employing such registration holder or within the confines of property owned by an individual.
- (3) Class III. Journeyman electrician's certificate of competency shall entitle the holder thereof to undertake the work of installing, maintaining, altering and repairing electrical devices, appliances and equipment in the employ of an electrical contractor.
- (4) Class IV. Apprentice/helper work certificate shall entitle the holder thereof to assist in the installation,

alteration or repair of electrical work. This assistance shall be performed only under the direct supervision of a Class I registered electrical contractor or a Class II or III holder of a certificate of competency.

Sec. 83-4. Examination required. Any person desiring to be examined for a registration certificate as an electrical contractor or a certificate of competency for electrical maintenance or as a journeyman electrician, as determined by this article, shall make application to the Building Code Commission, on forms furnished by the Building Code Commission, setting forth information necessary to establish qualifications as such and payment of an examination fee as specified in Table No. 3-C. Minimum qualifications of skill knowledge and experience shall be evidenced by four (4) years (approximately 8000 hours) of proven experience in the electrical field under the supervision of a licensed electrical person; provided further that the Building Code Commission may waive up to one (1) year (2000 hours) of this requirement upon proof of at least three (3) years of comprehensive, specialized educational training, or registration as a professional engineer. Persons failing an examination and desiring to take the examination again must make application for the examination and pay the examination fee as required in the first instance.

(Ord. 11-04 – Nov. 04 Supp.)

Sec. 83-5. Scope of examination. Applications for registration under this article will be examined by the Building Code Commission to determine their knowledge of the rules and regulations governing the installation of electric wiring, devices, appliances and equipment as set forth in the statutes of the State, the ordinances of the City and in the National Electric Code, (in order) to determine the general qualifications and fitness of each applicant for executing the class of work covered by the registration applied for.

(Ord. 7-04 – Jun. 04 Supp.)

Sec. 83-6. Reexamination. Should an applicant for registration under this article fail to pass an examination by not obtaining a rating thereon of seventy-five (75) percent or higher, such applicant may be reexamined upon

submitting an application in writing accompanied by the examination fee, after a period of sixty (60) days has elapsed from the date of the applicant's last previous examination. *(Ord. 7-04 – Jun. 04 Supp.)*

Sec. 83-7. Fees for certificates; insurance. Before a certificate of registration is granted to any applicant under this article and before an expiring registration is renewed, the applicant shall pay to the City a fee as specified in Table No. 3-C and, for Class I applicants only, furnish the required evidence of insurance.

TABLE NO. 3-C

Electrical Examination, License and Registration Fees

1. Initial fee for Class I registration	\$ 100.00
2. Initial fee for Class II registration	\$ 75.00
3. Initial fee for Class III registration.....	\$ 35.00
4. Initial fee for Class IV registration.....	\$ 15.00
5. Renewal fee for Class I registration	\$ 50.00
6. Renewal fee for Class II registration.....	\$ 35.00
7. Renewal fee for Class III registration	\$ 25.00
8. Renewal fee for Class IV registration	\$ 15.00

TABLE NO. 3-C
Electrical Examination, License and Registration Fees
(Continued)

- | | |
|-------------------------------|------------------------------|
| 9. Class I examination fee | As set by the testing agency |
| 10. Class II examination fee | As set by the testing agency |
| 11. Class III examination fee | As set by the testing agency |

(Ord. 7-04 – Jun. 04 Supp.)

83-8. Insurance required. Prior to the issuance or renewal of a Class I electrical contractor's registration, the applicant shall furnish to the Building Official proof of comprehensive general liability insurance with a minimum coverage limit of not less than one million dollars (\$1,000,000.00); said insurance policy to be written by an insurer licensed to do business in the State of Iowa. Each Class I electrical contractor shall also maintain on file with the Building Official a certificate evidencing that the insurer will give the Building Official fifteen (15) days written notice prior to termination or cancellation of the required comprehensive general liability insurance.

Upon notice of termination or cancellation of insurance, the Building Official shall notify the Class I registrant that the electrical contractor's registration is revoked effective on the date of termination or cancellation of the required insurance coverage. This revocation can only be stopped by the registrant providing proof of other insurance prior to the date of revocation of registration.

83-9. Expiration of registration; renewal; failure to renew.

- (1) Each registration shall expire on December thirty-first, following the date of its issue and shall be renewed by the Building Code Commission upon application of the holder of the registration and payment of the required fees any time on or before January first of each year.

Renewal of registration shall not be granted to a holder of a registration while indebted to the City under the terms of this article.

- (2) If there is a lapse of over sixty (60) days from the expiration of a registration renewal, the renewal procedure shall be the same as on an original application.

83-10. Suspension of permit privilege for multiple violations. Where a registered electrical contractor is found doing electrical work without an electrical permit on three (3) separate occasions in one calendar year, a hearing shall be held by the Building Official at which time the permit privileges of said electrical contractor may be suspended for a period of time not to exceed one year. The members of the Building Code Commission as established by Article 81-3 shall be present at such hearings and shall act as advisors to the Building Official in determining what course of action should be taken.

83-11. Waiver of examination, reciprocity. Any electrical contractor coming to the City from another city with which the Building Code Commission has executed a reciprocal licensing agreement, and who can demonstrate compliance with the terms of the agreement, shall, upon approval of the board, be excused from examination. All other requirements of this article for registration shall be met prior to issuance of a reciprocal registration.

83-12. Display of certificate. Every holder of a registration, except journeyman electricians and apprentice/helpers shall have the certificate of registration displayed in a conspicuous place in their principal place of business. Journeyman electricians and apprentice/helpers shall carry their certificate cards on the job site.

83-13. Transferability. No license may be loaned, rented, assigned or transferred. No holder of a valid license shall obtain a permit under said license and then sub-contract, sell or otherwise assign the work covered by said permit to a person or firm who does not have a valid license.

5. Add the following exceptions to Article 210, Branch Circuits, section 210.8 paragraph (A), subparagraph (2):

- a. Exception No. 1 to (2): Receptacles that are not readily accessible.
- b. Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for

each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

c. Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

6. Add the following exceptions to Article 210, Branch Circuits, section 210.8 paragraph (A), subparagraph (5):

a. Exception No. 2 to (5): Receptacles that are not readily accessible.

b. Exception No. 3 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

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

7. Article 225, “Outside Branch Circuits and Feeders” is amended by repealing section 225.26 and replacing it to read as follows:

225.26 Live vegetation. Live vegetation such as trees shall not be used for support of overhead conductor spans. However, upon application to the Mayor and upon such terms and conditions as the Mayor shall require, trees on public property may be used for temporary decorative lighting from November 1 until January 15 of the following year.

8. Article 334, “Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS” is hereby added to read as:

334.12(A)(11) In any structure exceeding three floors above finished grade. For the purposes of this article, the first floor of a building shall be that floor that has 50 percent or more of the exterior wall surface area level with or above finished grade.

9. Article 681, “Trampolines” and Table 3-D are hereby amended to read as follows:

681.1 Trampolines and overhead conductor clearances. The trampoline shall not be placed under existing service-drop conductors or any other open overhead wiring; nor shall such wiring be installed above the trampoline except as follows:

Table 3-D. Clearances

Insulated supply or service drop	All other supply or service drop	All other supply or service drop
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cable, 0-750 volts to ground, on and cabled together with an effectively grounded bare messenger or neutral	conductors voltage to ground 0 to 15kv	conductors voltage to ground over 15kv
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In any direction not less than 14 feet: not less than 17 feet: not less than 18 feet above trampoline.

Horizontal limit from not less than 10 feet: not less than 10 feet: not less than 10 feet edge of trampoline.

(Ord. 2-2014 – Apr. 14 Supp.)

156.14 MECHANICAL CODE ADOPTED. There is hereby adopted by reference as the *Asbury Mechanical Code* that certain mechanical code known as the *International Mechanical Code*, 2015 Edition, including Appendix A, as prepared and edited by the International Code Council, subject to the amendments and other provisions of this section. The provisions of the *Asbury Mechanical Code* shall be controlling for the installation, maintenance and use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the corporate limits of the City. A copy of the *International Mechanical Code*, 2015 shall be on file in the office of the City Clerk for public inspection. Said *International Mechanical Code*, 2015 is hereby amended as follows:

1. Section 106 “Permits” is hereby amended to read as follows:

106.5.1 Work commencing before permit issuance. Any person who commences any mechanical work related to a building or structure before obtaining the necessary permits is required to pay an amount equal to twice the amount of the initial permit fee. The payment of such doubled fee shall not relieve any person from otherwise fully complying with any of the requirements of this chapter and the *Asbury Mechanical Code* in the execution of the work nor from other fees or penalties provided in the City Code of Ordinances.

106.5.2 Fee schedule. The fees for mechanical permits shall be set forth in Table No. 106.5-2

106.5.3 Refunds. The Building Official is authorized to refund fees under the following conditions:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 (eighty) percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

**TABLE NO. 106.5-2
MECHANICAL PERMIT FEES**

Permit Issuance

- 1 For the issuance of each permit..... \$ 10.00
- 2 For issuing each supplemental permit..... \$ 5.00

Unit Fee Schedule (in addition to item (1) or (2) above)

- 1 For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h..... \$ 17.00
- 2 For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h \$ 21.00
- 3 For the installation or relocation of each floor furnace, including vent..... \$ 17.00
- 4 For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater..... \$ 17.00
- 5 For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit..... \$ 17.00
- 6 For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code..... \$ 17.00
- 7 For the installation or relocation of each boiler or compressor to and including three (3) horsepower, or each absorption system to and including 100,000 Btu/h \$ 17.00
- 8 For the installation or relocation of each boiler or compressor over three (3) horsepower to and including fifteen (15) horsepower, or each absorption system over 100,000 Btu/h to and including 500,000 Btu/h..... \$ 31.00
- 9 For the installation or relocation of each boiler or compressor over fifteen (15) horsepower to and including thirty (30) horsepower, or each absorption

system over 500,000 Btu/h to and including 1,000,000 Btu/h.....	\$ 42.00
10 For the installation or relocation of each boiler or compressor over thirty (30) horsepower to and including fifty (50) horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h	\$ 66.00
11 For the installation or relocation of each boiler or refrigeration compressor over fifty (50) horsepower, or each absorption system over 1,750,000 Btu/h...	\$108.00
12 For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto	\$ 12.00
Note: This fee shall not apply to an air-handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this code.	
13 For each air-handling unit over 10,000 cfm-cubic feet per minute.....	\$ 21.00
14 For each evaporative cooler other than portable type.....	\$ 12.00
15 For each ventilation fan connected to a single duct	\$ 8.00
16 For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$ 17.00
17 For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood.....	\$ 12.00
18 For the installation or relocation of each commercial or industrial-type incinerator	\$ 69.00
19 For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code.....	\$ 12.00
20 When applicable (see Section 103), permit fees for fuel-gas piping shall be as follows: For each gas-piping system of one to five (5) outlets.....	\$ 15.00
For each gas-piping system of more than five (5) outlets, per outlet	\$ 3.00

Other Inspections and Fees

- 1 Inspection outside of normal business hours,
per hour \$ 80.00
(Minimum charge-two (2) hours)
- 2 Reinspection fee assessed under provisions of
Section 305(f), each \$ 80.00
- 3 Inspections for which no fee is specifically
indicated, per hour \$ 80.00
(Minimum charge-one-half hour)
- 4 Plan review fees when a plan is required by code,
per hour of review time..... \$ 80.00
(Minimum of one-half hour charge and charged
in half-hour increments beyond the first hour;
plans which must be sent to Kansas City for
review will be charged for ten (10) hours of
review time)
- 5 Additional plan review required by changes,
additions or revisions to approved plans, per hour \$ 80.00
(Minimum charge-one-half hour)
- 6 Inspections upon less than 24-hour advance
notice in addition to any other inspection fees
which may apply: \$100.00

2. Section 108.7, “Unsafe Mechanical Systems,” is hereby amended to read as follows:

108.7 Unsafe Mechanical Systems. Non-vented heaters, ventless fireplaces and a mechanical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

3. The Asbury Mechanical Code is amended by adding the following provision:

“Apprentice” means any person, other than a helper, journey person, or master, who, as a principal occupation, is engaged in working as an employee of a mechanical contractor under the supervision of a master or a journey person.

All apprentices shall at all times be supervised by one or more persons holding a journeyman or master license issued by the State of Iowa. Such supervision shall require the physical presence of the supervisor(s) on the job site and within visual site of the apprentice. The proportion of apprentices to supervisors holding licenses shall be as follows:

Number of supervisors	Number of apprentices
1	1
2-3	2
4-5	3
6-7	4
8-9	5
10-11	6
12-13	7
14-15	8
16-17	9
17-18	10
18-19	11

and the pattern shall be extrapolated for any greater number of apprentices [(minimum number of supervisors) = 2 x (number of apprentices) – 2].

(Ord. 3-2017 – Feb. 17 Supp.)

156.15 PLUMBING CODE ADOPTED. There is hereby adopted by reference as the ‘*Asbury Plumbing Code*’ that certain plumbing code known as the *International Plumbing Code*, 2015 Edition, as published by the International Code Council, Inc., notwithstanding any reference thereto in the provisions of said *International Plumbing Code, 2015*, and subject to the amendments and other provisions of this section. The provisions of the *Asbury Plumbing Code* shall be controlling for the installation, alteration, repair, relocation, replacement, addition to and use or maintenance of plumbing equipment and systems in all matters covered by such *Asbury Plumbing Code* within the corporate limits of the City, except otherwise provided in this Code of Ordinances in respect to sewer and water distribution systems to be located within the City streets. A copy of the *International Plumbing Code 2015* shall be on file in the office of the City Clerk for public inspection. Said *International Plumbing Code, 2015* is amended as follows:

1. Section 106 “Permits” is hereby amended and replacing with new subsections 106.6.1, 106.6.2 and 106.6.3 in lieu thereof to read as follows:

106.6.1 Work Commencing Before Permit Issuance. Any person who commences any work plumbing work on a related to a building or structure before obtaining the necessary permits is required to pay an amount equal to twice the amount of the initial permit fee building. The payment of such doubled fee shall not relieve any person from otherwise fully complying with any of the requirements of this chapter and the Asbury Plumbing Code in the execution of the work nor from other fees or penalties provided in the City Code of Ordinances.

106.6.2 Fees. Fees for each permit shall be set forth in Table No 106.6-2.

106.6.3 Refunds. The Building Official is authorized to refund fees under the following conditions:

- (1) The full amount of any fee paid hereunder that was erroneously paid or collected.
- (2) Not more than 80 (eighty) percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**TABLE NO. 106.6-2
PLUMBING PERMIT FEES**

Permit Issuance

- 1 For issuing each permit..... \$ 10.00
- 2 For issuing each supplement to a permit \$ 5.00

Unit Fee Schedule (in addition to Item 1 or 2 above)

- 1 For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping, venting, and backflow protection therefor)..... \$ 8.00
- 2 For installing, repairing or replacing each building, trailer or mobile home sanitary or storm sewer:
 - a. From City main to the property line..... \$ 15.00
 - b. From the property line to a building, trailer or mobile home \$ 15.00

3	For each drain opening in a building, trailer or mobile home storm drain.....	\$ 12.00
4	For each floor drain.....	\$ 8.00
5	For each cesspool – Cesspools are not permitted.	
6	For each building storm sewer to a building	\$ 15.00
7	For each water heater (with or without vent) ...	\$ 12.00
8	For each industrial or commercial waste pretreatment interceptor including its trap and vent, excepting kitchen type grease interceptors functioning as fixture traps	\$ 8.00
9	For installation, alteration or repair of water piping and/or water-treating equipment, except building, trailer or mobile home water service, each.....	\$ 15.00
10	For repair or alteration of drainage or vent piping, each fixture.....	\$ 15.00
11	For each lawn sprinkler system or any one meter including back-flow protection devices therefor	\$ 15.00
12	For atmospheric type vacuum breakers not included in Items 1 or 10:	
	One to 5.....	\$ 12.00
	Over 5, each	\$ 3.00
13	For each backflow protective device other than atmospheric-type vacuum breakers	\$ 12.00
14	For each backwater valve	\$ 15.00
15	For each gas piping system of one to 5 outlets.	\$ 15.00
16	For each gas piping system of 5 or more outlets, per outlet	\$ 3.00
17	For each building, trailer or mobile water service installed, replaced or repaired:	
	a. From water main to property line	\$ 15.00
	b. From property line to building, trailer or mobile home.....	\$ 15.00
	c. From private water supply to building, trailer or mobile home.....	\$ 15.00

Other Inspections

1	Inspections outside of normal business hours, per hour	\$ 80.00*
	(Minimum charge, two (2) hours)	
2	Reinspection fee assessed under provisions of Section 305(f), per hour.....	\$ 80.00*

- 3 Inspection for which no fee is specifically indicated, per hour \$ 80.00*
- 4 Plan review fee, per hour \$ 80.00
 (Minimum one hour charge and charged in one-half-hour increments beyond the first hour; plans which must be sent to Kansas City for review will be charged for ten (10) hours of review time)
- 5 Additional plan review required by changes, additions or revisions to previously approved plans, per hour \$ 80.00
 (Minimum charge one-half hour)
- 6 Inspections upon less than 24-hour advance notice, in addition to any other inspection fees which may apply: \$100.00
- * Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

2. Section 301, “General,” is hereby amended by adding the following to read as follows:

301.3.1 Illegal connections. No storm water, surface water, ground water, roof runoff, subsurface drainage, interior or exterior foundation drains or floor drains used for collecting storm water shall be connected to or discharged into any drainage system connected to a public or private sanitary sewer.

No septic tank, seepage pit or drainfield shall be connected to any public sewer or to any building sewer leading to such public sewer.

No commercial food waste grinder shall be connected to a private sewage disposal system unless permission has first been obtained from the Building Official.

An approved type watertight sewage or waste water holding tank, the contents of which, due to their character, must be periodically removed and disposed of at some approved off-site location, shall be installed only when required by the Building Official or the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition.

3. Section 603, “Water Service,” is hereby amended by adding the following to read as follows:

603.1.1 Material of water service pipe. The water service pipe to the point of entrance to the building shall be made of copper tube Type K.

4. Section 701, “General,” is hereby amended by adding the following to read as follows:

701.5.1 Roofs, inner courts, vent shafts, light wells or similar areas having rain water drain shall discharge to the outside of the building, to the gutter or to a storm drainage system.

The installation of sump pumps, sump pump connections or gravity connections which discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, interior and exterior foundation drains or floor drains used for collecting storm water to any sanitary sewer is specifically prohibited.

5. Section 903.1 “Roof Extensions,” is hereby amended to read as follows:

903.1 Roof extensions. Open vent pipes that extend through a roof shall be terminated not less than 10 inches (254 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

6. Section 903.2, “Frost Closure,” is hereby amended by repealing such section.

(Ord. 4-2017 – Feb. 17 Supp.)

[The next page is 935]