

CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

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

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

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.
(Code of Iowa, Sec. 364.12[3d])
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12[3d])
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12[3h])

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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CHAPTER 151

TREES AND VEGETATION

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

1. “Parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.
2. “Superintendent” means the Public Works Director or such other person as may be designated by the Council.
3. “Tree” means any woody perennial plant having a single, elongate main stem with few or no branches on its lower part and shrubs of arborescent form but does not include any shrub that is less than fifteen (15) feet in height.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking unless a permit is issued pursuant to Section 151.13 of this chapter.

151.03 VISION CLEARANCE AT STREET INTERSECTIONS. On a corner lot where setback or side yard exists, no fence, wall, shrubbery, ground, sign, billboard, marquee, or other obstruction to vision between a height of 2 feet and 10 feet above the centerline grade of intersecting streets shall be erected, placed, planted, allowed to grow, or maintained within the triangular yard space formed by the intersecting street lines and a line joining points on such street lines 25 feet from the point of intersection of the streets. Public utility poles and existing trees trimmed from the ground level to a height of 10 feet shall not be considered obstructions to vision.

151.04 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the City may serve notice on such property owner requiring said property owner to do so within five (5) days. If said owner fails to trim the trees within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

151.05 UNAUTHORIZED INTERFERENCE WITH TREES OR SHRUBS. No person shall remove, prune, cut, molest, break, deface, destroy, spray, repair, or do surgery work upon any tree or part thereof, or in any manner interfere with, disturb, or injure any tree, shrub, or plant, upon parking or the public property of the City. No person shall permit any

chemical, either solids or fluids, to seep, drain, or be emptied on or about any tree, shrub, or plant that is now or may hereafter be growing upon any public property of the City, without first obtaining a permit from the City Administrator.

151.06 HITCHING OR ANCHORING ARTICLES TO TREES. No person shall hitch or fasten any animal to any tree or shrub, or fasten to the same, for the purpose of anchorage, any wire, rope, chain or cable, nor shall any person nail, tie, or in any manner fasten any card, sign, poster, board, or any other article to any tree, shrub or plant that is now or may hereafter be growing upon any parking or public property of the City.

151.07 PERMISSION FOR PERMANENT ANCHORAGE. Permission may be granted by the City Administrator for permanent anchorage to trees if good practice in line construction indicates the desirability and the elimination of stubs or poles will result by so doing.

151.08 GUYING POLES TO TREES IN CASE OF EMERGENCY. In the event of storms or other emergencies, poles may be guyed temporarily to trees.

151.09 PERMIT TO REMOVE TREES FOR CONSTRUCTION PURPOSES. Any person desiring to remove a live tree standing on a street or parking thereof for construction of walks, drives, buildings, or any other structures for his or her own gain or purposes shall first obtain a permit from the City Administrator. If a permit is issued, the permittee must pay the cost of removal of such trees and shrubs, or the permittee may remove the same at permittee's own expense.

151.10 PROTECTION DURING EXCAVATION OR CONSTRUCTION. All trees, shrubs, or plants within the limits of any street, parking, or other property of the City near any excavation or construction of any building or structure shall be guarded with a good substantial frame or box not less than four feet square and six feet high. All building material or other debris shall be kept at least three feet from any tree, shrub, or plant.

151.11 TREE TRIM SPECIFICATIONS.

1. Any person trimming trees or causing trees, bushes, and other plants to be trimmed under the authority of this section or sections of this Code pertaining to utility franchises, if the entity wishing to trim is not itself the owner, shall:

A. Cause written notice to be given to the owner, occupant, or person in control of the property at least 15 days prior to any trimming; provided, however, notice shall not be required if trimming is necessary to restore electrical service or relieve a public emergency resulting from storm, accident, similar casualty, or other cause which immediately threatens electrical service or public safety. The notice shall state the nature of the trimming to be performed, the person's right to trim the tree, shrubbery, bush, or other plants, the date when such trimming must be completed if the owner desires to do the trimming, and whether an assessment or charge will be imposed by such person for trimming the tree, bush, or other plant.

B. Trim trees, bushes, and plants to the extent necessary to remove obstruction to protect lives and property.

C. Employ persons skilled in tree trimming so that the life and general aesthetic qualities of the tree are preserved.

2. The owner of any tree, shrub, or plant protruding into or overhanging a street or sidewalk shall trim the branches thereof to remove any obstruction of the view of any street lamp, street sign, traffic control device, or street intersection. A clear space of ten feet above the surface of a street or sidewalk must be maintained. All trimming shall conform to the specifications in subsection 1 of this section and to those required pursuant to the City's Traffic Code.
3. The City Administrator may order the removal of any tree, shrub, or plant or any part thereof which does not conform to the specification of subsection 2 of this section. Notice shall be given to the owner of the property as set forth in subsection 1 of this section. If the owner, occupant, or person in control fails to comply with the notice, the City Administrator shall cause the obstructing branches or foliage to be removed and shall submit the costs incident to the service of notice and removal to the City Council, which shall certify the same to the county auditor for collection with and in the same manner as general property taxes. Provided, however, in the event the City Administrator determines that a hazardous condition exists which constitutes an immediate danger to public safety because of the extensive nature or location of an obstruction caused by any tree, shrub, plant, or any part thereof, the City Administrator may cause the removal thereof forthwith without notice; and in such event, costs may be assessed in the same manner as provided above, after notice to the property owner and opportunity for hearing before the City Council is given.
4. Except as provided by subsection 3 of this section, no tree, bush, or shrub shall be removed without the written consent of the owner of the property upon which the tree, bush, or shrub is located.
5. Nothing in this section shall be construed to affect the rights of a landowner as against a neighboring landowner.

151.12 OBSTRUCTION OF ENFORCEMENT. No person shall hinder, obstruct, or otherwise interfere with the Superintendent or his/her representatives while engaged in carrying out the provisions of this chapter.

151.13 PERMIT TO PLANT IN STREETS.

1. No person shall plant or set out any tree, shrub, or plant in or on any parking, public highway, or street or other City property without first obtaining a permit from the City Administrator, which permit shall designate where such plantings may be done.
2. The permit shall be denied if such planting is likely to create a public danger or nuisance and shall not provide the permittee with any guarantee or assurance that the tree, shrub, or plant will be protected from subsequent trimming or destruction if such is required for health, welfare, or safety of the City's residents.

151.14 ASSESSMENT FOR PLANTING OR CARE OF TREES. The cost of planting, pruning, caring for, removing, or maintaining trees and shrubs, in whole or in part, upon the parking or public streets of the City may be assessed against the lots and parcels of land in front of which such trees or shrubs are planted and maintained.

151.15 PLANTING NEW TREES; ASSESSMENT. No plantings of new trees or shrubs shall be made and assessed against the abutting property owners except by action of the City Council. Notice of a proposal to plant new trees or shrubs must be made by publication in two newspapers of general circulation in the City 15 days prior to final action thereon.

151.16 SCHEDULE OF ASSESSMENTS. The cost of planting new trees and shrubs and the maintenance thereof, including removals and partial removal of trees and shrubs, shall be certified to the City Council by the Superintendent in a scheduled form setting forth the nature of the work done, the amount of the special assessment, the lots of specific portions thereof against which assessed, and the names of the owners thereof as far as practicable.

151.17 FILING ASSESSMENT SCHEDULE FOR PUBLIC INSPECTION. A schedule of assessments for planting of new trees and shrubs and maintenance, including removals and partial removal of trees and shrubs, shall be filed with the Clerk for public inspection.

151.18 OBJECTIONS TO ASSESSMENT SCHEDULE. Before final adoption of the schedule of assessments provided for in this chapter, the City Council shall give notice by two publications in each of two newspapers published in the City, stating that the schedule is on file in the office of the City Clerk and that within 20 days after the first publication all objections thereto or to the prior proceedings, on account of errors, irregularities or inequalities, must be made in writing and filed with the Clerk.

151.19 ADOPTION OF ASSESSMENT SCHEDULE. After the expiration of the 20-day period mentioned in Section 151.18 of this chapter, the City Council shall consider objections to the schedule of assessments, make the necessary corrections, and make, approve, and adopt the special assessments as shown in the schedule.

151.20 CERTIFYING ASSESSMENT SCHEDULE FOR COLLECTION. Upon final adoption of special assessments as shown in the schedule of assessments, the City Council shall cause the same to be certified to the County Treasurer with directions that the cost of the improvements or services as scheduled shall be assessed against the parcels of property designated therein, in the amounts set forth thereby, and that such amounts shall be collected as other special assessments.

151.21 DEAD AND DISEASED TREES.

1. Right to Enter, Test, and Inspect. The Public Works Director shall enforce the provisions of this section. To secure enforcement hereof, the Superintendent shall have the right and is hereby empowered to enter upon the property of any person within the City for the purpose of testing, inspecting, and obtaining samples of any trees, brush, wood, or debris thereon.
2. Permitting Dead or Diseased Trees or Plants to Stand.
 - A. No property owner shall maintain or permit to stand upon his or her property any tree, shrub, plant or part thereof which is dead, diseased, or so damaged as to be a menace to public safety.
 - B. When the Superintendent determines that any tree, shrub, plant or part thereof is dead, diseased, or so damaged as to be a menace to public safety, the Superintendent may request the City Council to direct the property owner to remove the same within thirty (30) days, or to appear before the City Council for hearing on the matter during said period to show cause why the tree, shrub, plant or the appropriate part thereof should not be removed by the City with the cost of removal assessed against the property owner. Such notice to show cause and notice of the proposed City Council action shall be by certified mail to the property owner of record.

C. If, after hearing, the City Council approves removal, the Clerk shall send a copy of the resolution by certified mail to the property owner directing such removal within 30 days or the City shall remove and assess the cost of removal against the property owner.

3. Removal of Trees, Shrubs, and Plants. The Superintendent may remove or cause to be removed all trees, shrubs, plants or parts thereof upon the public streets or highways or other City property within the City when removal shall be beneficial to the public peace, health, and safety, or for public improvements or if such trees, shrubs, or plants constitute a public nuisance or are dead or diseased, or detrimental to the growth of adjacent trees, plants, or shrubs growing in the public streets or other City property.

4. Removal of Trees Infected with Dutch Elm Disease or Oak Wilt.

A. In accordance with Section 364.12 of the *Code of Iowa*, any owner, occupant, or person in control of any property shall remove from such property, at his or her own expense, any tree, brush, wood, or debris infected with Dutch elm disease or oak wilt or any dead oak or elm which retains bark, when so notified by the Superintendent. The Superintendent shall cause to be mailed to such owner, occupant, or person in control written notice that said person may appear before the City Council at an appointed time not less than fourteen (14) days from the date of mailing to show cause why the infected tree, brush, wood, or debris should not be declared a public nuisance. At that meeting the City Council may resolve and declare the same to be a public nuisance and may order its removal by the owner, occupant, or person in control within thirty (30) days from the date of service of a copy of the resolution and order on the owner, occupant, or person in control; provided however, upon timely receipt of a request in writing from the property owner showing inability to perform, hardship, or other good cause, the City Administrator may grant an extension of time to a maximum of an additional thirty (30) days for said removal by the owner, occupant or other person. No extension of time exceeding sixty (60) days may be granted without prior approval by the City Council.

B. If the owner, occupant, or person in control fails to comply with the resolution and order of the City Council to so remove previously specified public nuisance, the Superintendent shall cause that public nuisance to be removed and shall submit the costs incident to the service and removal to the City Council, which shall certify the same to the County Treasurer for collection with and in the same manner as general property taxes.

5. Diseased Tree Inspection Fees.

A. Fees for the City inspection of a tree or trees shall be paid to the City Treasurer in an amount set by resolution of the City Council, provided fees for inspections not requested by the owner or the owner's representative shall be assessed only against those trees showing evidence of disease which requires removal of the tree.

B. For the purpose of this section, "private property" is defined as property not owned by the City.

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CHAPTER 152

TEMPORARY STRUCTURES

152.01 Definition

152.02 Compliance with Chapter Provisions

152.03 Permit Required

152.04 Permit Application

152.05 Permit Fees

152.06 Compliance with Codes

152.07 Removal

152.01 DEFINITION. “Temporary structure” means any shed, structure, building, trailer, tent or enclosure of any kind used for storage, commercial or business or residential purposes which any person or business intends to place on the same lot with or on any lot immediately adjacent to, any permanent structure used for business or commercial or residential purposes. This term includes “temporary portable storage container,” which is defined as a large container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods and that does not contain a foundation or wheels for movement. All other words or phrases shall have the same meaning assigned to them in Chapter 166 of this Code of Ordinances.

152.02 COMPLIANCE WITH CHAPTER PROVISIONS. No temporary structure or accessory structure shall be erected, constructed, or placed except as hereinafter provided.

152.03 PERMIT REQUIRED. No temporary structure or accessory structure shall be erected, constructed, or placed upon any commercial or business or residential property without first obtaining a permit from the Clerk. All permits are subject to approval by the Zoning Administrator. Further, the Zoning Administrator may impose certain reasonable requirements as may be required to keep the temporary structure from becoming unsightly to the surrounding properties.

152.04 PERMIT APPLICATION. Prior to seeking approval, an applicant shall file a permit application with the Clerk stating:

1. The name and address of the person or business seeking the permit;
2. A particular description of where the proposed temporary structure or accessory structure will be erected, constructed or placed;
3. The need for such structure;
4. The period of time the proposed structure will be present on the property; and
5. A particular description, including the dimensions, of the temporary structure or accessory structure to be erected, constructed, or placed upon the property.

152.05 PERMIT FEES. Upon approval by the Clerk and payment of a permit fee, the Clerk shall issue a permit to the applicant. The permit for a business or commercial class permit shall be for a period of thirty (30) days and shall authorize the erection, construction, or placement of a temporary structure on the property described in the application. The fee shall be in the amount as established from time to time by resolution of the Council. Residential class permit fee is waived for the first 180 days with the start of a new building, plumbing, mechanical, or electrical permit. After 180 days, fees imposed shall be in the amount as established from time to time by resolution of the Council.

152.06 COMPLIANCE WITH CODES. Any such temporary structure erected, constructed, or placed upon property shall comply with all applicable provisions of this Code of Ordinances, including the fire, electrical, and building codes. Containers must be placed on a hard-surfaced area and shall be located on the owner's lot, and no part of any container shall be located on any public property or in the right-of-way.

152.07 REMOVAL. All such temporary structure or accessory use or structure shall be removed from the property at the expiration of the time period defined in the permit.

CHAPTER 153

TEMPORARY SIGNS

153.01 Definition

153.02 Compliance with Chapter Provisions

153.03 Permit Required

153.04 Permit Application

153.05 Maximum Duration of Permit

153.06 Permit Issuance

153.07 Renewal

153.01 DEFINITION. “Temporary sign” means any banner, pennant, valance, or advertising display constructed by cloth, canvas, light fabric, cardboard, wallboard, plastic, or other material, with or without frames, intended to be displayed for a short period of time advertising any sale, grand opening, or product. This term also includes any portable sign or portable sign display and any sign or sign display on a truck or motor vehicle that has not moved upon a street in the City within the preceding twelve (12) hours. This term does not include signs advertising real property for sale or rent.

153.02 COMPLIANCE WITH CHAPTER PROVISIONS. No temporary sign shall be erected, placed, or displayed upon the exterior of any commercial or business property except as hereinafter provided.

153.03 PERMIT REQUIRED. No temporary sign shall be erected, placed, or displayed without first obtaining a permit from the Clerk.

153.04 PERMIT APPLICATION. An applicant shall file a permit application with the Clerk stating:

1. The name and address of the person or business seeking the permit;
2. A description of the proposed temporary sign, including the location where the temporary sign will be placed and the manner of its placement; and
3. The period of time such temporary sign will be displayed.

153.05 MAXIMUM DURATION OF PERMIT. A permit issued under the provisions of this chapter shall be issued for a period of thirty (30) days.

153.06 PERMIT ISSUANCE. Upon approval by the Clerk and payment of a permit fee, the Clerk shall issue a permit to the applicant. The permit shall be for a definite period of time and shall authorize the erection, placement, or display of a temporary sign. All permit fees under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fee may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fee shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

153.07 RENEWAL. Once approved, a permit for the erection, construction, or placement of a temporary sign may be renewed for an additional period of thirty (30) days. Only two such renewals are authorized. All renewal fees under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such renewal fee may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the current renewal fee shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

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CHAPTER 155

BUILDING CODES

155.01 Adoption of Building Codes

155.02 Administrative Provisions

155.03 Amendments, Modifications, Additions and Deletions

155.04 Permit Fees

155.05 Fences

155.06 Conversion to Horizontal Property Regime

155.07 Installment Sale Transactions

155.01 ADOPTION OF BUILDING CODES. Pursuant to published notice as required by law, the *International Building Code*, 2012 Edition (hereinafter known as the IBC), and the *International Residential Building Code*, 2012 Edition (hereinafter known as the IRC), published by the International Code Council, Inc., are adopted in full except for such portions as may be hereinafter deleted, modified, or amended, and the same are, by this reference, incorporated herein as fully and completely as if set forth in full herein. A copy of the IBC as adopted, a copy of the IRC as adopted, and a copy of this chapter are on file in the office of the Code Official.

155.02 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and in the following sections of the several codes named, which are hereby adopted by reference, to provide procedures for local enforcement of the codes, constituting the Windsor Heights, Iowa, Building Codes. The Building Official is responsible for the enforcement of the Building, Plumbing, Mechanical, Fire, Housing, and Dangerous Building Codes, and such other ordinances as shall be assigned to such official, and the Building Official shall perform such other duties as may be required by the City Administrator. The Building Official shall be accountable for the issuance of all applicable permits under this chapter and shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code, subject to approval of the Council, as he or she may deem necessary in order to clarify the application of the provisions of this code. Such rules, regulations, and interpretations shall be in conformity with the intent and purpose of this code.

155.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The IBC and the IRC are amended as hereinafter set out. In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

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

501.3 Fire protection of floors

Part VIII - Electrical

2. Subsection 101.1 of the IBC and R101.1 of the IRC are hereby deleted and there is enacted in lieu thereof the following subsections:

101.1 Title. These regulations shall be known as the Windsor Heights Building Code, hereinafter known as "this code."

R101.1 Title. These provisions shall be known as the Windsor Heights Residential Code for One- and Two-Family Dwellings, and shall be cited as such and will be referred to herein as "this code."

3. Subsection 101.4.6, *Energy*, of the IBC is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection, and Subsection R101.3.1, *Intent*, of the IRC is hereby established by adding the following subsection:

101.4.6 Energy and R101.3.1 Intent. The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in this code and these regulations shall be known as the Windsor Heights Energy Code. Construction or work for which a permit is required shall be subject to inspections and the Building Official may make or cause to be made the requested inspections. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. Any portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

4. Subsection 103.1, *Creation of Enforcement Agency*, of the IBC and R103.1, *Creation of Enforcement Agency*, of the IRC are hereby amended by adding the following paragraph:

The term Building Official is intended also to mean the Building and Zoning Administrator, who shall be designated by the Planning and Building Director and shall hereinafter be referred to as Code Official and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official. The Code Official, when so appointed, shall be responsible for the enforcement of the Building Code, the Mechanical Code, the Housing Code, the Plumbing Code, the Gas Code, the Energy Code, the Electrical Code, the Zoning Code and the Fire Prevention Code of the City. The Code Official shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this title. The Code Official shall have whatever additional duties the Director of Planning and Building may prescribe.

5. Subsection 104.11, *Alternate Materials, Methods and Equipment*, of the IBC is hereby amended by adding the following subsection and exception:

104.11.3 Iowa State Plumbing Code. The *Iowa State Plumbing Code*, consisting of the *Uniform Plumbing Code*, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as amended and currently adopted by the State of Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing and fuel gas systems.

Administration Exception 1. Administrative regulations shall be as prescribed in the *International Plumbing Code*, 2012 Edition, and *International Fuel Gas Code*, 2012 Edition, as adopted and amended.

6. Subsections 105.1, *Required*, of the IBC and R105.1, *Required*, of the IRC are hereby amended by adding the following to said subsections:

105.1 and R105.1 Platting required. A building permit shall not be issued unless the land upon which the proposed work is to be done is platted pursuant to the provisions of the subdivision regulations. A building permit shall not be issued permitting the construction of any building or other structure on any lot designated on any plat as an outlot, without such lot being replatted in accordance with the provisions of the subdivision regulations. Such platting may be waived by the City Council if that body determines that no portion of the land is needed for public purposes or if that portion needed for public purposes, as determined by the Council, is dedicated to the City; provided further, such platting may be waived by the Zoning Administrator if the requested building permit is for one of the following purposes:

1. Any accessory structure or addition for a one- or two-family residence;

2. The removal, repair, or alteration of a structure on unplatted premises, provided that there is no change in the use classifications of such structure;
3. The term “alteration” shall be deemed to mean any change or modification of a structure that does not serve to increase the size of the original structure by more than ten percent.

7. Subsections 105.2, *Work Exempt from Permit*, of the IBC and R105.2, *Work Exempt from Permit*, of the IRC are hereby amended by adding a sentence to said subsections as follows:

Exemption from permit requirements of this chapter shall not preclude requirements for permitting of plumbing, electrical, and mechanical installations and systems or compliance with Windsor Heights Code of Ordinances.

8. Subsections 105.5, *Expiration*, of the IBC and R105.5, *Expiration*, of the IRC are hereby amended by deleting said subsections and inserting in lieu thereof the following:

105.5 and R105.5 12-month expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, the permit shall automatically cancel and no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each. A building permit shall automatically cancel if for any reason work is not commenced within 120 days of the date issuing the building permit or if work is substantially stopped for a period of 120 days, prior to said cancellation, unless a written extension is granted by the Building Inspector upon good cause shown by the applicant for such extension.

9. Subsections 105.6.1, *Revocation of Permit*, of the IBC and R105.6.1, *Revocation of Permit*, of the IRC, are hereby established by adding the following subsections:

105.6.1 and R105.6.1 Revocation of permit. It is the responsibility of the permit holder to schedule the required inspections and obtain final approval. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a temporary certificate of occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid certificate of occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

10. Subsections 109.2.1, *Plan Review Fees*, of the IBC, and R108.2.1, *Plan Review Fees*, of the IRC are hereby established by adding the following subsections:

109.2.1 and R108.2.1 Plan review fees. Fees for all plan reviews shall be as set forth and established by resolution of the City Council. All plan review fees shall be automatically adjusted on January 1 of each year based on the Consumer Price Index (CPI) for the previous year. All such fees shall be paid in accordance with the terms

and requirements of such resolution or as the same may be amended by the City Council from time to time.

11. Subsections 109.4, *Work Commencing before Permit Issuance*, of the IBC and R108.6, *Work Commencing before Permit Issuance*, of the IRC are hereby established by adding the following sentence after said subsections:

109.4 and R108.6 Work commencing before permit issuance. If any construction requiring a permit by provision of the Building Code or City Code is undertaken without first obtaining a building permit, the permit fee shall be double the amount it would have been if granted prior to the commencement of construction. Further, if any additional professional services (for example engineering or architectural services) are required by the City in the review of the building permit request, those fees will be passed through and paid by the applicant.

12. Subsection R110.1, *Use and Occupancy*, of the IRC is hereby amended by deleting exception #2 - Accessory buildings or structures.

13. Subsections 112.4, *Service Utilities*, of the IBC, and R111.4, *Service Utilities*, of the IRC are hereby established by adding the following subsections:

112.4 and R111.4 Underground utility installation. All electrical service lines not exceeding 480 volts and all telephone and cablevision service lines, as well as other utility lines serving any new building or structure, including signs and billboards, requiring permanent electrical service shall be placed underground unless a waiver from such is approved by the City Engineer. The provisions of this section shall not apply to existing buildings or additions to such buildings. Nothing in this section shall be deemed to apply to temporary service when defined as such by the utility company.

14. Section 202, *Definitions*, of the IBC and Section R202 *Definitions*, of the IRC are hereby amended by deleting the definitions of accessory structure, swimming pool, and townhouse and inserting in lieu thereof the following:

SWIMMING POOL. Any structure intended for swimming, recreational bathing, or wading and which is capable of containing water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; and spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

ACCESSORY STRUCTURE. Accessory structures shall be defined as and shall conform to applicable zoning requirements and shall include but not be limited to structures and equipment with a fixed location on the ground, including wind energy systems, generators, and equipment shelters.

TOWNHOUSE. A single-family dwelling unit constructed in groups of three or more attached units in which each unit extends from foundation to roof. Townhouse groups of more than twelve units shall have a yard or public way on at least two sides.

15. Table R301.2(1), *Climatic and Geographic Design Criteria*, of the IRC is hereby amended by modifying said table, as follows:

Table R301.2(1), Climatic and Geographic Design Criteria

| Ground Snow Load | Wind Design | | Seismic Design Category | Subject to Damage From | | | Winter | | Flood Hazards NFIP Adoption | Air Freezing Index | Mean Annual Temp. |
|------------------|-------------|---------------------|-------------------------|------------------------|------------------|---------|--------------|----------------------|-----------------------------|--------------------|-------------------|
| | Speed MPH | Topographic Effects | | Weathering | Frost Line Depth | Termite | Design Temp. | Ice Barrier Required | | | |
| 30 PSF | 90 | No | A | Severe | 42" | No | -5°F | Yes | 5/16/83 | 1833 | 48.6° |

16. Subsection R302.1, *Exterior Walls*, of the IRC is hereby amended by deleting all exceptions and inserting in lieu thereof the following exception:

R302.1 Exterior Walls.

Exception 1. Accessory structures less than 10 feet from a dwelling and/or less than 3 feet from a property line shall be provided with 5/8-inch 'X' fire code sheetrock or equivalent throughout the interior, including the walls and ceiling. Any accessory structure openings in walls parallel to and less than 10 feet from the dwelling unit walls shall be fire rated in accordance with this code.

17. Table R302.1, *Exterior Walls*, of the IRC is hereby amended as follows:

Table R302.1(1), Exterior Walls

| Exterior Wall Element | | Minimum Fire-Resistance Rating | Minimum Fire Separation Distance |
|-----------------------|-----------------------------|---|----------------------------------|
| Walls | (Fire-resistance rated) | 1 hour with exposure from both sides per ASTM E 119 or UL 263 | < 3 feet |
| | (Not fire-resistance rated) | 0 hours | ≥ 3 feet |
| Projections | (Fire-resistance rated) | 1 hour on the underside | 2 feet |
| | (Not fire-resistance rated) | 0 hours | ≥ 2 feet |
| Openings | Not allowed | N/A | < 3 feet |
| | 25% Maximum Wall Area | 0 hours | 3 feet |
| | Unlimited | 0 hours | 5 feet |
| Penetrations | All | Comply with Section R302.4 | < 3 feet |
| | | None required | 3 feet |

18. Subsection R302.2, *Townhouses*, of the IRC is hereby amended by deleting said subsection and inserting in lieu thereof the following (exception and subsequent subsections remain unchanged):

R302.2 Townhouses. Each sprinklered townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls. All townhouse groups of more than 12 attached units in which each unit does not have a yard or public way on at least two sides shall be sprinklered.

19. Subsection R302.2, *Townhouses*, of the IRC is hereby amended by adding the following paragraph and exception:

Each non-sprinklered townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls. All townhouse groups of more than 12 attached units in which each unit does not have a yard or public way on at least two sides shall be sprinklered.

Exception: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the State Electrical Code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

20. Subsection R302.3, *Two-Family Dwellings*, of the IRC is hereby amended by deleting said subsection and inserting in lieu thereof the following and deleting Exception 2:

R302.3 Two-family dwellings. For purposes of fire-resistive separation, two-family dwelling units shall be considered as townhouses and shall be constructed in accordance with R302.2.

Exception 2 deleted.

21. Subsection R302.6, *Dwelling/Garage Fire Separation*, of the IRC is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection:

R302.6 Dwelling/garage fire separation. The garage shall be separated throughout as required by Table R302.6. Openings in garage walls shall comply with section R302.5.

22. Table R302.6, *Dwelling/Garage Separation*, of the IRC, is hereby amended by modifying said table as follows:

Table R302.6, Dwelling/garage separation

| Separation | Material |
|---|---|
| From the residence and attics – common wall with garage | 5/8" "X" fire code sheetrock or equivalent applied to the garage side |
| From all habitable rooms above the garage | 5/8" "X" fire code sheetrock or equivalent – throughout garage |
| Structures supporting floor/ceiling assemblies used for separation required by this section | 5/8" "X" fire code sheetrock or equivalent – throughout garage |
| Garages located less than 10 feet from a dwelling unit(s) on the same lot | 5/8" "X" fire code sheetrock or equivalent – throughout garage |

23. Subsection R303.3, *Bathrooms*, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and also by adding the following exception:

R303.3 Bathrooms. Bathrooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

Exception: Toilet rooms containing only a water closet and/or lavatory may be provided with a recirculating fan.

24. Subsection 406.3.4, *Separation*, of the IBC is hereby amended by deleting subsection 1 and inserting in lieu thereof the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type "X" fire code gypsum board or equivalent applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" fire code gypsum board or equivalent throughout. Garages beneath habitable rooms shall be separated by not less than 5/8-inch type "X" fire code gypsum board or equivalent throughout. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8-inch thick, or doors in compliance with 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

25. Subsection R310.1, *Emergency Escape And Rescue Required*, of the IRC, is hereby amended by deleting the first paragraph of said section and inserting in lieu thereof the following:

Basements, habitable attics and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where a window is provided as a means of escape and rescue opening from a basement, it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided, the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section 310.3. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

26. Subsections 1029.4, *Operational Constraints*, of the IBC and R310.1.4, *Operational Constraints*, of the IRC are hereby amended by adding a new sentence and exception following these subsections:

The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside and shall not require the removal of a sash or other component of the emergency escape and rescue opening.

Exception: Existing required emergency escape openings shall be maintained in accordance with the Windsor Heights Property Maintenance Code and may be replaced with the same size and type of window.

27. Subsection R310.5, *Emergency Escape Windows under Decks and Porches*, of the IRC is hereby amended by adding a new sentence following this section:

Cantilever areas of all construction elements shall be regulated in accordance with this section.

28. Subsection R311.7.5.1, *Riser Height*, of the IRC is hereby amended by adding the following exceptions:

Exception 2: The maximum riser height shall be 7¾ inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than ¾ inch, except at the top or bottom riser of any interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the risers exceed the maximum height of 7¾ inches.

Exception 3: The opening between adjacent treads is not limited on exterior stairs serving individual dwelling units.

29. Subsection R311.7.8.2, *Continuity*, of the IRC is hereby amended by adding the following exception:

Exception 3: Handrails within a dwelling unit or serving an individual dwelling unit shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

30. Subsection R313.1, *Townhouse Automatic Fire Sprinkler System*, of the IRC is hereby amended by deleting said subsection and inserting the following in lieu thereof (exception remains unchanged):

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses containing more than twelve (12) dwelling units.

31. Subsection R313.2, *One- and Two-Family Automatic Fire Sprinkler Systems*, of the IRC is hereby amended by adding the following exception:

Exception 2: Dwelling units in which the gross square footage of the dwelling spaces, including all floor levels whether finished or unfinished and all basement areas whether finished or unfinished (exclusive of attached garage area), does not exceed 8,000 square feet.

32. Subsection R403.1.4.1, *Frost Protection*, of the IRC is hereby amended by deleting all existing exceptions and inserting in lieu thereof the following:

Exception 1: Detached garages of light frame wood construction of 1,010 square feet or less in size and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum 8 inches thick and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick. Garages areas shall have all sod and/or debris removed prior to installation of said floor.

33. Subsection R404.1, *Concrete and Masonry Foundation Walls*, of the IRC is hereby amended by adding the following paragraph:

R404.1 Concrete and masonry foundation walls lateral support. Prior to backfill and prior to a poured-in-place floor slab to provide bottom lateral support, the following may be provided: (1) a full depth (minimum 1½") nominal 2" x 4" keyway may be formed into the footings to secure the bottom of the foundation wall; or (2) 36" long vertical #4 rebar may be embedded a minimum of 6" into the footings, not to exceed 7' on center spacing.

34. Subsections 1807.1.5.1, *Foundation Walls For Conventional Light Frame Wood Construction*, of the IBC and R404.1.2.2.3, *Foundation Walls For*

Conventional Light Frame Wood Construction, of the IRC are hereby established by adding the following subsections and table:

As an alternate to the requirements of respective codes the following Table, *Foundation Walls for Conventional Light Frame Construction* may be used:

Foundation Walls for Conventional Light Frame Construction

| Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)* | | Thickness of Foundation Walls | | Reinforcement Type and Placement within Foundation Wall** | Reinforcement Type and Placement within Foundation Wall** (Maximum 12' span between corners and supporting cross walls.) | Type of Mortar |
|---|------------|-------------------------------|--------------------|---|--|---|
| | | Unit | | | | |
| <i>Gross</i> | <i>Net</i> | <i>Concrete</i> | <i>Masonry</i> | <i>Concrete</i> | <i>Masonry</i> | <i>Masonry</i> |
| 8' | 7'8" | 7½" | 8" | ½" horizontal bars, placement in the middle, and near the top & bottom – ½" bars @ 6' max. vertically | 0.075 square inch bar 8' o.c. vertically in fully grouted cells. If block is 12" nominal thickness, may be unreinforced | Type M or S. Grout and mortar shall meet provisions of Chapter 21 IBC |
| 9' | 8' 8" | 8" | See Chapter 18 IBC | ½" bars 2' o.c. horizontally and 20" vertically o.c. | See Chapter 18 IBC | Same as above |
| 10' | 9' 8" | 8" | See Chapter 18 IBC | (⅝" bars 2' o.c. horizontally and 30" vertically o.c.) | See Chapter 18 IBC | Same as above |
| *Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide: (1) 36" vertical #4 rebar embedded in the footing @ maximum 7' o.c. spacing; and/or (2) full depth nominal 2" depth x 4" width keyway in footing. | | | | | | |
| ** All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of 18, 19, and 21 of the <i>International Building Code</i> . | | | | | | |
| NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs @ 28 days. Footings shall contain continuous reinforcement of 2½" diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the <i>International Building Code</i> . | | | | | | |
| NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the <i>International Building Code</i> . Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required. | | | | | | |
| Note: Foundation plate or sill anchorage may be installed in accordance with the respective codes as applicable. | | | | | | |

35. Section R405, *Foundation Drainage*, of the IRC is hereby amended by adding a new subsection as follows:

R405.3 Sump pumps. Footing drains and drainage systems shall be discharged to a sump pump plumbed to a discharge system separated from the sanitary sewer and in accordance with the standard specifications adopted by the City Council. Exceptions may be granted by the Code Official in accordance with said engineering standards.

36. Subsection R506.2.4, *Reinforcement Support*, of the IRC is hereby amended by addition of the following exception:

Exception 1: Non-structural slabs.

37. Subsection 907.2.11, *Single- and Multiple-Station Smoke Alarms*, of the IBC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

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

38. Subsection M1403.2, *Foundations and Supports*, of the IRC is hereby amended by deleting said section and inserting in lieu thereof the following:

M1403.2 Foundation and supports. Foundations and supports for outdoor mechanical systems shall be raised at least 1½ inches above the finished grade and shall also conform to the manufacturer's installation instructions.

39. Subsection P2603.5, *Freezing*, of the IRC is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Exterior water supply system piping shall be installed not less than sixty (60) inches below grade.

40. Subsection P2603.5.1, *Sewer Depth*, of the IRC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

P2603.5.1 Sewer depth. Building sewers shall be a minimum of forty-eight (48) inches below grade.

41. Subsection 1007.2, *Continuity and Components*, of the IBC is hereby amended by adding the following #11 to said subsection:

11. Components of exterior walking surfaces shall be hard surfaced.

42. Section 1008, *Doors, Gates and Turnstiles*, of the IBC is hereby amended by adding the following subsection:

1008.1.6.1 Frost protection. Exterior landings at doors shall be provided with frost protection.

43. Subsection 1012.4, *Continuity*, of the IBC is hereby amended by adding the following exception:

Exception 5: Handrails within a dwelling unit or serving an individual dwelling unit of Groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

44. Subsection 1027.5, *Access to a Public Way*, of the IBC is hereby amended by adding the following subsection:

1027.5.1 Access to a public way. Components of exterior walking surfaces shall be hard surfaced.

45. Subsection 1029.3, *Maximum Height From Floor*, of the IBC is hereby amended by adding the following exception:

Exception 1: Within individual units of Group R-2 and R-3 occupancies where a window is provided as a means of escape and rescue opening from a basement it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided, the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves.

46. Subsection 1029.5, *Window Wells*, of the IBC is hereby amended by adding the following subsection:

1029.5.3 Window well drainage. All window wells shall be provided with approved drainage.

47. Chapter 13, *Energy Efficiency*, of the IBC and Chapter 11 [RE], *Energy Efficiency*, of the IRC are hereby amended by deleting said chapters and inserting in lieu thereof the following:

Chapter 13 Energy Efficiency and Chapter 11 Energy Efficiency.

The provisions of the *International Energy Code* as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in this code and these regulations shall be known as the Windsor Heights Energy Code.

48. Table 1405.2, *Minimum Thickness of Weather Coverings*, of the IBC is hereby amended by adding the following footnote:

Footnote f: Vinyl siding shall be provided with a weather-resistant sheathing paper.

49. Subsection 1405.14, *Vinyl Siding*, of the IBC is hereby amended by adding a new subsection as follows:

1405.14.2 Water-resistive barrier required. An approved water-resistive barrier shall be provided under all vinyl siding.

50. Subsection 1608.2, *Ground Snow Loads*, of the IBC is hereby amended by deleting said section and inserting in lieu thereof the following:

1608.2 Ground snow load. The ground snow load to be used in determining the design snow load for roofs is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the Building Code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

51. Section 1612, *Flood Loads*, of the IBC is hereby amended by deleting said section and inserting in lieu thereof the following section:

1612.1 General floodplain construction standards. The following standards are established for construction occurring within the 100-year flood elevation:

1612.1.1 All structures. All structures shall:

1. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;

1.1 Be constructed with materials and utility equipment resistant to flood damage; and

1.2 Be constructed by methods and practices that minimize flood damage.

1612.1.2 Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the

limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Code Official where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

612.1.3 Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one foot above the 100-year flood level or, together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to mean sea level) to which any structures are flood proofed shall be maintained by the Code Official.

612.1.4 Anchoring of mobile homes. Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that:

1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations for mobile homes 50 feet or more in length or one such tie for mobile homes less than 50 feet in length.

1.1 Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points for mobile homes 50 feet in length.

1.2 All components of the anchoring system be capable of carrying a force of 4,800 pounds.

1.3 Any additions to the mobile home shall be similarly anchored.

612.1.5 Placement of mobile homes. Mobile homes shall be placed on lots or pads elevated by means of compacted fill so that the lowest floor of the mobile home will be a minimum of one foot above the 100-year flood level. In addition, the tie-down specification of Subsection 612.1.4 must be met, and adequate surface drainage and access for a hauler must be provided.

612.1.6 New or expanded mobile homes. New mobile homes, expansions to existing mobile homes, and mobile home lots where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent before the repair, reconstruction, or improvement has commenced shall provide:

1. Lots or pads that have been elevated by means of compacted fill so that the lowest floor of mobile homes will be a minimum of one foot above the 100-year flood level.

1.1 Ground anchors for mobile homes.

612.1.7 Storage of flammable materials and equipment. Storage of equipment and materials that are flammable, explosive, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to floodwaters; or (ii) readily removable from the area within the time available after flood warning.

1612.2 Special floodway standards. The following standards are established for construction occurring within a designated floodway: Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable general floodplain standards and shall be constructed or aligned to present the minimum

possible resistance to flood flows. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

52. Subsection 1809.5, *Frost Protection*, of the IBC is hereby amended by adding the following exception 4:

Exception 4. Detached garages, accessory to Group R-2 and R-3 occupancies, 1,010 square feet or less in size of light frame wood construction and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab, which shall include a thickened slab edge of a minimum 8 inches thick and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick. Garage areas shall have all sod and/or debris removed prior to installation of said floor.

53. Appendix G, *Swimming Pools, Spas and Hot Tubs*, of the IRC is hereby adopted by reference and shall be in full force and effect in this chapter.

54. Subsections 3109.2, *Definition*, of the IBC and AG102, *Definitions*, of the IRC are hereby amended by deleting said definition and inserting in lieu thereof the following:

SWIMMING POOL. Any structure intended for swimming, recreational bathing or wading that is capable of containing water over 24 inches deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

55. Section 3401.3, *Compliance*, of the IBC is hereby amended by deleting said section and inserting in lieu thereof the following:

3401.3 Compliance. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions, and changes of occupancy in the Windsor Heights Fire Code, Windsor Heights Plumbing Code, Windsor Heights Fuel Gas Code, Windsor Heights Property Maintenance and Housing Code, Windsor Heights Mechanical Code, Windsor Heights Electrical Code, Windsor Heights Energy Code, Windsor Heights Residential Code and the Windsor Heights Zoning Code. The provisions of this code shall not be deemed to nullify or lessen any provisions of local, State or federal law.

155.04 PERMIT FEES. The various permit fees under the Building, Mechanical, and Plumbing Codes shall be as set forth and established by resolution of the Council. All permit fees for the above disciplines shall be adjusted on January 1 of each year based on the Consumer Price Index (CPI) for the previous year.

155.05 (*Repealed by Ord. 15-06 – Nov. 15 Supp.*)

155.06 CONVERSION TO HORIZONTAL PROPERTY REGIME.

1. It is the intent of the City Council to provide for the health, welfare, and safety of citizens and the orderly development of the City by establishing standards for property which is to be subjected to residential horizontal property regimes (condominiums). It is the Council's intent to assure that all property to be used for residential purposes must at the time a horizontal property regime is established meet currently adopted Building Code standards. It is the intent of the City Council in regard to the conversion of apartments to horizontal property regimes (condominiums) that such change in form of ownership should not result in the residents of such units living in buildings which do not meet current health, welfare, and safety standards and

this section is in part enacted to assure residents that standards herein provided will be maintained. This section is to be liberally construed to meet the purposes and intent of the City Council as herein stated.

2. Any person or other entity seeking to establish a horizontal property regime (condominiums) for residential purposes, including a person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Section 499B of the *Code of Iowa* shall establish and document compliance with all Building Code requirements of the City applicable upon the date the City receives the declaration of the horizontal property regime. Such compliance shall include documentation of the following.

A. All materials, manner, and means of construction in the building proposed meet currently adopted Building Codes for new residential construction, including current fire, building, plumbing, electrical, and mechanical codes.

B. All plumbing in the building meets current standards for water conservation including low flow toilets and similar devices.

C. The building(s) have fire sprinklers, required separation (1 or 2 hour wall separation) and all other life safety systems required for new construction.

D. The building(s) meet all State and federal requirements for handicapped accessibility which would be required of new construction.

E. The building(s) meet all State energy efficiency standards that are required for new construction.

3. Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Section 499B of the *Code of Iowa* shall comply with all current provisions for on-site parking and storm water detention and retention that apply to new construction.

4. Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Section 499B of the *Code of Iowa* shall comply with all requirements of the Des Moines Water Works concerning condominiums and each unit should have a separate water meter.

5. Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Section 499B.3 of the *Code of Iowa* shall, at least 30 days before filing any declaration, file with the City Clerk, the Public Works Director, and the City Inspector a written analysis by a licensed professional engineer or other appropriate licensed professional, based upon personal inspection of the building sought to be converted. The written analysis shall certify that the building meets all current City building codes that would apply to new construction. The certification will separately itemize and describe in a manner sufficient to show the factual basis of any certification that the fire, energy, life safety, structural, plumbing, electrical, and mechanical systems meet current standards. The certification shall further certify compliance with current on-site parking and storm water detention and retention requirements and separately certify the building meets current standards for materials and that acceptable means and methods of construction were used that meet current standards for new construction. Appropriate City staff will review the certification and report to the City Building

Official whether said certification is sufficient to meet the requirements of this section.

6. Any person or other entity seeking to convert an existing structure to condominiums shall comply with all requirements of Windsor Heights Zoning Code prior to conversion in the same manner as an applicant for new construction, including (but not limited to) filing a site plan for review, which shall show compliance with all setback, parking, signage, open space and all other requirements which would apply to new construction.

7. No conversion of property to horizontal property regime under Section 499B.3 of the *Code of Iowa* shall be completed nor shall a declaration be filed until there has been full compliance with this section. Upon showing of full compliance with this section, the City Building Official shall by written notice so inform the County Recorder of the County in which any property subject to this section is located and state in said written notice that the property meets the requirements of Section 499B.20 of the *Code of Iowa*

8. If any section, provision, sentence, clause, phrase or part of this section shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the section as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

155.07 INSTALLMENT SALE TRANSACTIONS.

1. Definitions. For the purpose of this section, the following definitions shall apply:

A. "Contract" means a real estate installment purchase agreement for the intended transfer of residential real estate between a buyer and seller. A real estate installment purchase agreement is one which is payable in more than four (4) installments, not including the down payment, in which the contract buyer takes possession of the property immediately but does not receive the deed and title until all installment payments have been made. This does not apply to contracts for commercial property or vacant lots.

B. "Contract buyer" means the person or entity purchasing or acquiring the real property.

C. "Contract seller" means the person or entity offering or transferring the real property for sale, or anyone acting on behalf of the contract seller.

D. "Director" means the building enforcement director of the City or his/her designee.

E. "Inspection" means a physical examination of the real estate, which shall include (but not be limited to) a review of the structural components, exterior, roofing, plumbing, heating, cooling, electrical, insulation and ventilation, interior, fireplace, and solid fuel burning appliances of the real estate.

F. "Inspection report" means a report in a form approved by the City and prepared by an inspector to describe an inspection.

G. "Inspector" means the individual who performs the examination of the real estate.

H. “Person” means an individual, a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or an association, or any other legal entity.

I. “Transfer” means the conveyance by sale, exchange, contract or by any other method by which real property is purchased. For the purpose of this section, transfer does not mean the conveyance of real estate interests as detailed under Chapter 558A of the *Code of Iowa*.

2. Inspector Certification and Disqualification.

A. All inspectors who perform the inspections of real estate pursuant to a contract shall be members in good standing of an eligible professional association for home inspectors. An eligible professional association must have the following attributes:

- (1) Not-for-profit status;
- (2) Standards for Practice for its members;
- (3) Code of Ethics for its members;
- (4) Requires examinations for membership; and
- (5) Requires annual continuing education.

No inspector shall be employed by an entity that is owned by a contract seller or an affiliate. The term affiliate means a parent, brother, or sister entity (meaning its parent entity has an ownership interest in each entity or shares a common manager), or a subsidiary entity or any other entity in which the contract seller, its parent, brother, sister, or subsidiary entity owns five percent (5%) or more of such entity.

B. Members of professional associations who are otherwise eligible to perform inspections shall obtain prior approval from the City to perform said inspections. The City shall have the discretion to approve or deny any inspector and shall maintain a current list of all inspectors who are eligible to perform inspections under this section.

C. The City shall have sole discretion to grant, suspend, or revoke an inspector’s certification based upon any of the following:

- (1) Malfeasance;
- (2) Neglect of duty;
- (3) Incapacity;
- (4) Disqualification, suspension, or debarment from any activity related to the construction or real estate industry by an agency of any government;
- (5) Offering or giving gifts or gratuities to employees of the City in violation of State law; and/or
- (6) Failure to comply with any other requirements of this section.

D. If the Director determines that cause exists to disqualify an inspector from performing inspections for any of the reasons set forth above, the

Director shall notify said inspector. The notice shall set forth the reason(s) for disqualification and shall be sent to the inspector by certified mail.

E. Upon written request of the inspector filed within ten (10) days of the mailing of the above-referenced notice, the Director shall schedule a hearing at which the inspector may present evidence why he or she should not be disqualified. The Director's recommendation shall be issued within thirty (30) days of the conclusion of the hearing and shall be mailed to the inspector via certified mail. The Director's recommendation shall be forwarded to the City Council.

3. Procedures and Fees.

A. A person seeking to transfer real property by contract, or a broker, salesperson, or agent acting on behalf of such person, shall obtain or update an inspection of the subject real estate not more than sixty (60) days prior to the execution of the contract.

B. The inspector shall prepare an inspection report of the physical examination of the real estate. The inspection report shall also include written certification that the Inspector is a member of good standing in an eligible professional association, as detailed above.

C. The inspection report shall be delivered to the contract buyer and the City at least fourteen (14) days prior to the execution of the contract. The inspection report may be delivered to the contract buyer via personal delivery and/or certified or registered mail. Proof of delivery of the inspection report along with a filing fee of \$75.00 shall be filed with the City at least fourteen (14) days prior to the execution of the contract. Subsequent inspection reports and updates for the same property involving the same contract buyer may be filed by the same contract seller without requiring an additional filing fee.

D. Within seven (7) days following execution of the contract, the contract seller shall file with the City copies of all instruments transferring the real estate.

E. The City shall have the right to annually—or on an “as needed basis”—inspect any property for which an inspection is allowed under this section. All persons with ownership or management interests in the property shall allow inspection upon reasonable notice provided by the City.

F. Any person who fails to perform an act required by this section or who commits an act prohibited by this section shall be guilty of a municipal infraction.

4. Ordinance not Limiting. The responsibilities imposed under this section shall not limit or abridge any duty, requirement, obligation, or liability for disclosure created by another provision of law, or under contract between parties.

5. Alternate Procedures. In the alternative to proceeding with the provisions in (1) through (4) above, contract sellers may elect to be bound by and comply with the City's Property Maintenance and Rental Housing Code, as outlined in Chapter 156 of this Code of Ordinances. If a contract seller elects to proceed under the governance of Chapter 156, said person must promptly notify the City and comply with all rental housing provisions prior to executing a contract.

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CHAPTER 156

PROPERTY MAINTENANCE AND RENTAL HOUSING CODE

156.01 Short Title

156.02 Adoption of Property Maintenance Code

156.03 Conflicts

156.04 Amendments, Modifications, Additions and
Deletions

156.01 SHORT TITLE. This chapter shall be known as the Windsor Heights Property Maintenance and Rental Housing Code, and may be cited as such, and may be referred to herein as this chapter.

156.02 ADOPTION OF PROPERTY MAINTENANCE CODE. The *International Property Maintenance Code*, 2012 Edition, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified, or amended. A copy of the *International Property Maintenance Code*, 2012 Edition, as adopted and a copy of this chapter are on file in the office of the Code Official.

156.03 CONFLICTS. In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

156.04 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Property Maintenance Code*, 2012 Edition (hereinafter known as the IPMC), is amended as follows:

1. Deletion. The following section is deleted from the IPMC and is of no force or effect in this chapter:

111 – Means of Appeal

2. Subsection 101.1, *Title*, of the IPMC is hereby deleted and there is enacted in lieu thereof the following subsection:

101.1 Title. These regulations shall be known as the Property Maintenance and Housing Code of the City of Windsor Heights, hereinafter known as “this code.”

3. Subsection 102.3, *Application of Other Codes*, of the IPMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions, as applicable, of the Windsor Heights Building Code, Windsor Heights Residential Code, Windsor Heights Mechanical Code, Windsor Heights Fuel Gas Code, Windsor Heights Plumbing Code, Windsor Heights Fire Code, and the Windsor Heights Zoning Code.

4. Subsection 102.11, *Rental Housing Code*, is hereby established by adding the following provisions:

102.11 Rental Housing Code. In addition to provisions of the Property Maintenance Code of the City of Windsor Heights, this subsection shall be hereafter known as the City Rental Housing Code and may be cited as such and will be referred to as such in this subsection.

102.11.1 Adoption of Housing Code. In accordance with the requirements of Section 364.17 of the *Code of Iowa*, the City hereby adopts the *Uniform Housing Code*, 1997 Edition, published by the International Conference of Building Officials and the *Recommended Minimum Housing Standards*, 1986 Edition, as published by the American Public Health Association. In instances where there is conflict between the *Uniform Housing Code*, 1997 Edition, and the *Recommended Minimum Housing Standards*, 1986 Edition, as adopted herein, the most restrictive provision will apply.

102.11.2 Scope. The provisions of this subsection shall be deemed to apply to all dwellings or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued as provided in previously adopted Building Code(s) except such structures as are found to be substandard as defined in this code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all of the requirements of this code applicable to dwellings. However, this subsection does not apply to single-family dwellings occupied by the owner, as defined in Section 167.04 of this Code of Ordinances, unless the owner is operating a rooming house. Further, the maximum occupancy of a dwelling unit under this chapter shall be either: (i) one family; or (ii) no more than one person per bedroom, plus one, but not to exceed three unrelated persons.

102.11.3 Purpose. The purpose of this code is to ensure that rental housing facilities and conditions are of sufficient quality to protect and promote the health, safety, and welfare of those persons utilizing such housing and also the general public.

102.11.4 Definitions. For use in this subsection the following items are defined:

APARTMENT HOUSE OR BUILDING. Any building or portion thereof which is designed, rented, leased, or hired out to be occupied, or which is occupied as the home or residence of two or more families living independently of each other and doing their own cooking in the said building, and includes flats and apartments.

DWELLING. Any house or building or portion thereof which is occupied in whole or part as a home or residence of one or more tenants, on a rental basis, or when, in return for housing, a tenant agrees to occupy and maintain the premises and pay utilities. No part of a building hereafter constructed or altered into a dwelling as described may be occupied in whole or in part for human habitation until the issuance of a rental certificate by the Building Inspector that such part of the dwelling conforms to code requirements. A dwelling unit that is being rented for a period of 90 days or less in a single calendar year or a portion of such dwelling unit shall be exempt from this chapter.

DWELLING UNIT. One or more habitable rooms in a dwelling, apartment house, rooming house, lodging house, or building which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating.

RENTAL CERTIFICATE. A certificate that is issued within fourteen (14) days after written application if the dwelling unit, at the date of such application, is entitled thereto. Such a certificate shall thereafter be known as a rental certificate.

TENANT. (i) a person occupying a dwelling unit who pays (or has payments made on his or her behalf) a stated payment at fixed intervals for the use of the dwelling unit; or (ii) a person occupying a dwelling unit owned by another individual, who, in return for housing, agrees to occupy and maintain the premises and pay utilities.

ROOMING HOUSE. A building offered or occupied for lodging, with or without meals, and not occupied as a one- or two-family dwelling.

102.11.5 Housing inspector. The City Council may designate, by resolution, the Building and Zoning Administrator and his or her representatives or designees as housing inspectors, or the City Council may, by resolution, approve certain qualified firms or persons who by training or experience are familiar with the provisions of this code to perform inspections of rental dwelling units in the City, to insure their compliance with this code. The inspectors appointed under the provisions of this subsection shall be charged with the responsibility of performing inspections of rental dwelling units in the City only, but shall not be charged with the duty of enforcing the provisions of this code. The Code Official shall be responsible for the enforcement of this code and may also make any inspections required under the provisions of this subsection.

102.11.6 Regular inspections. Regular inspections of one- and two-family rental dwelling units shall be required every 18 months. Regular inspections of multi-family rental dwelling units shall be required every 12 months. The City will contact the property owner to schedule rental inspections. If, after reasonable attempts have been made and the property owner is not reachable or fails to respond to notices or other attempts to contact him or her, the City will contact the tenant to set a time for inspection and then, should it become necessary to contact a tenant to conduct an inspection required under this section, the City shall be entitled to collect additional fees from the property owner to compensate the City for the additional cost associated with this alternative inspection method.

102.11.7 Signage. Property owners shall be prohibited from placing a rental sign upon the subject property without the property having first been inspected and approved by the City, as provided by this subsection. Upon approval and passage of the inspection, if the property is in search of renters and if the owner chooses to notify potential renters by a sign, owners must use a sign provided by the City, which can be collected at City Hall. Any sign used to advertise a rental property must be the official sign available from the City. A deposit fee of \$65.00 will be charged to the property owner that reflects the cost of the sign and will be refunded to the property owner upon return of the sign. If it is discovered that the property owner is using a sign that does not conform to this code, it will be replaced with a code-compliant sign. The non-compliant signage will be left by the front door of the property. The property owner shall remit the \$65.00 deposit to the City for the compliant sign within 10 days of receipt of notice. If the property owner refuses to pay the sign deposit of \$65.00, it will be added to the cost of the next rental registration and will be non-refundable. If a non-compliant sign is replaced by the City, the property owner will be notified by City personnel by placing a notice on the front door of the rental property. A notice will also be mailed to the property owner's address of record with the City.

102.11.8 Applications for rental certificate. Every person that offers for rent a dwelling unit in the City shall submit to the City Building Department, on forms provided, an application requesting a rental certificate. Such application shall be accompanied by an inspection fee in the amount established in this subsection. Upon receipt of such application, the City shall conduct an inspection of the premises and, if the same complies with the provisions of this chapter, issue a rental certificate. If the premises fail to comply, the inspector shall notify the applicant in writing, stating the reasons for such noncompliance.

102.11.8.1 Applicable fees and fines. The fee schedule for rental conversion, registration, and rental inspection is as follows:

1. Rental Conversion: New rental property that has not previously been registered as a rental property in the City is subject to this fee, which is set by Council resolution.

2. Rental Registration: \$75.00 for the first unit and \$15.00 for each additional unit thereafter.

Rental Housing Compliance Inspection Rates

| Number of Units | Fee | Number of Units | Fee |
|-----------------|----------|-----------------|----------|
| 1 | \$ 75.00 | 6 | \$150.00 |
| 2 | \$ 90.00 | 7 | \$165.00 |
| 3 | \$105.00 | 8 | \$180.00 |
| 4 | \$120.00 | 9 | \$195.00 |
| 5 | \$135.00 | 10 | \$210.00 |

3. Each additional unit in same building: \$15.00.

4. A charge of \$30.00 will be assessed to the property owner for failing to attend a scheduled inspection visit. The rental inspection program is performed by the Fire Department. If a rental inspection is missed because the Fire Department is performing fire or EMS-related duties, the property owner will not be charged a penalty. Every effort will be made to reschedule with the property owner to perform the inspection.

5. Re-inspections within 30 days of the previous inspection:

First re-inspection: \$50.00 per trip + \$10.00 per unit

Second re-inspection: \$70.00 per trip + \$10.00 per unit

Third re-inspection: \$120.00 per trip + \$10.00 per unit

Fourth re-inspection: Constitutes a municipal infraction, subject to the penalties and alternative relief authorized by this Code of Ordinances and by Section 364.22 of the *Code of Iowa* for failure to comply with the Rental Housing Code; civil penalty is \$500.00 or the maximum amount allowed by State law, whichever is greater.

102.11.8.2 Assessment of Costs.

1. The City may charge the owner of real property a late payment fee of \$25.00 and may add interest up to 1.5 percent per month if costs imposed under subsection 1 of this section are not paid within 30 days of the date due.

2. The City shall send a notice of the late payment costs to such owner by first class mail to the owner’s personal or business mailing address. The late payment fee and interest shall not accrue if such owner files an appeal with the City.

3. Any owner objecting to the collection of costs by assessment may file a written request for a hearing before the Housing Code Appeals Board. The appeal shall be filed within ten days from the date of the notice of late payment. An untimely appeal shall not be accepted unless, in the discretion of the City Administrator, good cause is shown for the untimely filing.

4. The City Administrator shall notify the appellant and all board members of the date, time, and location of the hearing.

5. Any unpaid costs and interest shall constitute a lien on the real property and may be collected in the same manner as a property tax. Before a lien is filed, the City shall send a notice of intent to file a lien to the owner of the real property by first class mail to such owner’s personal or business mailing address. Prior to filing a property lien, the City may use other means to recover payment, including (but not limited to) the use of professional collection services and the income offset program through the State of Iowa.

102.11.9 Additional inspections. In addition to the inspections required under Subsection 102.11.8, the City inspectors are also empowered to make similar inspections of all rental dwelling units as frequently as may be necessary and

may make inspection at any reasonable time on a written complaint submitted by the owner, tenant, or other person concerned.

102.11.10 Inspection fees for additional inspections.

1. When an inspection is made at the request of the owner, an inspection fee as provided in subsection 102.11.8 shall be charged. If an inspection is made at the written request of a tenant and the dwelling unit is found to be in noncompliance due to an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted the complaint in writing to the landlord no less than seven (7) days before making such complaint to the City. If, after a written complaint by the tenant, the dwelling is found to comply or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection. If such costs are not paid by the tenant within thirty (30) days after the date of billing, the City may initiate an action at law or in equity to recover the same in which event the tenant shall be liable for reasonable attorney fees. No fee shall be charged to the owner for such inspection.

2. In the event an inspection is initiated by the City or at the written request of a person other than the owner or tenant, and if the dwelling unit is found to be in noncompliance, the owner shall be liable for such inspection fees. No inspection shall be conducted at the request of a person other than the owner or tenant unless that person has first submitted the complaint in writing to the landlord no less than seven (7) days before making such complaint to the City. In the event that, on the date of the inspection, the dwelling unit complies with the provisions of the housing code, no fee shall be charged. In the event that, on the date of inspection, a dwelling unit fails to comply with the provisions of the housing code, which necessitates additional inspections, the owner shall be liable for the cost of such re-inspection.

3. All fees required under this code shall be paid prior to the issuance or renewal of the rental certificate.

102.11.11 Entrance and survey of buildings. The building inspector and any such other persons as may be authorized by the City Administrator may, without fee except as provided in Section 102.11.8, enter, examine, make necessary records, and survey all dwelling units within the City. If entry into the interior portion of a dwelling unit is required, seventy-two (72) hours' notice shall be given by the City to the owner and tenant. The owner, owner's agent or representative, and the lessee and occupant of every dwelling unit and every person having the care and management of the same shall, at all reasonable times when required by such officers or persons, give them free access to such dwelling unit and premises. The owner of a dwelling unit and said owner's agents and employees shall have right of access to such dwelling units at reasonable times for the purpose of bringing about compliance with the provisions of this code or any order issued hereunder.

102.11.12 Rental certificates.

1. Rental Certificate Required. All owners of dwelling units shall register such dwelling units with the Building Inspector. No person shall rent, lease, operate, or otherwise allow the occupancy of any dwelling unit unless such person holds a valid rental certificate as is required by this code.

2. Issuance; Duration; Validation. If a dwelling unit fails to comply under Section 102.11.8, and if the dwelling unit and premises are found later to comply with the requirements of this code upon re-inspection, the Building Inspector shall issue a temporary rental certificate. This rental certificate shall be valid for a period of thirty (30) days from the date of inspection. Upon payment of the appropriate fees, the Building Inspector shall validate it.

3. Display. Rental certificates shall be displayed by the owner for the tenant to examine before the dwelling unit may be rented, leased, or otherwise occupied.

4. **Transfer.** Rental certificates shall not be transferable to succeeding owners. Rental certificates shall automatically terminate and become null and void, without further action of the City, upon transfer of property ownership or upon execution of an agreement to purchase property on contract.

5. **Termination.** Rental certificates shall automatically terminate and become null and void upon issuance of a nuisance abatement by the City that is related, in any way, to the property to which the rental certificate applies.

102.11.13 Notice on sale of dwelling unit. Every person holding a rental certificate under this code shall give notice in writing to the Building Inspector within ninety-six (96) hours after having sold, transferred, conveyed, or otherwise disposed of the ownership, interest in or control of any dwelling unit. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

102.11.14 Name and address of agent filed. Every owner, agent, or lessee of a dwelling unit shall file with the City Clerk a notice containing the name and address of an agent of such dwelling unit for the purpose of receiving service of all notices required by this code.

102.11.15 Emergency orders. Whenever the Building Inspector finds that an emergency exists which threatens immediately the public health, safety or welfare, the Building Inspector may issue an order reciting the existence of such an emergency and requiring that such action be taken which the Building Inspector deems necessary to meet the emergency. Notwithstanding the other provisions of this code, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

102.11.16 Designation of unfit dwelling and procedures of condemnation. No person shall let to another for occupancy any dwelling unit for the purpose of living, inhabiting, sleeping, cooking, and eating therein which does not comply with the following requirements. Any dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector.

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health, safety or welfare of the occupants or the public.
2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
3. One which, because of its general condition or location is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.

102.11.17 Vacated immediately. Any dwelling unit or any portion thereof condemned as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated immediately as ordered by the Building Inspector. The Building Inspector shall notify the City of such action prior to placarding the dwelling unit.

102.11.18 Elimination of defects. No dwelling unit or a portion thereof which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

102.11.19 Defaced or removed placard. No person shall deface or remove the placard from any dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in this code.

102.11.20 Authority to execute. In case any notice or order issued by the Building Inspector or City is not complied with, the Building Inspector may recommend that the City apply to the district court for an order authorizing the

City to execute and carry out the provisions of the notice or order to correct any violation specified in the notice or order to abate any nuisance in or about the dwelling unit.

102.11.21 Action to enjoin. In case any dwelling unit, building, or structure is constructed, altered, converted, or maintained in violation of any provisions of this code or of any order or notice of the Building Inspector, or in case a nuisance exists in any such dwelling unit, building, or structure or upon the lot on which it is situated, the City may cause the institution of any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion, or maintenance, to restrain, correct, or abate such violation, or nuisance, or to prevent the occupation of the dwelling unit, building, or structure, or to prevent any illegal act, conduct business in or about such dwelling unit or lot.

102.11.22 Injunction. In any such action or proceeding, the Building Inspector may, by a statement duly verified setting forth the facts, request that the City apply to the district court for an order granting the relief for which the action or proceeding is brought or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling unit, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

102.11.23 Eviction; lease termination. If the occupant of a dwelling fails to comply with the provisions of this code after due and proper notice from the Building Inspector or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of said occupant's lease.

102.11.24 Duties of occupant. It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage, or remove a part of the premises or to knowingly permit any other person to do so, or to remove without permission of the landlord any furniture or other items of personal property belonging to the landlord or owner or to cause damage resulting in noncompliance with the housing code.

102.11.25 Notice of actions. In any action brought by the City in relation to a dwelling unit or injunction, vacation of the premises, or abatement of nuisance or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of an original notice.

102.11.26 Rent collections. Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this code. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the City gives written notice to the owner and occupant that such dwelling unit has been issued a valid rental certificate as required by this code.

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

102.11.28 Civil liability. The owner of any dwelling unit or of any building or structure upon the same lot with a dwelling unit, or of the lot, in violation of this code or where a nuisance, as defined in this Code of Ordinances, exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who violates or assists in violating any provisions of this code, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty, in a civil action brought in the name of the City. Such person or persons and also the premises shall be liable in such case for all costs, expenses, and disbursements

paid or incurred by the Building Department, including attorneys' fees, paid or incurred by the City, by any of the officers, agents, or employees thereof, in the removal of any such nuisance or violation.

102.11.29 Additional liability. Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five (5) days after such service or who continues to violate any provisions or requirements of this Code of Ordinances, shall also be subject to a civil penalty. For the recovery of such penalties, costs, expenses, or disbursements, an action may be brought in a court of competent civil jurisdiction.

102.11.30 Rental Housing Code Appeals.

102.11.30.1 Board created. There is hereby created a Housing Code Appeals Board consisting of five (5) members. The Housing Code Appeals Board shall designate its Chairperson and Secretary.

102.11.30.2 Rules and regulations. The Housing Code Appeals Board shall adopt reasonable rules and regulations for the conduct of its meetings and investigations and shall render all decisions and findings in writing to the Building Inspector and City Administrator. All decisions and findings shall be made part of the public record.

102.11.30.3 Reconsideration. Any person aggrieved by a notice or order of the Building Inspector in connection with any alleged violation of this Rental Housing Code, of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Building Inspector for an administrative conference for reconsideration of such notice or order if such application is made within fourteen (14) days after the date the notice or order was served. If the Building Inspector holds an administrative conference for reconsideration of the notice or order, the Building Inspector shall prepare a written summary of the conference including a written statement of the decision reached. Such summary and statement shall become part of the public record.

102.11.30.3 Appeal. Any person aggrieved by a decision of the Building Inspector issued under subsection 102.11.30.3 of this subsection may apply to the Housing Code Appeals Board for a reconsideration of such decision provided such application is made within twenty-one (21) days after the date the decision was served.

102.11.30.4 Hearing; Decision. Upon receipt of an appeal, the Housing Code Appeals Board shall set a time and place for the hearing within ten (10) days of the receipt of such application, and shall advise the applicant in writing of such time and place at least seven (7) days prior to the date of the hearing. At the hearing, the applicant shall be given an opportunity to be heard and to show cause why such decision of the Building Inspector should be modified, extended, withdrawn, or a variance granted. The Housing Code Appeals Board, by a majority vote, may sustain, modify, or withdraw the decision of the Building Inspector. In granting an extension or variance of any decision, the Appeals Board shall observe the following conditions, in Subsections 102.11.30.5 and 102.11.30.6:

102.11.30.5 Extension granted. The Housing Code Appeals Board may grant an extension of time for the compliance with any order, notice, or decision, for not more than six (6) months, subject to appropriate conditions and provided that the Appeals Board makes specific findings of fact based on evidence relating to the following:

1. There are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice, order, or decision; and
2. Such an extension is in harmony with the general purpose and intent of this chapter in securing the public health, safety, and general welfare.

102.11.30.6 Variance. The Housing Code Appeals Board may grant a variance in a specific case and from a specific provision of this Rental Housing Code subject to appropriate conditions and provided the Appeals Board makes specific findings of fact based on evidence related to the following:

1. The property in question cannot yield a reasonable return or be used for a conforming purpose if used only for a purpose allowed in that zone or as allowed by the Rental Housing Code; and
2. The plight of the property owner is due to unique circumstances of the specific property owner and not to the general conditions of other properties in the City; and
3. The use to be authorized by the variance will not alter the essential character of the locality or the general purposes underlying the Rental Housing Code in securing the public health, safety, and general welfare; and
4. The hardship must be substantial, serious, real, and of compelling force, as distinguished from reasons of convenience, profit or caprice; and
5. The application of a particular Rental Housing Code provision to a particular property greatly decreases or practically destroys its value for any permitted use, or where such application bears so little relationship to the purposes of health, safety, and welfare of the public that, as to the property in question, the provision is in effect confiscatory, arbitrary, or capricious, or constitutes an unnecessary, unwarranted, or unjust invasion of, or interference with, a fundamental right or property; and
6. The unnecessary hardship of practical difficulties along with their arbitrary effect cannot be remedied by the grant of an extension.

Such grant of variance shall not go into effect until twenty-one (21) days after the date the variance is granted.

102.11.30.7 Review by Council. In any instance in which the Housing Code Appeals Board has granted a variance to any provision of the Rental Housing Code, within seven (7) days of the date on which the variance is granted, the Building Inspector, the Fire Chief, the City Administrator, or the City Attorney shall have the right to request, in writing, that the City Council review the action of the Housing Code Appeals Board. If such a request is received and filed by the City Clerk within the time period allowed, the variance granted by the Housing Code Appeals Board shall be stayed and suspended until such time as the City Council can review such matter. Within ten (10) days of receipt of such a request, the City Clerk shall set a date for the review hearing and shall notify, in writing, the affected property owners of the date, time, and place set for the review hearing, and shall further notify such owners that the grant of the variance is stayed and suspended pending further review by the City Council. On the date set for the review hearing, the City Council shall receive and review all facts and information relied on by the Housing Code Appeals Board and, in addition, shall receive any additional information that may be submitted to it by any party. After such review hearing, the City Council shall decide to affirm, reverse, or modify such grant of variance.

5. Subsections 103.1, *General*, of the IPMC is hereby amended by adding the following paragraph to said subsection:

The term Code Official is intended also to mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties, and responsibilities as designated for the Code Official.

6. Subsection 103.5, *Fees*, of the IPMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

103.5 Schedule of permit fees. Permits and rental housing certificates shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Windsor Heights. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid. The permit fees shall be based upon the valuation of the proposed construction and shall be computed from tables set by resolution of the City Council; rental housing certificate fees shall be as established by resolution of the City Council.

7. Subsection 103.6, *Work Commencing before Permit Issuance*, of the IPMC is hereby established by adding the following subsection:

103.6 Work commencing before permit issuance. Any person who commences any work under the provisions of this code before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

8. Subsection 103.7, *Fee Refunds*, of the IPMC is hereby established by adding the following subsection:

103.7 Fee refunds. The Code Official is authorized to establish a refund policy.

9. Subsection 302.4, *Weeds*, of the IPMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

302.4 Weeds. Weeds and tall grasses shall be regulated as defined in the City of Windsor Heights Code of Ordinances.

10. Subsection 303.14, *Insect Screens*, of the IPMC is hereby amended by inserting the following dates and deleting a portion of the last sentence as follows:

303.14 Insect screens.

from April 1 to October 31.

Delete: and every screen door used for insect control shall have a self-closing device in good working condition.

11. Subsection 403.5, *Clothes Dryer Duct*, of the IPMC is hereby amended by adding the following subsection:

403.5.1 Clothes dryer duct. Transition ducts in rental dwelling units and buildings, used to connect the dryer to the exhaust duct system, shall be a single length that is listed and labeled in accordance with UL 2158A. Transition ducts shall be a maximum of 8 feet (2,438 mm) in length and shall not be concealed within construction.

12. Subsection 404.4.1, *Room Area*, of the IPMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

404.4.1 Room area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet. Where more than two persons occupy a bedroom the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

13. Subsection 602.3, *Heat Supply*, of the IPMC is hereby amended by inserting the following dates:

602.3 Heat supply.

from September 15 to May 15.

14. Subsection 602.4, *Occupiable Work Spaces*, of the IPMC is hereby amended by inserting the following dates:

602.4 Occupiable work spaces.

from September 15 to May 15.

15. Subsection 605.2, *Receptacles*, of the IPMC, is hereby amended by adding the following exception and subsequent subsection:

Exception 1: Effective July 15, 2013, a bathroom receptacle shall be required in dwelling units permitted or constructed prior to 1978.

605.2.1 Receptacles. All 125-volt, single phase, 15- and 20-ampere receptacles in rental dwelling units, within six feet of water sources, shall be provided with ground fault circuit interrupter protection.

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CHAPTER 157

STANDARD CONSTRUCTION SPECIFICATIONS

157.01 Purpose

157.02 Adoption of Specifications

157.03 Amendments

157.04 Violation

157.01 PURPOSE. In order to ensure the consistent high quality of materials and workmanship in all public construction projects, the City deems it in the public interest to establish and publish Standard Construction Specifications which shall apply to and govern the construction of all public improvements in public rights-of-way within the City.

157.02 ADOPTION OF SPECIFICATIONS. The City adopts, by reference, the following minimum standards for public improvements constructed within the City's jurisdictional area: The *Iowa Statewide Urban Design and Specifications* – current edition – (SUDAS) manuals shall be the adopted City Standard for Public Improvements. SUDAS shall be the minimum standards; due to unusual or extenuating circumstances, the City may require that projects conform to additional standards or to greater than minimum standards. A copy of the specifications shall remain on file at the office of the Clerk and shall be available for inspection and copying. All contractors and suppliers shall be charged with knowledge of its contents.

157.03 AMENDMENTS. The City may, from time to time, make additions or changes to the specifications in the form of amendments adopted by resolution. Following adoption by resolution, the amendments shall be placed in the publication on file with the City Clerk and shall have the full force and effect of law as of the date the amendments are filed.

157.04 VIOLATION. Any person violating any provisions of the Standard Construction Specifications shall be guilty of a simple misdemeanor.

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CHAPTER 158

MECHANICAL CODE

158.01 Short Title
158.02 Adoption of Mechanical Code
158.03 Conflicts

158.04 Amendments, Modifications, Additions and
Deletions

158.01 SHORT TITLE. This chapter shall be known as the Windsor Heights Mechanical Code, and may be cited as such, and may be referred to herein as this chapter.

158.02 ADOPTION OF MECHANICAL CODE. The *International Mechanical Code*, 2012 Edition, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified, or amended. A copy of the *International Mechanical Code*, 2012 Edition, as adopted and a copy of this chapter are on file in the office of the Code Official.

158.03 CONFLICTS. In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

158.04 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Mechanical Code*, 2012 Edition (hereinafter known as the IMC), is amended as follows:

1. Deletions. The following are deleted from the IMC and are of no force or effect in this chapter:

106.4.4 Extensions

109 Means of Appeal

2. Subsection 101.1, *Title*, of the IMC is hereby deleted and there is enacted in lieu thereof the following subsection:

101.1 Title. These regulations shall be known as the Windsor Heights Mechanical Code, hereinafter known as this code.

3. Subsections 103.1, *General*, of the IMC is hereby amended by adding the following paragraph to said subsection:

The term Code Official is intended also to mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties, and responsibilities as designated for the Code Official.

4. Subsection 106.1.1 *Permit Acquisition*, of the IMC is hereby established by adding the following:

106.1.1 Permit acquisition.

1. Permits are not transferable. Mechanical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Chapter 105 of the *Code of Iowa*. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which said person is employed only when said responsible person or Master has provided proof of

employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.

2. A State of Iowa licensed mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed mechanical contractor has secured such a permit, only the employees of such contractor, when meeting the provisions of Chapter 105 of the *Code of Iowa*, shall perform the work for which the permit was obtained.

3. For purposes of this subsection, an "employee" is one employed by the contractor, firm, or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

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

5. Subsection 106.2, *Permits Not Required*, of the IMC is hereby amended by adding the following #9 to said subsection:

9. Replacement or relocation of existing house ventilation fans, bathroom exhaust, dryer vents, window air conditioners, and extension of existing supply and return ductwork.

6. Subsection 106.4.3, *Expiration*, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.4.3 12-month expiration. Every permit issued under the provisions of this code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or owner's agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

7. Subsection 106.5.2, *Fee Schedule*, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.5.2 Fee schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Windsor Heights. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fees for the additional work have been paid.

8. Subsection 106.5.3, *Fee Refunds*, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.5.3 Fee refunds. The Code Official is authorized to establish a refund policy.

9. Subsection 108.4, *Violation Penalties*, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, or repairs mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

10. Subsection 108.5, *Stop Work Orders*, of the IMC is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

11. Subsection 1107.2, *Refrigerant Piping*, of the IMC is hereby amended by deleting the last sentence thereof.

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CHAPTER 159

PLUMBING CODE

159.01 Short Title
159.02 Adoption of Plumbing Code
159.03 Conflicts

**159.04 Amendments, Modifications, Additions and
Deletions**

159.01 SHORT TITLE. This chapter shall be known as the Windsor Heights Plumbing Code, and may be cited as such, and may be referred to herein as this chapter.

159.02 ADOPTION OF PLUMBING CODE. The *International Plumbing Code* 2012 Edition; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the International Plumbing Code 2012 Edition, as adopted, and a copy of this chapter are on file in the office of the Code Official.

159.03 CONFLICTS. In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

159.04 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Plumbing Code*, 2012 Edition (hereinafter known as the IPC), is amended as follows:

1. Deletions. The following are deleted from the IPC and are of no force or effect in this chapter:

106.5.4 Extensions

109 Means of Appeal

2. Subsection 101.1, *Title*, of the IPC is hereby deleted and there is enacted in lieu thereof the following subsection:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Windsor Heights, hereinafter known as “this code.”

3. Subsection 103.1, *General*, of the IPC is hereby amended by adding the following paragraph to said subsection:

The term Code Official is intended also to mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties, and responsibilities as designated for the Code Official.

4. Subsection 105.2, *Alternate Materials, Methods and Equipment*, of the IPC is hereby amended by adding the following subsection 105.2.1 and exception:

105.2.1 Uniform Plumbing Code. The *Uniform Plumbing Code*, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as currently adopted and amended by the Plumbing and Mechanical Systems Board, Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing systems.

Administration Exception 1: Administrative regulations shall be as prescribed in the *International Plumbing Code*, 2012 Edition, as amended in this section.

5. Subsection 106.1.1, *Permit Acquisition*, of the IPC is hereby established by adding the following:

106.1.1. Permit acquisition.

1. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Chapter 105 of the *Code of Iowa*. A plumber licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which said person is employed only when said Master has provided proof of employment by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.

2. A State of Iowa licensed plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed plumbing contractor has secured such a permit, only the employees of such contractor, when meeting the provisions of Chapter 105 of the *Code of Iowa*, shall perform the work for which the permit was obtained.

3. For purposes of this subsection, an “employee” shall be one employed by the contractor, firm, or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

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

5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for plumbing work, not to include connection within the public right-of-way to the public main of sewer, water and storm lines, after having passed the Windsor Heights Plumbing Homeowner’s exam.

6. Subsection 106.5.3, *Expiration*, of the IPC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.5.3 12-month expiration. Every permit issued under the provisions of this code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

7. Section 106.5.6, *Retention of Construction Documents*, of the IPC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.5.6 Retention of construction documents. One set of construction documents shall be retained by the Code Official until final approval of the work covered therein.

8. Subsection 106.6.2, *Fee Schedule*, of the IPC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.6.2 Fee schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Windsor Heights. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fees for the additional work have been paid.

9. Subsection 106.6.3, *Fee Refunds*, of the IPC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.6.3 Fee refunds. The Code Official is authorized to establish a refund policy.

10. Subsection 108.4, *Violation Penalties*, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, or repairs plumbing work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

11. Subsection 108.5, *Stop Work Orders*, of the IPC is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

12. Subsection 305.4, *Freezing*, of the IPC is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Exterior water supply system piping shall be installed not less than sixty (60) inches below grade.

13. Subsection 305.4.1, *Sewer Depth*, of the IPC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

305.4.1 Sewer depth. Building sewers shall be a minimum of forty-eight (48) inches below grade.

14. Subsection 410.3, *Substitution*, of the IPC is hereby amended by adding the following exception:

Exception: Water coolers or bottled water dispensers in accessible locations and within accessible reach ranges may be substituted for the initial drinking fountain in business occupancies with an occupant load of not more than 30 and mercantile occupancies with an occupant load of not more than 100. (re: IBC chapter 11, T1902.1 and IPC T403.1 footnote e)

15. Section 605, *Materials, Joints and Connections*, of the IPC is hereby amended by adding the following subsection:

605.1.1 Underground copper. Copper tube for underground piping shall have a weight of not less than type K.

16. Section 703, *Building Sewer*, of the IPC is hereby amended by adding the following subsection:

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

17. Subsection 715.1, *Sewage Backflow*, of the IPC is hereby amended by adding the following:

Exception 1: The requirements of this section shall apply when determined necessary by the Code Official based on local conditions.

18. Subsection 901.2.1, *Venting Required*, of the IPC is hereby amended by adding the following exception:

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

19. Subsection 903.1, *Roof Extension*, of the IPC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

903.1 Roof extension. All open vent terminals which extend through a roof shall be terminated not less than 6 inches above the roof or less than 1 foot from any vertical surface. Where a roof is used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet above the roof.

20. Subsection 1003.3, *Grease Interceptors*, of the IPC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

1003.3 Grease interceptors. Grease interceptors shall comply with the requirements of the adopted Windsor Heights Storm Water Drainage Utility Ordinance (Chapter 101 of this Code of Ordinances).

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CHAPTER 160

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

160.01 Findings

160.02 Purpose

160.03 Definitions

160.04 Applicability

160.05 Application Procedure

160.06 Inspection Procedures

160.07 Monitoring Procedures

160.08 Enforcement

160.09 Failure to Comply

160.10 Appeal

160.11 Financial Securities

160.12 Right of Entry

160.01 FINDINGS.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System ("MS4") ("MS4 Permit"). The City of Windsor Heights is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

2. The Program requires certain individuals engaged in construction activities ("applicants") to submit an application to the IDNR for a State NPDES general permit #2. Notwithstanding any provision of this chapter, every applicant bears final and complete responsibility for compliance with a State NPDES general permit #2 and a City COSESCO permit and any other requirement of State or federal law or administrative rule.

3. As a condition of the City's MS4 Permit, the City is obliged to undertake responsibility for administration and enforcement of the Program by adopting a CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL ("COSESCO") ordinance designed to achieve the following objectives:

A. Any applicant required by law or administrative rule to apply to the IDNR for a State NPDES general permit #2 shall also be required to obtain from the City a COSESCO permit ("City COSESCO permit") in addition to and not in lieu of the State NPDES general permit #2; and

B. The City shall have responsibility for inspection, monitoring and enforcement procedures to promote applicants' compliance with State NPDES General Permits #2 and City COSESCO permits.

4. No State or federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its application, inspection, monitoring and enforcement responsibilities entirely by fees imposed on the owners of properties which are made subject to the Program by virtue of State and federal law, and/or other sources of funding established by a separate ordinance.

5. Terms used in this chapter shall have the meanings specified in the Program.

160.02 PURPOSE. The general purpose of this chapter is to establish regulatory requirements for land development and land disturbing activities aimed at minimizing the threats to public health, safety, public and private property, and natural resources within the community from construction site erosion. Specific purposes are to establish performance standards that will provide a single, consistent set of performance standards that apply to all developments and will protect public and private property and Walnut Creek and North Walnut Creek from damage resulting from erosion and sediment in storm water runoff.

160.03 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Applicant" means a property owner or agent of a property owner who has filed an application for a construction site erosion and sediment control permit.
2. "Developer" means a person who undertakes land disturbance activities.
3. "Development" means activity land disturbance activity on land previously vacant of buildings or largely free of previous land disturbance activity other than traditional agricultural activities; or on land where existing land use is high density commercial or residential (a.k.a. "redevelopment").
4. "Enforcement officer" means that person designated by the City having responsibility for administration and enforcement of this chapter.
5. "Land disturbance activity" means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or manmade watercourse.
6. "Storm Water Pollution Prevention Plan" (SWPPP) means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
7. "*Iowa Storm Water Management Manual*" means the current *Iowa Storm Water Management Manual* publication, by whatever name, as amended from time to time by Iowa Department of Natural Resources in collaboration with the Center for Transportation Research at Iowa State University, and which recommends storm water management guidelines and uniform sizing criteria and BMPs designed to address said guidelines.

160.04 APPLICABILITY.

1. All persons required by law or administrative rule to obtain a State NPDES general permit #2 from the IDNR are required to obtain a City COSESCO permit and prepare a Storm Water Pollution Prevention Plan (SWPPP).
2. All persons are required to obtain a City COSESCO permit and prepare an Erosion and Sediment Control Plan (ESC) if proposing a land disturbance activity that will:
 - A. Disturb a total land surface area of between 3,000 square feet and one acre; or
 - B. Excavate and/or fill a volume in excess of 50 cubic yards of material; or

C. Lay, repair, replace, or enlarge an underground utility, pipe or other facility, or disturb a road ditch, grass swale or other open channel for a distance of 300 feet or more.

160.05 APPLICATION PROCEDURE.

1. The applicant shall request a pre-application meeting, which will be facilitated by the City between the applicant, City staff, and staff of partner agencies as applicable. The meeting shall be mandatory prior to submission of a permit application. The purposes of the meeting are to understand the general parameters of the proposed project and to convey the requirements of meeting the provisions of this chapter and other applicable ordinances.
2. The City shall make a determination regarding the completeness of a City COSESCO permit application within ten (10) business days of the receipt of the application and notify the applicant in writing if the application is not complete including the reasons the application was deemed incomplete.
3. The applicant shall not commence any construction activity subject to this chapter until a City COSESCO permit has been authorized by the City. A complete review of the permit application shall be done within fifteen (15) business days of the receipt of a complete permit application from the applicant. The City will work with the necessary State, County, and local agencies to complete its review. The City shall review all information in the permit application, including proposed storm water practices, hydrologic models, and design methodologies and certify compliance with this chapter. Applications for City COSESCO permits shall be made on forms approved by the City, which applications may be obtained from the office of the City Clerk.
4. All permit fees under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees may, from time to time, be amended by the Council by resolution.
5. An applicant in possession of a State NPDES general permit #2 issued by the IDNR shall immediately submit to the City full copies of the materials described below as a basis for the City to determine whether to issue a City COSESCO permit:
 - A. Applicant's plans, specifications, and supporting materials previously submitted to the IDNR in support of applicant's application for the State NPDES general permit #2;
 - B. Applicant's authorizations issued pursuant to applicant's State NPDES general permit #2; and
 - C. A Storm Water Pollution Prevention Plan ("SWPPP") prepared in accordance with this chapter.
6. Every SWPPP submitted to the City in support of an application for a City COSESCO permit shall:
 - A. Comply with all current minimum mandatory requirements for SWPPPs promulgated by the IDNR in connection with issuance of a State NPDES general permit #2;
 - B. If the applicant is required by law to file a Joint Application Form, PROTECTING IOWA WATERS, IOWA DEPARTMENT OF NATURAL

RESOURCES AND U.S. ARMY CORPS OF ENGINEERS, comply with all mandatory minimum requirements pertaining to such applications;

C. Comply with all other applicable State or federal permit requirements in existence at the time of application;

D. Be prepared by a licensed professional engineer or landscape architect or a professional in erosion and sediment control or a representative of the local Soil and Water Conservation District, credentialed in a manner acceptable to the City; and

E. Include within the SWPPP a signed and dated certification by the NPDES general permit #2 permit holder that the SWPPP complies with all requirements of this chapter and the applicant's NPDES general permit #2.

7. In addition to the SWPPP requirements stated in subsection 6 of this section, which constitute minimum mandatory requirements imposed by the Program, every SWPPP submitted to the City in support of an application for a City COSESCO permit shall comply with SUDAS standard design criteria, including but not limited to design, location, and phased implementation of effective, practicable storm water pollution prevention measures, and shall also:

A. Limit total off-site annual aggregate sediment yield for exposed areas to an equivalent amount resulting from sheet and rill erosion equal to an annual, cumulative soil loss rate not to exceed the standard established from time to time by Soil and Water Conservation Districts; erosion rates can exceed soil loss limits as long as sediment yield does not exceed that expected from allowable erosion rates.

B. Identify the nature of the construction activity and the potential for sediment and other pollutant discharges from the site.

C. Calculate the predicted erosion and estimated sediment yield for the construction site using the USDA Revised Universal Soil Loss Equation.

D. Assure that stockpiles of soil or other materials subject to erosion by wind or water are covered, vegetated, or otherwise effectively protected from erosion and sedimentation in accordance with the amount of time the material will be on site and the manner of its proposed use; no stockpiling is allowed in the street.

E. Include an affidavit stating that the erosion caused by the activity will not exceed the Soil and Water Conservation District's adopted soil and loss limits according to Section 161A.64 of the *Code of Iowa*.

F. Identify measures and procedures to reasonably minimize site soil compaction and provide soil quality restoration as specified.

G. Assure that all temporary erosion and sediment controls shall not be removed until the City has determined that the site has been permanently stabilized.

H. Assure that all disturbed sites be permanently stabilized with 70% perennial cover as measured by the USDA line transect method.

I. Identify methods to prevent sediment damage to adjacent properties and sensitive environmental areas such as water bodies, plant communities,

rare, threatened, and/or endangered species habitats, wildlife corridors, greenways, etc.

J. Provide for design and construction methods to stabilize steep or long continuous slopes.

K. Include measures to control the quantity and quality of storm water leaving a site before, during, and after construction.

L. Provide for stabilization of all waterways and outlets.

M. Protect storm sewer infrastructure from sediment loading/plugging.

N. Specify precautions to be taken to contain sediment when working in or crossing water bodies.

O. Assure stabilization of disturbed areas, including utility construction areas, as soon as possible.

P. Protect outlying roads from sediment and mud from construction site activities, including tracking.

Q. Provide for disposal of collected sediment and floating debris.

R. Assure that, when working near Walnut or North Walnut Creek, the specific practices itemized immediately below are utilized:

(1) During Construction.

a. All exposed soil areas with a slope of 3:1 or steeper, which have a continuous positive slope to Walnut or North Walnut Creek, should have temporary erosion protection or permanent cover within three days after the area is no longer actively being worked; all other slopes that have a continuous positive slope to Walnut or North Walnut Creek should have temporary erosion protection or permanent cover within seven days after the area is no longer actively being worked.

b. Temporary sediment basin requirements should be used for common drainage locations that serve an area with five or more acres disturbed at one time.

(2) Buffer Zone. Provide for the maintenance at all times of an undisturbed buffer zone consisting of not less than 100 linear feet from Walnut or North Walnut Creek. Exceptions from this for areas such as water crossings or limited water access are allowed if the applicant fully documents in the SWPPP the circumstances and reasons that the buffer encroachment is necessary; all potential water quality, scenic and other environmental impacts of these exceptions should be minimized and documented in the SWPPP for the project.

(3) Enhanced Temperature Controls. Design the permanent storm water management system such that the discharge from the project will minimize any increase in the temperature.

a. Minimize new impervious surfaces; and/or

b. Other methods that will minimize any increase in the temperature of the sensitive waters.

8. Issuance by the City of a City COSESCO permit shall be a condition precedent for the issuance of a City building permit or site plan approval.

9. Every Erosion and Sediment Control Plan (ESC) submitted to the City in support of a City COSESCO permit shall:

- A. Phase construction to minimize duration of exposed soil areas.
- B. Provide temporary and permanent erosion prevention, sediment control, storm water runoff, and soil stabilization BMPs along with procedures to establish additional temporary BMPs as necessary for the site conditions during construction.
- C. Provide final stabilization of all exposed soil areas.
- D. Incorporate the following into the site design for erosion and sediment control:
 - (1) Minimize disturbance of natural soil cover and vegetation.
 - (2) Minimize, in area and duration, exposed soil and unstable soil conditions.
 - (3) Protect receiving water bodies, wetlands, and storm sewer inlets.
 - (4) Protect adjacent properties from sediment deposition.
 - (5) Minimize off-site sediment transport on trucks and equipment.
 - (6) Minimize work in and adjacent to water bodies and wetlands.
 - (7) Maintain stable slopes.
 - (8) Avoid steep slopes and the need for high cuts and fills.
 - (9) Minimize disturbance to the surrounding soils, root systems, and trunks of trees adjacent to site activity that are intended to be left standing.
 - (10) Minimize the compaction of site soils.
- E. Identify the:
 - (1) Elevations, sections, profiles, and details as needed to describe all natural and artificial features of the project.
 - (2) 100-year flood elevation with and without the floodway, flood fringe, and/or general flood boundary, if available.
 - (3) Normal water level, high water level, and emergency overflow elevations for the site and all associated ponding systems.
 - (4) Locations of all storm water management practices, infiltration areas, and areas not to be disturbed during construction.
 - (5) Location, size, and approximate grade of proposed public sewer and water mains.
 - (6) Construction phasing including a map and calculations as necessary of areas of grubbing, clearing, tree removal, grading,

excavation, fill and other disturbance; areas of soil or earth material storage; quantities of soil or earth material to be removed, placed, stored or otherwise moved on site, delineated limits of disturbance, and final stabilization methods.

(7) Locations of planned temporary and permanent erosion prevention, sediment control, storm water runoff, and soil stabilization BMPs.

10. For so long as a construction site is subject to a State NPDES general permit #2 or a City COSESCO permit, the applicant shall provide the City with current information, as follows:

A. The name, address, and telephone number of the person on site designated by the owner who is knowledgeable and experienced in erosion and sediment control and who will oversee compliance with the State NPDES general permit #2 and the City COSESCO permit;

B. The names, addresses, and telephone numbers of the contractors and/or subcontractors that will implement each erosion and sediment control measure identified in the SWPPP or ESC.

Applicant's failure to provide current information shall constitute a violation of this chapter.

11. Developers can transfer State NPDES general permit #2 and the City COSESCO permit responsibility to homebuilders, new lot owners, contractors, and subcontractors. Transferees must agree to the transfer in writing, must agree to fulfill all obligations of the SWPPP or ESC, the State NPDES general permit #2 (if applicable), and the City COSESCO permit. Absent such written confirmation of transfer of obligations, the developer remains responsible for compliance on any lot that has been sold. A developer shall notify the City of any application to the DNR for release of any property from a general permit #2 pursuant to Iowa Administrative Code 567, 64.6(6) or any similar successor provision.

12. Upon receipt of an application for a City COSESCO permit, the City shall either find that the application complies with this chapter and issue a City COSESCO permit in accordance with this chapter, or that the application fails to comply with this chapter; in which case, the City shall provide a bill of particulars identifying non-compliant elements of the application. The City will use a consulting engineer to accomplish this review.

13. Application for termination of a City COSESCO permit shall be made by contacting the City Inspector.

14. Before work under the permit is deemed complete, the permittee must submit as-builts and a maintenance plan demonstrating at the time of final stabilization that the storm water facilities conform to design specifications.

160.06 INSPECTION PROCEDURES.

1. All inspections required under this chapter shall be conducted by the Public Works Director, City Engineer, Building Inspector, a subcontractor credentialed in a manner satisfactory to the City, or other appropriate designee, hereinafter referred to as the "enforcement officer."

2. The City shall conduct inspections on a regular basis to ensure that both storm water and erosion and sediment control measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. Mandatory inspections are required as follows:
 - A. Before any land disturbing activity begins;
 - B. At the time of footing inspections;
 - C. At the completion of the project; and
 - D. Prior to the release of financial securities.
3. Applicant shall notify the City prior to commencing land disturbing activity, at the time of footing inspections and when all measures required by applicant's SWPPP have been accomplished on-site, whereupon the City shall conduct an initial inspection for the purpose of determining compliance with this chapter, and shall within a reasonable time thereafter report to the applicant either that compliance appears to have been achieved, or that compliance has not been achieved, in which case the City shall provide a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within twenty-four (24) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for taking corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter.
4. Construction shall not occur on the site at any time when the City has identified conditions of noncompliance.
5. Construction activities undertaken by an applicant prior to resolution of all discrepancies specified in the bill of particulars shall constitute a violation of this chapter.
6. The City shall not be responsible for the direct or indirect consequences to the applicant or to third parties for noncompliant conditions undetected by inspection.

160.07 MONITORING PROCEDURES.

1. Upon issuance of a City COSESCO permit, an applicant has an absolute duty to monitor site conditions and to report to the enforcement officer any change of circumstances or site conditions which the applicant knows or should know pose a risk of storm water discharge in a manner inconsistent with applicant's SWPPP, State NPDES general permit #2 and/or City COSESCO permit.
 - A. Such report shall be made by the applicant to the enforcement officer immediately but in any event within twenty-four (24) hours of the change of circumstances or site conditions.
 - B. Failure to make a timely report shall constitute a violation of this chapter.
2. Any third party may also report to the City site conditions which the third party reasonably believes pose a risk of storm water discharge in a manner inconsistent with applicant's SWPPP, State NPDES general permit #2, and/or City COSESCO permit.

3. Upon receiving a report pursuant to the previous subsections, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide the applicant with a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within 24 hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for completing corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions specified in Section 160.05 below.

4. Unless a report is made to the enforcement officer pursuant to the previous subsections, the enforcement officer shall conduct at least one unannounced inspection during the course of construction to monitor compliance with the State NPDES general permit #2 and the City COSESCO permit. If the inspection discloses any significant noncompliance, the enforcement officer shall provide the applicant with a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within 24 hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for completing corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions specified in Section 160.05 below.

5. The City shall not be responsible for the direct or indirect consequences to the applicant or to third parties for noncompliant conditions undetected by inspection.

160.08 ENFORCEMENT.

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

2. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of Section 364.22 of the *Code of Iowa*, pursuant to Chapter 4 of this Code of Ordinances.

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

4. In cases where cooperation for inspections is withheld, construction stop work orders shall be issued by the City until storm water and erosion and sediment control measures meet the requirements of this chapter. An inspection must follow before work can resume.

5. If storm water and/or erosion and sediment control management measures malfunction and breach the perimeter of the site, enter streets, other public areas, or Walnut and North Walnut Creek, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-way from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining permission. If, in the discretion of the City, the applicant does not repair the damage caused by the storm water runoff the City can complete the remedial work required and charge the

cost to the applicant. If payment is not made within thirty days, payment will be made from the applicant's financial securities.

6. The City can take any combination of the following actions in the event of a failure by applicant to meet the terms of this chapter:

- A. Withhold inspections or issuance of certificates or approvals;
- B. Revoke any permit issued by the City to the applicant;
- C. Conduct remedial or corrective action on the development site or adjacent site affected by the failure;
- D. Charge applicant for all costs associated with correcting the failure or remediating damage from the failure; if payment is not made within thirty days, payment will be made from the applicant's financial securities;
- E. Bring other actions against the applicant to recover costs of remediation or meeting the terms of this chapter; and
- F. Any person, firm or corporation failing to comply with or violating any of these regulations shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. Each day that a separate violation exists shall constitute a separate offense.

160.09 FAILURE TO COMPLY. Failure to comply with this chapter constitutes a municipal infraction. The property owner is responsible to ensure that this chapter is observed.

160.10 APPEAL. Administrative decisions by City staff and enforcement actions of the enforcement officer may be appealed by the applicant to the City Council pursuant to the following rules:

- 1. The appeal must be filed in writing with the City Clerk within five (5) business days of the decision or enforcement action.
- 2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
- 3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
- 4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice, in accordance with Chapter 21 of the *Code of Iowa*, of the date, time, and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, *Code of Iowa*. The

applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

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

160.11 FINANCIAL SECURITIES.

1. The City shall require financial securities from the applicant in an amount sufficient to cover the entirety of the estimated costs of permitted and remedial work based on the final design as established in a set finance security schedule determined by the City.
2. Financial securities shall not be released until all permitted and remedial work is completed.
3. Financial securities may be used by the City to complete work not completed by the applicant.
4. The form of the financial securities shall be one or a combination of the following to be determined by the City:
 - A. Cash Deposit. The first \$5,000 of the financial security for erosion and sediment control shall be by cash deposit to the City. The cash will be held by the City in a separate account.
 - B. Securing Deposit. Deposit, either with the City, a responsible escrow agent, or trust company and, at the option of the City, either:
 - (1) An irrevocable letter of credit or negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by State and federal government wherein said financial institution pledges funds are on deposit and guaranteed for payment;
 - (2) Cash in U.S. currency; or
 - (3) Other forms of securities (e.g., disbursing agreement) as approved by the City.
5. The security shall save the City free and harmless from all suits or claims for damages resulting from the negligent grading removal, placement or storage of rock, sand, gravel, soil, or other like material within the City.
6. If at any time during the course of the work the amount falls below 50% of the required deposit, the applicant shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the applicant does not bring the financial security back up to the required amount within seven (7) days after notification by the City that the amount has fallen below 50% of the required amount the City may:
 - A. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
 - B. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.

7. The City may access financial security for remediation actions if any of the conditions listed below exist. The City shall use the security to finance remedial work undertaken by the City, or a private contractor under contract to the City, to reimburse the City for all direct costs incurred in the process of remedial work, including (but not limited to) staff time and attorney's fees.

- A. Abandonment. The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
- B. Failure to Implement the SWPPP or ESC Plan. The applicant fails to conform to the grading plan and/or the SWPPP as approved by the City.
- C. Failure to Perform. The techniques utilized under the SWPPP or ESC Plan fail within one year of installation.
- D. Failure to Reimburse the City. The applicant fails to reimburse the City for corrective action taken.

8. When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security by one-third. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security to two-thirds of the initial amount. This reduction in financial security will be determined by the City.

9. The security deposited with the City for faithful performance of the SWPPP or ESC Plan and any related remedial work shall be released one full year after the completion of the installation of all storm water pollution control measures as shown on the SWPPP or ESC Plan.

160.12 RIGHT OF ENTRY. The issuance of a permit constitutes a right of entry for the City or its contractor to enter upon the construction site. The applicant shall allow the City and the City's authorized representative upon presentation of credentials to:

1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, or surveys;
2. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigation;
3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit;
4. Inspect the storm water pollution control measures;
5. Sample and monitor any items or activities pertaining to storm water pollution control measures; and
6. Correct deficiencies in storm water and erosion and sediment control measures.

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CHAPTER 161

POST-CONSTRUCTION STORM WATER CONTROL

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161.01 FINDINGS OF FACT.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System ("MS4") ("MS4 Permit"). The City of Windsor Heights is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.
2. As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce a POST-CONSTRUCTION STORM WATER CONTROL ordinance.
3. No State or federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this chapter entirely by charges imposed on the owners or developers of properties which are made subject to the Program by virtue of State and federal law, and/or other sources of funding established by a separate ordinance.
4. Land development and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; this storm water runoff contributes to increased quantities of water-borne pollutants; and storm water runoff, soil erosion, and non-point source pollution can be controlled and minimized through the regulation of storm water runoff from development sites.
5. Therefore, City establishes this set of City storm water requirements applicable to all surface waters to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of storm water runoff discharges from land development and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with storm water runoff is in the public interest and will prevent threats to public health and safety.
6. The *Iowa Storm Water Management Manual* published collaboratively by the Iowa Department of Natural Resources and The Center for Transportation Research and Education at Iowa State University establishes guidelines consisting of unified sizing criteria, storm water management designs and specifications and best

management practices (BMPs). The City hereby finds and declares that the guidelines provided for in the *Iowa Storm Water Management Manual*, and in future editions thereof, should be and are hereby adopted as the storm water management standards of the City. Any BMP installation that complies with the provisions of the *Iowa Storm Water Management Manual*, or future editions thereof, at the time of installation shall be deemed to have been installed in accordance with this chapter.

161.02 PURPOSE. The purpose of this chapter is to adopt as the City's standards and sizing criteria and BMPs to address said standards the Guidelines, Sizing Criteria, and BMPs proposed by the *Iowa Storm Water Management Manual* and as specifically identified above (hereinafter collectively "City storm water requirements") in order to protect and safeguard the general health, safety, and welfare of the public within this jurisdiction. This chapter seeks to meet that purpose through the following objectives:

1. Minimize increases in storm water runoff from development within the City limits and fringe area in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
2. Minimize increases in non-point source pollution caused by storm water runoff from development which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific development project site after completion to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
4. Reduce storm water runoff rates and volumes, soil erosion, and non-point source pollution, wherever possible, through establishment of appropriate minimum storm water management standards and BMPs and to ensure that BMPs are properly maintained and pose no threat to public safety.

161.03 APPLICABILITY.

1. This chapter is applicable to all subdivision or site plan applications meeting the minimum square foot applicability criteria of subsection 2 of this section, unless eligible for an exemption or granted a waiver by the City under Section 161.07 of this chapter. This chapter also applies to land disturbance activities that are smaller than the minimum square foot applicability criteria specified in subsection 2 if such activities are part of a larger common plan of development that meets the minimum square foot applicability criteria specified in subsection 2, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post-construction runoff levels are consistent with any local and regional watershed plans.

2. City storm water requirements must be met for development to be approved. City storm water requirements apply to any development disturbing one acre or more of land, and to any development disturbing less than one acre if the amount of impervious cover created exceeds 5,000 square feet. The following activities are exempt from this chapter:

- A. Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the appropriate agency, as applicable.

- B. Additions or modifications to existing single-family structures.
 - C. Developments that do not disturb more than one acre of land provided they are not part of a larger common development plan.
 - D. Repairs to any storm water BMPs deemed necessary by City.
3. When a site development plan is submitted that qualifies as a development, as defined in this chapter, decisions on permitting any appropriate on-site BMPs shall be guided by the SUDAS Design Manual. Final authorization of all development and redevelopment projects will be determined after a review by City.

161.04 COMPATIBILITY WITH OTHER REQUIREMENTS.

1. It is intended that this chapter be construed to be consistent with Chapter 160, Construction Site Erosion and Sediment Control, and Chapter 102, Illicit Discharge to Storm Sewer System, of this Code of Ordinances.
2. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other chapter, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

161.05 DEFINITIONS. Terms in this chapter, other than those defined below, shall have the meanings set out in the *Iowa Storm Water Management Manual*.

1. “Applicant” means a property owner or agent of a property owner who has filed an application for a storm water management permit.
2. “Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
3. “City storm water requirements” means the standards, sizing criteria, BMPs and other requirements established in this chapter.
4. “Dedication” means the deliberate appropriation of property by its owner for general public use.
5. “Developer” means a person who undertakes land disturbance activities.
6. “Development” means either:
 - A. Land disturbance activity exceeding 43,560 square feet on land previously vacant of buildings or largely free of previous land disturbance activity other than traditional agricultural activities; or
 - B. Land disturbance activity exceeding 43,560 square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential (a.k.a. “redevelopment”).
7. “Drainage easement” means a legal right granted by a landowner to a cable operator allowing the use of private land for storm water management purposes.
8. “Enforcement officer” means that person designated by the City having responsibility for administration and enforcement of this chapter.

9. “Fee in lieu” means a payment of money in place of achieving or exceeding all or part of City storm water requirements.
10. *Iowa Storm Water Management Manual* means the current *Iowa Storm Water Management Manual* publication, by whatever name, as amended from time to time by Iowa Department of Natural Resources in collaboration with the Center for Transportation Research at Iowa State University, and which recommends storm water management guidelines and uniform sizing criteria and BMPs designed to address said guidelines.
11. “Land disturbance activity” means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
12. “Landowner” means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
13. “Maintenance agreement” means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water BMPs.
14. “Storm water management” means the use of BMPs that are designed in accordance with City storm water requirements to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates, and detrimental changes in stream temperature that affect water quality and habitat.
15. “Storm Water Pollution Prevention Plan” (SWPPP) means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

161.06 PERMIT PROCEDURES AND REQUIREMENTS.

1. Permit Required. No landowner or developer shall receive any of the building, grading, or other land development permits required for land disturbance activities without first meeting the requirements of this chapter prior to commencing the proposed activity.
2. Application Requirements.
 - A. Unless specifically exempted by this chapter, any landowner or developer desiring a permit for a land disturbance activity shall submit to the City a permit application on a form provided for that purpose.
 - B. Unless otherwise exempted by this chapter, a permit application must be accompanied by the following in order that the permit application be considered:
 - (1) A storm water management concept plan;
 - (2) A maintenance agreement; and
 - (3) A non-refundable permit review fee.

- C. The storm water management concept plan and maintenance agreement shall be prepared to meet the requirements of this chapter, and fees shall be those established by the City annually or more often by separate ordinance or resolution.
3. Application Review Fees. The fee for review of any land development application shall be based on the amount of land to be disturbed at the site; the fee structure shall be established by City, and said fees shall be paid prior to the issuance of any applicable City permits. All such revenue shall be credited to a City budgetary category to support the administration of this chapter.
4. Application Procedure.
- A. The applicant shall request a pre-application meeting which will be facilitated by the City between the applicant, City staff, and staff of partner agencies as applicable. The meeting shall be mandatory prior to submission of a permit application. The purposes of the meeting are to understand the general parameters of the proposed project and to convey the requirements of meeting the provisions of this chapter and other applicable ordinances.
- B. Applications for land disturbance activity permits must be filed for review with the office of the City Clerk on any regular business day.
- C. Permit applications shall include the following:
- (1) Two copies of the storm water management concept plan;
 - (2) Two copies of the maintenance agreement, and
 - (3) Any required review fees.
- D. The City shall make a determination regarding the completeness of a permit application within ten (10) business days of the receipt of the application and notify the applicant in writing if the application is not complete including the reasons the application was deemed incomplete.
- E. Within 15 business days of the receipt of a complete permit application, including all documents as required by this chapter, City shall inform the applicant whether the application, plan, and maintenance agreement are approved or disapproved by the enforcement officer.
- F. If the permit application, storm water management concept plan, or maintenance agreement are disapproved, the applicant may revise the storm water management concept plan or agreement. If additional information is submitted, the City shall have 15 business days from the date the additional information is received to inform the applicant that the storm water management concept plan and maintenance agreement are either approved or disapproved.
- G. If the permit application, storm water management final plan, and maintenance agreement are approved by City, all appropriate land disturbance activity permits shall be issued.
5. Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date City notifies the permit holder that all storm water BMPs have passed the final inspection required under permit conditions.

161.07 WAIVERS. Every applicant shall provide for storm water management as required by this chapter, unless a written request is filed to waive implementation of BMPs, in whole or in part, and such waiver is granted. Requests to waive implementation of BMPs in whole or in part shall be submitted to City for approval.

1. Partial Waivers. A partial waiver of BMPs required by this chapter may be granted provided that at least one of the following conditions is established by applicant based on authoritative written evidence satisfactory to City:

A. The proposed development is not likely to impair attainment of the objectives of this chapter.

B. Alternative minimum requirements for on-site management of storm water have been established in a storm water management final plan that has been approved by City and fully implemented.

C. Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices, and there is, in the City's sole judgment, a responsible entity legally obligated to monitor the performance of and maintain the efficiency of storm water BMPs in accordance with a written and recorded maintenance agreement.

D. In instances where one of the above conditions is established, the applicant must further establish by authoritative written evidence satisfactory to City that the partial waiver will not result in any of the following impacts to downstream waterways:

(1) Deterioration of existing culverts, bridges, dams, and other structures; or

(2) Degradation of biological functions or habitat; or

(3) Accelerated stream bank or streambed erosion or siltation; or

(4) Increased threat of flood damage to public health, life, property.

2. General Waivers. If the City finds that a general waiver is appropriate because implementation of no on-site storm water BMPs is feasible due to the natural or existing physical characteristics of a site, or that one of the conditions specified in subsection 1 above cannot be established to a certainty, or that any one or more of the impacts to downstream waterways specified above cannot be entirely averted, the applicant shall execute a binding written agreement to accomplish one or more of the following mitigation measures selected by City:

A. The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reconstruction of native ecosystems of lands strategically located in the watershed consistent with the purposes of this chapter, of a sufficient quantity to enable City or others to achieve City storm water requirements with respect to a number of cubic feet of annual storm water equivalent to the estimated number of cubic feet of annual storm water that will not achieve City storm water requirements as a consequence of the waiver.

B. The creation of one or more storm water BMPs on previously developed properties, public or private, that currently lack storm water BMPs, having a capacity to achieve City storm water requirements with respect to a number of cubic feet of annual storm water equivalent to the estimated number of cubic feet of annual storm water that will not achieve City storm water requirements as a consequence of the waiver.

C. Monetary contributions (fee in lieu) to fund storm water management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, monitoring of storm water BMPs, and stream corridor stabilization practices). The monetary contribution required shall be in accordance with a fee schedule (unless the developer and the storm water authority agree on a greater alternate contribution) established by City, based on the estimated cost savings to the developer resulting from the waiver and the estimated future costs to City to achieve City storm water requirements with respect to a number of cubic feet of annual storm water equivalent to the estimated number of cubic feet of annual storm water that will not achieve City storm water requirements as a consequence of the waiver. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

D. Dedication of land or granting of an easement by the applicant of a value equivalent to the cost to City of the construction of an off-site storm water management facility sufficient to achieve City storm water requirements with respect to a number of cubic feet of annual storm water equivalent to the estimated number of cubic feet of annual storm water that will not achieve City storm water requirements as a consequence of the waiver. The agreement shall be entered into by the applicant and City prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

161.08 STORM WATER STANDARDS. Unless granted a waiver by the City, applicants shall meet the storm water standards established in this chapter.

1. The site design shall provide on-site treatment during construction and post-construction to ensure no increases over underdeveloped condition for the one-year, 24-hour storm event, the five-year, 24-hour storm event, and the 100-year, 24-hour storm event.
2. The site design shall provide on-site water quality treatment for the runoff resulting from a rainfall depth of 1.25 inches over the post-construction site area in order to reduce average annual post-development total suspended solids loadings by at least 80%.
3. The site design shall retain on-site for recharge a portion of the water quality treatment volume calculated as a soil specific recharge factor multiplied by the volumetric runoff coefficient multiplied by the area and all divided by 12. The soil specific recharge factor is given as 0.51 for Hydrologic Soil Group (HSG) A soils, 0.34 for HSG B soils, 0.17 for HSG C soils, and 0.08 for HSG D soils. The volumetric runoff coefficient is calculated as $0.05 + 0.009$ multiplied by the site

impervious percentage. See the *Iowa Storm Water Management Manual* for additional clarification on the calculation. For areas of the site where there is no feasible way to achieve the recharge requirement, other options may be considered by the City if the options meet the performance standard listed for sites with restrictions in subsection 4 below.

4. Applicant shall fully attempt to comply with the standards in subsections 1 through 3 above. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site. If full compliance is not possible, the following flexible treatment options shall be used:

A. Applicant shall document the flexible treatment options sequence starting with Alternative #1. If Alternative #1 cannot be met, then Alternative #2 shall be analyzed. If Alternative #2 cannot be met then Alternative #3 shall be met. When all of the conditions are fulfilled within an alternative, this sequence is completed.

B. Recharge techniques considered shall include infiltration, reuse and rainwater harvesting, and canopy interception and evapotranspiration and/or additional techniques included in the *Iowa Storm Water Management Manual*.

C. Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by rate control BMPs.

D. Factors to be considered for each alternative will include:

- (1) Karst or Coal geology.
- (2) Shallow bedrock.
- (3) High groundwater.
- (4) Hotspots or contaminated soils.
- (5) Excessive cost.
- (6) Poor soils (infiltration rates that are too low or too high, problematic urban soils).

E. Alternative #1: Applicant attempts to comply with the following conditions:

- (1) Achieve recharge to the maximum extent practicable, and
- (2) Treat by means of a filtration-based storm water treatment facility, the water quality volume determined in standard 2 above in order to provide removal of fine particles, and
- (3) Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

F. Alternative #2: Applicant attempts to comply with the following conditions:

- (1) Achieve recharge to the maximum extent practicable, and
- (2) Remove 80% of the annual Total Suspended Solids load, and

(3) Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

G. Alternative #3: Off-Site Treatment. Off-site mitigation, as outlined in Section 161.07(2), Waivers, of the required treatment volume that cannot be provided on site can be used to protect Walnut Creek or North Walnut Creek.

5. The site shall be designed using the Better Site Design process. Better Site Design involves techniques applied early in the design process to preserve natural areas, reduce impervious cover, distribute runoff and use pervious areas to more effectively treat storm water runoff. Site design should address open space protection, impervious cover minimization, and runoff distribution and minimization, and runoff utilization through considerations such as:

- A. Open space protection and restoration.
 - (1) Conservation of existing natural areas (upland and wetland).
 - (2) Reforestation.
 - (3) Re-establishment of prairies.
 - (4) Restoration of wetlands.
 - (5) Establishment or protection of stream, shoreline and wetland buffers.
 - (6) Re-establishment of native vegetation into the landscape.
- B. Reduction of impervious cover.
 - (1) Reduce new impervious cover through redevelopment of existing sites and use of existing roadways, trails etc.
 - (2) Minimize street width, parking space size, driveway length, sidewalk width.
 - (3) Reduce impervious surface footprint (e.g., two-story buildings, parking ramp).
- C. Distribution and minimization of runoff.
 - (1) Utilize vegetated areas for storm water treatment (e.g., parking lot islands, vegetated areas along property boundaries, front and rear yards, building landscaping).
 - (2) Direct impervious surface runoff to vegetated areas or to designed treatment areas (roofs, parking, driveways drain to pervious areas, not directly to storm sewer or other conveyances).
 - (3) Encourage infiltration and soil storage of runoff through grass channels, soil compost amendment, vegetated swales, rain gardens, etc.
 - (4) Plant vegetation that does not require irrigation beyond natural rainfall and runoff from the site.
- D. Runoff utilization.

- (1) Capture and store runoff for use for irrigation in areas where irrigation is necessary.
6. The following general criteria shall be incorporated in site design for storm water runoff to protect surface and ground water and other natural resources:
- (1) Reduce impacts on water.
 - (2) Protect soils.
 - (3) Preserve vegetation.
 - (4) Decrease runoff volume.
 - (5) Decrease erosion and sedimentation.
 - (6) Decrease flow frequency, duration, and peak runoff rates.
 - (7) Increase infiltration (groundwater recharge).
 - (8) Maintain existing flow patterns.
 - (9) Reduce time to peak flows by increasing the time of concentration to and through storm sewers.
 - (10) Store storm water runoff on-site.
 - (11) Avoid channel erosion.

161.09 APPROVAL OF STORM WATER MANAGEMENT CONCEPT PLAN. No application for development will be accepted unless it includes a storm water management concept plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. The storm water management concept plan shall:

1. Be prepared by a licensed professional engineer or landscape architect or individual credentialed in a manner satisfactory to the City.
2. Indicate whether storm water will be managed on site or off site and, if on site, the general location and type of practices, with clear citations to the SUDAS Design Manual.
3. Include a signed and dated certification under penalty of perjury by the preparer of the storm water management concept plan that it complies with all requirements of this chapter and the SUDAS Design Manual, meets the submittal requirements outlined in the SUDAS Design Manual, is designed to achieve City storm water requirements, and that the City is entitled to rely upon the certification as due diligence on the part of City.
4. Include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the storm water BMPs proposed for managing storm water generated at the project site. The intent of this conceptual planning process is to determine the type of storm water BMPs necessary for the proposed project, and ensure adequate planning for management of storm water runoff from future development. To accomplish this goal, the following information shall also be included in the storm water management concept plan:

- A. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural storm water management and sediment and erosion BMPs. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads, and easements; and the limits of clearing and grading. A written description of the site plan and justification of proposed changes in natural conditions may also be required. A copy of the current SWPPP may satisfy this requirement.
- B. Sufficient engineering analysis to show that the proposed BMPs are capable of achieving City storm water requirements for the site in compliance with this chapter.
- C. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive BMPs that provide particular opportunities or constraints for development.
- D. A written description of the required maintenance burden for any proposed BMPs.
- E. The City may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.
- F. For development occurring on a previously developed site, an applicant shall be required to include within the storm water management concept plan BMPs for controlling existing storm water runoff discharges from the site in accordance with this chapter to the maximum extent practicable.

The storm water management concept plan shall be referred for comment to all other interested agencies, and any comments must be addressed in a storm water management final plan.

161.10 APPROVAL OF STORM WATER MANAGEMENT FINAL PLAN. No building, grading, or sediment control permit shall be issued until a satisfactory storm water management final plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the storm water management concept plan, and modifications to that plan as deemed necessary by City, a storm water management final plan must be submitted to the City for approval. The storm water management final plan, in addition to the information included in the storm water management concept plan, shall:

1. Be prepared by a licensed professional engineer or landscape architect or individual credentialed in a manner satisfactory to the City.
2. Indicate whether storm water will be managed on site or off site and, if on site, the general location and type of practices, with clear citations to the SUDAS Design Manual.

3. Include a signed and dated certification under penalty of perjury by the preparer of the storm water management final plan that it complies with all requirements of this chapter and the SUDAS Design Manual, meets the submittal requirements outlined in the SUDAS Design Manual, is designed to achieve City storm water requirements, and that City is entitled to rely upon the certification as due diligence on the part of City.
4. The storm water management final plan shall also include:
 - A. A detailed summary of how and why the storm water management final plan differs, if at all, from the storm water management concept plan previously submitted.
 - B. Contact information, including but not limited to the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
 - C. Topographic base map, consisting of a 1" = 200' topographic base map, of the site which extends a minimum of 300 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.
 - D. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the *Iowa Storm Water Management Manual*. Such calculations shall include:
 - (1) Description of the design storm frequency, intensity and duration;
 - (2) Time of concentration;
 - (3) Soil curve numbers or runoff coefficients;
 - (4) Peak runoff rates and total runoff volumes for each watershed area;
 - (5) Infiltration rates, where applicable;
 - (6) Culvert capacities;
 - (7) Flow velocities;
 - (8) Data on the increase in rate and volume of runoff for the design storms referenced as referenced in the NOAA Atlas 14, Volumes 8 and 9 (April 2013); and
 - (9) Documentation of sources for all computation methods and field test results.
 - E. If a storm water BMP depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil sites shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the BMP.

F. A maintenance and repair plan for all storm water BMPs including detailed maintenance and repair procedures to ensure their continued efficient function. These plans will identify the parts or components of a storm water BMP that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

G. A detailed landscaping plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect, landscape designer, or by the soil and water conservation district.

H. Proof of permanent recorded maintenance easements that will ensure access to all storm water BMPs at the site for the purpose of inspection and repair. These easements will be recorded with the storm water management final plan and will remain in effect even with transfer of title to the property.

I. Proof of a recorded maintenance agreement binding on all subsequent owners of land served by storm water BMPs to ensure maintenance and repair in accordance with the specifications of this chapter.

J. Copies of all existing SWPPS (as required by the City's COSESCO ordinance) current as of the date of submission of the storm water management final plan for all construction activities related to implementing any on-site storm water BMPs.

K. Proof that the applicant has acquired all other applicable environmental permits for the site, or that no other such permits are required, prior to submission of the storm water management final plan to the City.

161.11 PERFORMANCE SECURITY OR BOND.

1. The City shall require the submittal of an installation performance security or bond prior to issuance of a permit in order to ensure that the storm water BMPs are installed by the permit holder as required by the approved storm water management final plan.

2. The amount of the installation performance security or bond shall be the total estimated construction cost of the storm water BMPs approved under the permit, plus 25%. The installation performance security or bond shall contain forfeiture provisions for failure to complete work specified in the storm water management final plan.

3. The installation performance security or bond shall be released in full only upon submission of "as-built plans" of all storm water BMPs specified in the storm water management final plan and written certification by a professional engineer that the storm water BMPs have been installed in accordance with the approved storm water management final plan and other applicable provisions of this chapter. The City will make a final inspection of storm water BMPs to ensure compliance with the approved storm water management final plan and the provisions of this chapter. Provisions for a partial pro rata release of the installation performance security or bond based on the completion of various development stages can be made at the discretion of City.

4. The installation performance security or bond shall inure only to the benefit of the City for purposes of completing, modifying, or correcting the storm water BMPs to comply with this chapter.

161.12 MAINTENANCE PERFORMANCE SECURITY OR BOND.

1. The City shall also require the submittal of a maintenance performance security or bond prior to issuance of a permit in order to insure that the storm water BMPs are maintained in an effective state for a minimum of 10 years.
2. This maintenance performance security or bond may be released by the City upon a showing satisfactory to the City that:
 - A. The permit holder has assigned to another bona fide, financially responsible legal entity, such as a homeowners' or similar organization organized under Iowa law, responsibility for maintenance of the storm water BMPs in an effective state for the balance of the 10-year period after assignment; and
 - B. Said assignee has fully accepted such responsibility in a written document that qualifies for recording and has been recorded in the County Recorder's office under Iowa law; and
 - C. Said assignee posts a substitute maintenance performance security or bond subject to release at the end of the initial 10-year period upon a further showing by the assignee that the storm water BMPs are, in the City's sole judgment, still reasonably effective.
3. This maintenance performance security or bond shall inure only to the benefit of the City to ensure the proper maintenance of the storm water BMPs.
4. This maintenance and performance security or bond may be issued on an annual basis, provided that there is no lapse in coverage.

161.13 CONSTRUCTION INSPECTION.

1. The applicant must notify the City in advance before the commencement of construction. Regular inspections of construction of the storm water BMPs shall be conducted by City or City's designated representative. Inspections will be conducted before any land disturbing activity begins, at the time of footing inspections, at the completion of the project; and prior to the release of financial securities. All inspections shall be documented and written reports prepared that contain the following information:
 - A. The date and location of the inspection; and
 - B. Whether construction is in compliance with the approved storm water management concept plan; and
 - C. Variations, if any, from the approved storm water management concept plan.
2. If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval by City.

3. After construction is completed, applicants are required to submit actual “as-built” drawings satisfactory to City for any storm water BMPs located on site. The drawings must show the final design specifications for all storm water BMPs and must be certified by a professional engineer. A final inspection by City is required before the release of the installation performance security or bond can occur.

4. Landscaping and stabilization shall be accomplished to prevent violation of City storm water requirements or impairment of BMPs. In addition, a landscaping plan must be submitted with the final as-built drawings describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect, landscape designer, or by the local soil and water conservation district, and must be approved prior to receiving a permit. This is by reference incorporated into the site plan review process.

161.14 MAINTENANCE AND REPAIR OF STORM WATER BMPS. The applicant or owner of every site or an assignee qualified pursuant to Section 161.12 shall be responsible for maintaining as-built storm water BMPs in an effective state as determined in the sole judgment of City for 10 years from and after completion of construction.

1. Maintenance and Repair Easement. Prior to the issuance of any permit for development involving any storm water BMP, the applicant or owner of the site must execute a maintenance and repair easement agreement that shall be binding on all subsequent owners of land served by the storm water BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for periodic inspection by City or City’s designee and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City storm water requirements. The easement agreement shall be recorded by City at the expense of the permit holder or property owners.

2. Maintenance Covenants.

A. Maintenance of all storm water BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the storm water management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts.

B. The City, in lieu of a maintenance covenant, may (but is not required to) accept dedication of any existing or future storm water BMP to include City responsibility for maintenance and repair, provided that: the maintenance and repair of such element will not impose an undue burden on other City taxpayers who enjoy little if any benefit from the BMP; the BMP meets all the requirements of this chapter; and the dedication includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

3. Requirements for Maintenance Covenants. All storm water BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair

needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. These needs may include (but are not limited to) removal of silt, litter, and other debris from all storm water treatment and conveyance facilities, including ponds, infiltration basins, rain gardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement in a timely manner, as determined by City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water BMPs.

4. Inspection of Storm Water BMPs. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water BMPs, and evaluating the condition of storm water BMPs.

5. Right of Entry for Inspection. When any new storm water BMP is installed on private property, or when any new connection is made between private property and a public storm water management facility, sanitary sewer or combined sewer, the property owner shall grant to City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when City has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.

6. Records of Installation and Maintenance and Repair Activities. Parties responsible for the operation and maintenance of storm water BMPs shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years or longer if the City Inspector deems it necessary. These records shall be made available to City during inspection of the facility and at other reasonable times upon request.

7. Failure to Maintain Storm Water BMPs. If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the storm water BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the storm water BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the storm water BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the storm water BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the

work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

161.15 ENFORCEMENT AND PENALTIES.

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
2. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of Section 364.22 of the *Code of Iowa*, pursuant to Chapter 4 of this Code of Ordinances.
3. Enforcement pursuant to this section shall be undertaken by City upon the advice and consent of the City Attorney or other counsel employed by City.
4. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
5. Occupancy permits shall not be granted until all storm water BMPs have been inspected and approved by City.

161.16 APPEAL. Administrative decisions by City staff and enforcement actions may be appealed by the developer or property owner to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within five (5) business days of the decision or enforcement action.
2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail and shall give public notice, in accordance with Chapter 21 of the *Code of Iowa*, of the date, time, and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure and the standard of proof to be applied shall be the same as provided by Chapter 17A, *Code of Iowa*. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

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

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CHAPTER 162

FUEL GAS CODE

162.01 Short Title
162.02 Adoption of Fuel Gas Code
162.03 Conflicts

**162.04 Amendments, Modifications, Additions and
Deletions**

162.01 SHORT TITLE. This chapter shall be known as the Windsor Heights Fuel Gas Code, and may be cited as such, and may be referred to herein as this chapter.

162.02 ADOPTION OF FUEL GAS CODE. The *International Fuel Gas Code*, 2012 Edition, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified, or amended. A copy of the *International Fuel Gas Code*, 2012 Edition, as adopted and a copy of this chapter are on file in the office of the Code Official.

162.03 CONFLICTS. In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

162.04 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Fuel Gas Code*, 2012 Edition (hereinafter known as the IFGC), is amended as follows:

1. The following are deleted from the IFGC and are of no force or effect in this chapter:

106.5.4 Extensions; 109 Means of Appeal.

2. Subsection 101.1, *Title*, of the IFGC, is hereby deleted and there is enacted in lieu thereof the following subsection:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Windsor Heights, hereinafter known as "this code."

3. Subsections 103.1, *General*, of the IFGC, is hereby amended by adding the following paragraph to said subsection:

The term Code Official is intended also to mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties, and responsibilities as designated for the Code Official.

4. Subsection 106.1.1, *Permit Acquisition*, of the IFGC is hereby established by adding the following:

106.1.1 Permit acquisition.

1. Permits are not transferable. Fuel gas work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Chapter 105 of the *Code of Iowa*. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which said person is employed only when said responsible person or Master has provided proof of employment or written confirmation by said licensed contractor. Any permit

required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.

2. A State of Iowa licensed mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Chapter 105 of the *Code of Iowa* shall perform the work for which the permit was obtained.

3. For purposes of this section, an “employee” is one employed by the contractor, firm, or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

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

5. Subsection 106.5.3 *Expiration*, of the IFGC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.5.3 12-month expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

6. Subsection 106.5.6, *Retention of Construction Documents*, of the IFGC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.5.6 Retention of construction documents. One set of construction documents shall be retained by the Code Official until final approval of the work covered therein.

7. Subsection 106.6.2, *Fee Schedule*, of the IFGC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.6.2 Fee schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Windsor Heights. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee for the additional work has been paid.

8. Subsection 106.6.3, *Fee Refunds*, of the IFGC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

106.6.3 Fee refunds. The Code Official is authorized to establish a refund policy.

9. Subsection 108.4, *Violation Penalties*, of the IFGC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, or repairs fuel gas work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

10. Subsection 108.5, *Stop Work Orders*, of the IFGC is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

11. Subsection 403.10.1, *Pipe Joints*, of the IFGC is hereby amended by adding a new subsection as follows:

403.10.1.1 Welded pipe joints. All joints of wrought iron or steel gas piping larger than two-inch (2") standard iron pipe size and providing gas pressure of two (2) PSIG or greater shall be welded steel. All welded joints shall comply with the State of Iowa requirements and work shall be performed by certified welders.

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CHAPTER 163

DEMOLITION & RAZE PERMIT

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163.01 DEMOLITION PERMIT REQUIRED.

1. No building in the City of Windsor Heights can be demolished or razed until a permit authorizing such work has been obtained from the building official.
2. No permit for the demolition of a building shall be issued other than in conformity with the provisions of this ordinance, as well as in conformity with the provisions of other laws and ordinances applicable to historic preservation and to the demolition of buildings.
3. Except as provided in this section, a demolition permit that has expired shall be null and void, and before any demolition work is subsequently commenced a new permit therefore shall be obtained. The fee for such permit shall be at the same rate as the original permit.
4. If a demolition permit to remove an unsafe building or a building that is the subject of a public nuisance action has expired, the building official shall order the prompt removal of such structure, in accordance with all requirements of this article. All of the costs attendant to this action, including administrative costs, shall be either assessed against the property or collected from the owner unless otherwise directed by the City Council.

163.02 APPLICATION FOR PERMIT. An application for demolition shall be made only by the person, partnership, corporation or realty trust which is the legal deed holder of the building at the time of such application. The applicant must comply with all federal, state and local regulations pertaining to the disposal of hazardous wastes and building demolition. The application must be made on the form provided by the City of Windsor Heights and must clearly state the following at a minimum:

1. How the anticipated final disposition of material will be accomplished in as sustainable manner as possible;
2. The name and address of the person in responsible charge of the work;
3. The street address and legal description of the property on which the building or structure is located;
4. The name and address of the of the owner and, when appropriate, his or her legal agent in responsible charge of the property;
5. Overall dimensions, number of stories and materials of construction of the building or structure to be demolished;

6. A plan showing areas to be protected by fences, barricades, covered walkways, or other protective devices, and details of construction for such devices;
7. Location of the site where the demolition debris is to be discarded;
8. Approval from other city departments including: Public services, fire and administration, and other governmental agencies when deemed necessary by the building official and any special conditions or restrictions relating thereto;
9. For demolition by explosives, the applicant shall furnish the information required in this subsection and shall furnish information regarding the person who will be conducting the demolition by explosives and shall furnish plans showing how the building or structure will be prepared for demolition, the type and amount of explosives to be used, and a detailed plan showing what safety precautions will be taken to protect persons and property;
10. Identification of any potential hazardous materials and how any hazardous materials contained within the structure proposed for demolition will be determined and remediated;
11. Identifying all material. Such as basements, sidewalks, utilities materials, etc., which will not be removed from the property as part of the proposed demolition;
12. A plan and schedule for accomplishing the demolition to include safety and security, and access limits.
13. The applicant shall provide a certificate of liability insurance for personal injuries, death and for property damage in an amount not less than \$2,000,000.00 naming the City as an additional named insured party. The certificate shall provide that the coverage shall not be cancelled or changed without ten days' prior written notice to the City. The City Council may require additional insurance coverage when the hazard appears greater than normally expected and may also in such instance require the posting of a bond acceptable to the City in an amount commensurate with the severity of the hazard. The bond shall provide that the applicant shall well and satisfactorily perform the demolition. The bond shall be for the benefit of the City and any person who is injured or damaged by the failure of the applicant to satisfactorily perform the demolition.
14. The applicant shall agree to indemnify and hold harmless the City from all losses resulting from damages or injuries caused by the applicant or the applicant's employees, servants or agents arising out of the use of explosives in demolition.

No permit for demolition of a building shall be granted until plans for use or development of the site after demolition have been filed with the Zoning Administrator and found to comply with all laws pertaining to the issuance of a building permit and where applicable, a site plan unless it is subject to a public nuisance or unsafe building. All approvals necessary for the issuance of such a building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

163.03 DEMOLITION WITH EXPLOSIVES. A permit for the demolition of a building or structure by the use of explosives may be issued by the City Council subject to the following conditions, in addition to those set forth in Section 163.02:

1. The applicant for a permit must demonstrate to the City Council the need for demolition by explosives rather than demolition by conventional means and must demonstrate that demolition by explosives can be safely conducted at the specific location requested;
2. The building official, Public Services Director, fire chief and police chief shall review the application and submit their opinions to the City Council concerning whether or not the demolition can be safely conducted, together with any recommendations they may have;
3. The applicant shall pay the City in advance for reasonable expenses that will be incurred by the City in furnishing necessary security and police protection in the vicinity of the demolition site;
4. The applicant shall observe all applicable federal, state and local laws in the course of the demolition, including but not limited to the following:
 - A. The applicable provisions of the city fire prevention code relating to the storage, transportation and use of explosives.
 - B. The rules and regulations of the United States Environmental Protection Agency relating to the demolition of buildings or structures containing asbestos materials or other hazardous air pollutants.
5. The applicant shall meet all other requirements of this article relating to the demolition of structures or buildings; provided, however, that if a conflict exists between the provisions of this subsection and other sections of the City Code, the provisions of this subsection shall be deemed to be controlling;
6. The City Council shall at any time have the authority to impose additional requirements and safety precautions in the interest of the public health, safety and welfare;
7. Such other information as shall be reasonably required by the building official.

163.04 ABATEMENT ORDERED - BOND REQUIRED.

1. Before a permit is issued to remove a building which has been ordered removed as a public nuisance and which period of time granted by the City or by the courts for removal or other remedial action by the applicant or other party of interest has expired, the applicant may be required to post a cash bond equal to the estimated costs of the removal of the building and the disconnection of the existing utility services. If the applicant does not remove the building at the time the permit expires at a time specified by the building official, such bond shall be forfeited and used toward the costs of the City to remove it.
2. If the building is removed by the applicant prior to the time the permit expires, such bond shall be returned to the applicant. A return of the bond does not exempt the applicant from further assessments to the real estate for costs that have occurred prior to the issuance of the permit.

163.05 CLEARING AND LEVELING THE SITE.

1. The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be

seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than fifteen (15) consecutive days after demolition is completed.

2. Upon completion of the demolition work, the site shall be left in a clean, smooth condition. Inorganic building rubble, sand, clean earth, or other approved fill material may be used to fill excavations, basements, and depressions, provided that the top 12 inches shall be clean earth or its equivalent in terms of surface smoothness, free from dust, and cleanliness.

3. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before applicant is permitted to fill any excavation.

4. It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the Director of Public Service or designee may conduct inspection. Said opinion shall be deemed a sufficient approval by the City provided that a written copy of the opinion delivered to the City Clerk is at least forty-eight (48) hours before filling of the excavation commences.

163.06 FENCING OR COVERING EXCAVATION OF BUILDING. Before the demolition or razing of any building or structure has commenced the building or structure undergoing such demolition or razing and all debris on the property site shall be fenced and closed off to access by unauthorized persons with a fence not less than four feet in height. When such demolition and razing has reduced the building or structure to ground level, the resulting excavation consisting of a basement, cellar or other underground excavation shall be promptly filled to ground level not more than fifteen days after said building or structure has been lowered to ground level.

163.07 TIME LIMIT FOR DEMOLITION. The razing or demolition of any building or structure within the city limits shall be completed within thirty (30) days after such demolition or razing first commences. Completion of razing or demolition shall include the removal of all debris resulting from such razing or demolition from the site where said building or structure was located.

163.08 REMOVAL AND DISPOSAL. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

163.09 DISCONNECTION OF SEWER AND WATER. No permit to demolish shall be issued until it has been established that existing sewer and/or water services have been properly disconnected and approved.

163.10 PLUGGING SEWERS FOR ABANDONED, RAZED, DEMOLISHED OR DESTROYED BUILDINGS. From and after the effective date of this ordinance all sewer

drains, sewer connections, and water service line serving any razed or demolished building or any building that has been destroyed by fire or other casualty shall be sealed, plugged or capped by concrete or a mechanical watertight device where such sewer line exits from the building. Any plugs, caps or seals applied under the provisions of this ordinance shall be made between the sidewalk and the curb or such other point designated by the Director of Public Services and shall remain exposed until they have been viewed and approved by the Director of Public Services. Failure to obtain a permit as herein required or failure to seal, plug or cap a sewer drain or water service line within ten days after notice to do so by the Director of Public Works or failure to allow such plug, cap or seal to remain exposed until inspected by the Director of Public Works shall constitute a violation of this ordinance.

163.11 RIGHT OF THE CITY TO ENTER UPON PREMISES IN THE EVENT OF NONCOMPLIANCE. Authorized representatives of the City of Windsor Heights shall have the right to enter upon any premises where the razing or demolition of any building or structure is in progress for the purpose of constructing the fence or for the purpose of providing fill for the excavation where the owner of said property has failed to do so as required by this ordinance and assess the costs as a lien on the property.

163.12 MISCELLANEOUS PROVISIONS.

1. Demolition permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
2. The building official shall have the authority to impose at any time reasonable requirements and safety precautions in the interest of public health, safety, and welfare, which, in his or her opinion, are commensurate with the severity of hazard, either demonstrated or anticipated, provided that such requirements may be appealed to and reviewed by the board of appeals at the request of the affected party.
3. The discharging, loading, or dumping of building materials from any building shall be accomplished in such manner as to minimize the creation of dust and scattering of debris. Materials shall not be dropped by gravity to any point lying outside the building walls except through an enclosed chute, unless such materials are dust free and the height of the drop is at least equal to the horizontal distance to the nearest property or barricade line. Where such horizontal distance is not available and practical necessity dictates the dropping of relatively large masses of materials, the building official may approve appropriate protective measures designed to provide protection from danger equivalent to that afforded by the otherwise required setback; provided, however that in all cases such materials shall be handled in a manner approved by the air pollution control division of the county health department.
4. When necessary as determined by city officials, in order to protect the public health, safety, or welfare, every demolition project shall be barricaded, fenced, lighted, and signed with warning and/or directional signs in a manner approved by the building official or Director of Public Services. The building official may also require the presence of approved security guards or flag persons. Such barricades, fences, lights, and signs as may be deemed necessary by the building official for protection of the public shall be maintained after completion of the demolition work until such time as the site is cleaned of all debris and all excavations, basements, and depressions in the ground are restored to grade rendered harmless.

5. Adequate precautions shall be taken to ensure that procedures or conditions relation to the demolition work do not constitute a fire hazard. If, in the opinion of the fire chief, a fire hazard exists or is likely to exist, he or she may order the cessation of work or require that appropriate protective measures approved by him or her are taken.
6. All streets, alleys, and public ways adjacent to the demolition site shall be kept free and clear of any rubbish, refuse, and loose material resulting from the demolition work unless an obstruction permit for such space has been obtained.
7. Demolition of structures subject to public nuisance action shall include removal of all footing and foundation materials unless an obstruction permit for such space has been obtained.
8. All debris must be hauled away at the end of each week for the work that was completed during that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
9. If any razing or removal operation under this Section results in, or would likely result in, dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
10. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

(Ch. 163 – Ord. 15-07 – Nov. 15 Supp.)

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