

TITLE V - BUILDING AND PROPERTY REGULATIONS
BUILDING STANDARDS

CHAPTER 130
DANGEROUS BUILDINGS

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130.01 ENFORCEMENT OFFICER. The Building official shall be responsible for the enforcement of this chapter.

130.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter or any ordinance, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

130.03 UNSAFE BUILDING. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Collapse of Member. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Wind Resistance. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.

3. Material Deterioration. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

5. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

6. Exterior Walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

8. Damaged Structurally. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. Inadequate maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

11. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

130.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all, such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by Certified Mail to owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

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2. Hearing. Such notice shall also advise the owner that he may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

130.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

130.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF WEBSTER CITY, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

130.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

130.08 COSTS. Costs incurred under Section 130.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

EDITOR'S NOTE

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this code.

Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his recommendation carefully.

CHAPTER 131
FLOOD PLAIN REGULATIONS

131.01 Statutory Authority, Findings of Fact & Purpose	131.07 Shallow Flooding (Overlay) District (SF)
131.02 General Provisions	131.08 Administration
131.03 Establishment of Zoning (Overlay) Districts	131.09 Nonconforming Uses
131.04 Floodway (Overlay) District (FW)	131.10 General Flood Plain Standards
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131.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

The Legislature of the State of Iowa delegates in Chapter 414, Code of Iowa, as amended, the power to cities to enact zoning regulations to encourage safety from floods and to promote health and the general welfare to the community.

1. Findings of Fact.

A. The flood hazard areas of the City of Webster City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

2. Statement of Purpose. It is the purpose of this chapter to protect preserve the rights, privileges and property of the City of Webster City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 131.01(1A) of this chapter with provisions designed to:

A. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

B. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

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

131.02 GENERAL PROVISIONS. The provisions of this chapter are:

1. Lands to Which Chapter Apply. The provisions of this chapter shall Apply to all lands within the jurisdiction of the City of Webster City shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay) Districts, as established in Section 131.03.
2. Establishment of Official Flood Plain Zoning Map. The Flood Insurance Rate Map (FIRM), prepared as part of the Flood Insurance Study for Hamilton County and Incorporated Areas, City of Webster City, Panel Numbers 40,45,135,155,160,165, and 170, dated November 17, 2005 is hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.
3. Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the City Building Official shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Building Official in the enforcement or administration of this chapter.
4. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.
5. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

6. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Webster City or any officer or employee thereof for any flood damages that from reliance on this chapter or any administrative decision lawfully made thereunder.

8. Severability. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this chapter unconstitutional or invalid, the remainder of this chapter shall not be affected thereby.

131.03 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS. The flood plain areas within the jurisdiction of this chapter are hereby divided into the following districts; (i) Floodway District (FW), (ii) Floodway Fringe District (FF), (iii) General Flood Plain District (FP) and (iv) Shallow Flooding District (SF). The boundaries shall be as shown on the Official Flood Plain Zoning Map. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Zoning Board of Adjustment.

131.04 FLOODWAY (OVERLAY) DISTRICT (FW).

1. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.

A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

C. Private and public recreational uses such as golf courses, Tennis courts, driving ranges, archery ranges, picnic grounds, Boat launching ramps, swimming areas, parks, wildlife and nature Preserves, game farms, fish hatcheries, shooting preserves, Target ranges, trap and skeet ranges, hunting and fishing areas, Hiking and horseback riding trails.

- D. Residential uses such as lawns, gardens, parking areas and play areas.
- E. Such other open-space uses similar in nature to the above uses.

2. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in Section 131.08(3). Such uses must also meet the applicable provisions of the Floodway District Performance Standards.

- A. Uses or structures accessory to open-space uses.
- B. Circuses, carnivals, and similar transient amusement enterprises.
- C. Drive-in theaters, new and used car lots, roadside stands, and billboards.
- D. Extraction of sands, gravel and other materials.
- E. Marinas, boat rentals, docks, piers and wharves.
- F. Utility transmission lines and underground pipelines.
- G. Other uses similar in nature to uses described in Section 131.04(1) or (2) which are consistent with the provisions of Section 131.04(3) and the general spirit and purpose of this chapter.

3. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards:

- A. No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- B. All uses within the Floodway District shall:
 - (1) Be consistent with the need to minimize flood damage.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
- C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is

prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

131.05 FLOODWAY FRINGE (OVERLAY) DISTRICT (FF).

1. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

2. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.

A. All structures shall:

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

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

B. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft, 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 Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

C. Non-residential Buildings. All new or substantially improved

non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and 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 National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

D. All new and substantially improved structures:

(1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

(2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(3) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built homes:

(1) All factory-built homes, including those placed in Existing factory-built home parks or subdivisions, shall be Elevated on a permanent foundation such that the lowest

floor of the structure is a minimum of one (1) foot above the 100-year flood level.

(2) All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

F. Utility and Sanitary Systems:

(1) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

(3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

(4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition the Department of Natural Resources shall approve structural flood control works.

I. Watercourse alterations or relocations must be designed to Maintain the flood carrying capacity within the altered or re-located portion. In addition, the Department of Nautral Resources shall approve such alterations or relocations.

J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

K. Accessory Structures.

(1) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

(a) The structure shall not be used for human habitation.

(b) The structure shall be designed to have low flood damage potential.

(c) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(d) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

(e) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

(2) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles.

(1) Recreational vehicles are exempt from the requirements of Section 131.04(2E) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

(a) The recreational vehicle shall be located on the Site for less than 180 consecutive days, and,

(b) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick

disconnect type utilities and security devices and has no permanently attached additions.

(2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 131.05(2E) of this chapter regarding anchoring and elevation of factory-built homes.

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

131.06 GENERAL FLOOD PLAIN (OVERLAY) DISTRICT (FP)

1. Permitted Uses. The following uses shall be permitted within the general Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback trails.

D. Residential uses such as lawns, gardens, parking areas and play areas.

2. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in Section 131.08(3). All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

3. Performance Standards.

A. All conditional uses, or portions thereof, to be located in the Floodway as determined by the Department of Natural Resources shall

meet the applicable provisions and standards of the Floodway (Overlay) District (Section 131.04).

B. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section 131.05).

131.07 SHALLOW FLOODING (OVERLAY) DISTRICT (SF)

1. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.

2. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

A. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

B. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

131.08 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Zoning Administrator.

A. The City Building Official is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

- (1) Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
- (2) Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
- (3) Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved

- structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
- (4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
- (5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.
- (6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation utilizing the annual report form supplied by the Federal Insurance Administrator.
- (7) Notify the Federal Insurance Administration of any Annexations or modifications to the community's boundaries.
- (8) Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the City Council of potential conflict.

2. Flood Plain Development Permit.

A. Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes. The fee for each flood plain development permit shall be \$50.00.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (3) Indication of the use or occupancy for which the proposed work is intended.
- (4) Elevation of the 100-year flood.
- (5) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or Of the level to which a building is to be floodproofed.

(6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(7) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the City Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

3. Conditional Uses, Appeals and Variances.

A. Appointment and Duties of Board of Adjustment. A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this chapter, (ii) appeals, and (iii) requests for variances to the provisions of this chapter, and shall take any other action which is required of the Board.

B. Conditional Uses. Requests for Conditional Uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

C. Appeals. Where it is alleged there is any error in any order, Requirement, decision, or determination made by an administrative Official in the enforcement of this chapter, the aggrieved party May appeal such action. The notice of appeal shall be filed with The Board of Adjustment and with the official from whom the appeal Is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record

upon which the action appealed from was taken.

D. Variance. The Zoning Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

(1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

(3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

(5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

E. Hearings and Decisions of the Board of Adjustment.

(1) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may

request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

(2) Decisions. The Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 131.08(3E)(4).

(3) Factors Upon Which the Decision of the Board of Adjustment Shall Be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept on to other land or downstream to the injury of others.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the City.

(f) The requirements of the facility for a flood plain location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- (l) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- (m) Such other factors which are relevant to the purpose of this chapter.

(4) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

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

F. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

131.09 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
 - A. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter.
2. Except as provided in Section 131.09(1B), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use.

131.10 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred dollars) or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Webster City from taking such other lawful action as is necessary to prevent or remedy violation.

131.11 AMENDMENTS. The regulations and standards set forth in this chapter May from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

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

1. BASE FLOOD - The flood having one (1) percent change of being equaled or exceeded in any given year. (See 100-year flood).
2. BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest" floor."
3. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before July 31, 1978.
5. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 31, 1978.
6. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. FACTORY-BUILT HOME - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter factory-built homes include mobile homes, manufactured homes and modular homes and also it includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
10. FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
11. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as a part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.
13. FLOOD PLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
14. FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

15. FLOODWAY - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
16. FLOODWAY FRINGE - Those portions of the flood plain, other than the floodway, which can be filled, levied, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. HISTORIC STRUCTURE - Any structure that is:
- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
18. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 131.05(2D1) of this chapter; and,
 - B. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and,
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and,
 - D. The enclosed area is not a "basement" as defined in this section.

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

19. NEW CONSTRUCTION - (new buildings, factory-built home parks) - those structures or development for which the start of construction commenced on or after July 31, 1978.
20. NEW FACTOR-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 31, 1978.
21. ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which Has a one (1) percent chance of being equaled or exceeded in any given Year or which, on the average, will be equaled or exceeded a least Once every one hundred (100) years.
22. RECREATIONAL VEHICLE - A vehicle which is:
- A. Built on a single chassis;
 - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not or use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
23. SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood." This land is identified as Zone A on the community's Flood Insurance Rate Map.
24. START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external demensions of the building.

25. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

26. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

27. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. the term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after July 31, 1978 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

28. VARIANCE - A grant of relief by a community from the terms of the flood plain management regulations.

29. VIOLATION - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

(Ch. 131 - Ord. 2005-1642 - Sep.05 Supp.)

CHAPTER 132

BUILDING CODE

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132.21 Plumbing Permit Fees	132.42 Entrance/Sidewalk Permit Fees

132.01 SHORT TITLE. This chapter shall be known as the Webster City, Iowa, Building Code, and may be cited as such, and will be referred to herein as "this chapter."

132.02 PURPOSE. The purpose of this chapter is to protect public health, property, welfare and safety by establishing reasonable minimum requirements for the construction, repair, moving, demolition and use of buildings, structures and related equipment, fixtures and systems.

132.03 ADOPTION OF BUILDING CODES. Pursuant to published notice and public hearing, as required by law, the following codes are hereby adopted as, and constitute, "The Building Codes" of the City of Webster City, Iowa, effective February 1, 2009.

International Building Code. The International Building Code, 2006 edition (herein after to be known as the I.B.C), as published by the International Code Council, Inc. in cooperation with International Conference of Building Officials of Whittier, California, is adopted by reference in full except for the following portions that are deleted, modified or amended:

- A. Section 101.4.1 - Delete and insert in lieu thereof all Electrical Codes shall comply with the adopted "Electrical Code" for the City of Webster City.
- B. Section 101.4.4 - Delete and insert in lieu thereof all Plumbing Codes shall comply with the adopted "Plumbing Code" for the City of Webster City.
- C. Section 101.4.5 delete.

D. Section 101.4.7 – Delete and insert in lieu thereof “The provisions of Iowa Administrative Code Chapter 661-303 (2006 International Energy Conservation Code) shall apply to all matters governing the design and construction of buildings for energy efficiency.

E. Section 103 – Delete.

F. Section 104.12 – The City Manager will have all authority over the addition, alteration or repair of Historic Buildings.

G. Section 105.2 Building – 5 – Delete sidewalks and driveways.

H. 1009.10 – Exception 6 – Handrails not required unless stairway has more than 3 risers.

I. Chapter 11 - Delete and insert in lieu thereof the following: The provisions of Division VII – Iowa Administrative Code Chapter 661-302 shall apply to all matters governing accessibility.

J. Chapter 13 - Delete - Energy Efficiency

K. Chapter 27 - Delete – Electrical

L. Chapter 29 – Delete - Plumbing

M. Any reference made to fuel gas provisions shall comply with the “Fuel Gas Code” adopted by the City of Webster City.

N. Section 202 (definition of a bedroom) For the purposes of this code, the word “bedroom” means any room with a permanently built in closet, designed for and potentially used for sleeping purposes at the present time and/or in the future. Bedrooms shall meet all the minimum provisions of this code to include a minimum of 70 square feet of floor area with the least horizontal dimension of 7 feet, glazing for natural light to be not less than 8 percent of floor area, heat provided in the room to maintain a minimum of 68 degrees, 3 feet from the floor and 2 feet from the exterior walls, a height of 7 feet in the room(s) shall be maintained, shall meet the minimum emergency escape and rescue opening, shall have a permanently powered smoke alarm device with battery backup. Bedrooms include dens, offices, playrooms, family rooms, storage areas, and other rooms with built in closets. For the purpose of this chapter “bedroom(s) and sleeping room(s) shall be synonymous with each other.

O. Section 3202.3.1 – Delete last sentence and insert in lieu thereof “Awnings, canopies, marquees, and signs shall be supported entirely by the building”.

International Residential Code. The International Residential Code, for One and Two-Family Dwellings, 2006 edition and appendices B,C, D, G, H, and J, (herein after to be known as the I.R.C.) as published by the International Code Council, Inc. in cooperation with International Conference of Building Officials of Whittier, California, is adopted by reference in full except for the following portions that are deleted, modified or amended:

A. Chapters 35,36,37,38,39,40, Section E4102 of Chapter 41 and their

appendices: Delete and insert in lieu thereof all electrical codes shall comply with the adopted “Electrical Code” for the City of Webster City.

B. Chapters 25,26,27,28,29,30,31,32 and their appendices: Delete and insert in lieu thereof all Plumbing Codes shall comply with the adopted “Plumbing Code” for the City of Webster City.

C. Chapters 13,14,15,16,17,18,19,20,21,22 and their appendices: Delete and insert in lieu thereof, Fuel Gas Codes shall comply with the adopted “Fuel Gas Code” for the City of Webster City.

D. Section R105.2 Building – 5 – Delete sidewalks and driveways.

E. Section R106.1.3 - Delete and insert in lieu thereof Chapter 131 of the Code of Ordinances for Webster City, Iowa.

F. Section R107.3 - Delete reference to ICC and insert in lieu thereof Article 527 2008 NEC.

G. Amend Table R301.2(1) as follows:

a. Roof snow load – 30 PSF

b. Wind Speed (MPH) – 90

c. Seismic Design Category – A

d. Subject to damage from:

1. Weathering – Severe

2. Frost line depth – 42”

3. Termite – Slight to Moderate

4. Decay – Slight to Moderate

e. Winter design Temp - -5°

f. Flood Hazards – Delete and insert in lieu thereof Chapter 131 of the Code of Ordinances for Webster City, Iowa.

J. Section R301.2.4 - Delete

K. Section R310.1.1 - Delete exception

L. Section R322 - Delete and insert in lieu thereof the following: The provisions of Division VII Iowa Administrative Code Chapter 661-302 shall apply to all matters governing accessibility.

G. Section R324 - Delete and insert in lieu thereof the following: All references to flood resistant construction shall be those provisions contained in Chapter 131 of the Code of Ordinances for Webster City, Iowa.

N. Chapter 11 – Delete Chapter – and Delete and insert in lieu thereof “The provisions of– Iowa Administrative Code Chapter 661-303 (2006 International Energy Conservation Code) shall apply to all matters governing the design and construction of buildings for energy efficiency.

O. Sec. G2445 – Delete Section – Unvented Heaters

P. Section 202 (definition of a bedroom) For the purposes of this code, the word “bedroom” means any room with a permanently built in closet, designed for and potentially used for sleeping purposes at the present time and/or in the future. Bedrooms shall meet all the minimum provisions of this code to include a minimum of 70 square feet of floor area with the least horizontal dimension of 7 feet, glazing for natural light to be not less than 8 percent of floor area, heat provided in the room to maintain a minimum of 68 degrees, 3 feet from the floor and 2 feet from the exterior walls, a height of 7 feet in the room(s) shall be maintained, shall meet the minimum emergency escape and rescue opening, shall have a permanently powered smoke alarm device with battery backup. Bedrooms include dens, offices, playrooms, family rooms, storage areas, and other rooms with built in closets. For the purpose of this chapter “bedroom(s) and sleeping room(s) shall be synonymous with each other.

3. **Uniform Plumbing Code.** The Uniform Plumbing Code, 2006 edition and all appendices (herein after to be known as the U.P.C), as published by International Association of Plumbing and Mechanical officials of Walnut, California, is adopted by reference in full except for the following portions that are deleted, modified or amended:

A. Any reference made to electrical code provisions shall comply with the “electrical code” adopted by the City of Webster City.

B. Any reference made to mechanical code provisions shall comply with the “mechanical code” adopted by the City of Webster City.

C. The provisions of Division VIII Iowa Administrative Code Chapter 661-16 shall apply to all matters governing the design and construction of buildings for energy efficiency.

D. The provisions of Iowa Administrative Code Chapter 661-303 (2006 International Energy Conservation Code) shall apply to all matters governing the design and construction of buildings for energy efficiency.

E. Any reference made to fuel gas provisions shall comply with the “fuel gas code” adopted by the City of Webster City.

F. Any lead-lined water service pipe that is exposed shall be replaced with approved material per Section 604.0, 2006 Uniform Plumbing Code.

G. Foundation drain and sump-pump connection: The connection line shall be connected to a public storm sewer, sub-drain line, or storm sewer intake if such exists adjacent to the property.

H. Amend Section 904 to read as follows: Each building shall have a minimum of one 3-inch vent, undiminished in size from the building drain through the roof.

I. All new sewers and replacement of existing sewers shall have a clean out installed outside the structure.

J. All connections to City sewer shall be by a saddle type connection and/or a “y” type fitting installed in-line with the sewer.

4. **International Mechanical Code.** The International Mechanical Code, 2006 edition, as published by the International Code Council, Inc. in cooperation with International Conference of Building Officials of Whittier, California, is adopted by reference in full and all appendices (herein after known as the I.M.C.) is adopted by reference in full except for the following portions that are deleted, modified or amended:

A. Section 101.1. Insert “City of Webster City”.

B. Any reference made to electrical code provisions shall comply with the “electrical code” adopted by the City of Webster City.

C. Any reference made to plumbing code provisions shall comply with the “plumbing code” adopted by the City of Webster City.

D. “The provisions of Iowa Administrative Code Chapter 661-303 (2006 International Energy Conservation Code) shall apply to all matters governing the design and construction of buildings for energy efficiency.

E. Any reference made to fuel gas provisions shall comply with the “fuel gas code” adopted by the City of Webster City.

5. **National Electrical Code.** The National Electrical Code, 2008 edition, as recommended by the National Fire Protection Association, is adopted by reference in full except for the following portions that are deleted, modified or amended:

A. All electrical panels shall be located at least 4’ from a sump pump installation.

6. **National Fuel Gas.** ANSI/NFPA 54, National Fuel Gas Code, 1999 Edition and ANSI/NFPA 58, Standards for the Storage and Handling of Liquefied Petroleum Gases, 2001 Edition, are adopted by reference in full.

7. **International Fire Code.** The International Fire Code, 2006 edition, and appendices B, C and D (hereafter to be known as the I.F.C) as published by the International Code Council, Inc. in cooperation with International Conference of Building Officials of Whittier, California, is adopted by reference in full except for the following portions that are deleted, modified or amended by this ordinance:

A. Any reference made to electrical code provisions shall comply with the “electrical code” adopted by the City of Webster City.

B. Any reference made to plumbing code provisions shall comply with the “plumbing code” adopted by the City of Webster City.

C. Any reference made to fuel gas provisions shall comply with the “fuel gas code” adopted by the City of Webster City.

D. Section 109.3 “Violation penalties” - Delete and insert in lieu thereof the following: All references to violation penalties shall be those provisions contained in Chapter 9 “Municipal Infraction”, Section 9.03 “Penalties” of the Code of Ordinances for Webster City, Iowa.

E. Section 111.4 “Failure to comply” Amend last sentence to read: shall be liable to a fine of not less than that is set in Chapter 9, Section 9.03 of the Code of Ordinance for City of Webster City, Iowa

F. Section 307 “Open Burning” - Delete and insert in lieu thereof the following: All references to Open Burning shall be those provisions contained in Chapter 105, Section 105 of the Code of Ordinances for Webster City, Iowa.

G. Section 308.3.1.1 Delete.

H. Section 903.4.2 – Amend first sentence to include “and visual”.

I. Section 906.3 – Amend by adding the minimum rating of any required portable fir extinguisher for Class A, Class B and/or Class C hazards shall be 2-A 10-BC.

J. Delete Chapter 33.

8. **The International Existing Building Code**, 2006 edition, and all appendices (hereafter to be known as the I.E.B.C) as published by the International Code Council, Inc. in cooperation with International Conference of Building Officials of Whittier, California, is adopted by reference in full except for the following portions that are deleted, modified or amended by this ordinance:

A. Applies to all structures built before 1975.

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132.04 COPIES FILED. Official copies of the aforementioned Building Codes and the standard codes adopted therein are on file in the office of the Clerk.

132.05 BUILDING OFFICIAL. The City Manager shall appoint the building official who is hereby authorized and directed to enforce all the provisions of this chapter. The building official shall have the following powers and duties:

(Code of Iowa, Sec. 372.13[4])

1. Assistants. In accordance with established procedure and with the approval of the City Manager, the building official may appoint such number of officers, inspectors and assistants and other employees as shall be authorized from time to time.
2. Annual Report. The building official shall submit a report to the City Manager not less than once a year, covering the administration and enforcement of this chapter during the preceding period. Said report shall incorporate a summary of recommendations as to desirable amendments to this Chapter.
3. Records. The building official shall keep a permanent, accurate account of all fees and other moneys collected and received under this chapter, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

4. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or whenever the building official or an authorized representative of the building official has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in this chapter, the building official or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this chapter; provided that if such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. No owner or occupant or any other person having charge, care of control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the building official, or authorized representative, for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be guilty of a misdemeanor.

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5. Stop Orders. Whenever any work is being done contrary to the provisions of this chapter, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

6. Occupancy Violations. Whenever any structure is being used contrary to the provisions of this chapter, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this chapter; provided, however, that in the event of an unsafe building the procedures for the abatement of a nuisance shall apply.

7. Authority to Condemn Equipment. Whenever the building official learns or ascertains that any equipment, as defined in this chapter, has become hazardous to life, health, or property, the building official shall order, in writing, that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain the defective equipment after receiving such notice.

8. Liability. The building official or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the City in the discharge of duties, shall not thereby become liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties. Any suit brought against the building official or employees, because of such act or omission performed by them in the enforcement of any provisions of this chapter, shall be defended by the City until final termination of the proceedings.

9. Cooperation of Other Officials. The building official may request, and shall receive so far as may be necessary in the discharge of any duties, the assistance and cooperation of other officials of the City.

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132.06 BOARD OF APPEALS. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this chapter, there shall be and is hereby created a board of appeals consisting of those serving on the Zoning Board of Adjustment at the time of the appeal. The fire chief and the City building official shall be ex officio members with the City Clerk acting as the secretary for the board. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a copy to the appellant. (Ord. 2007-1668 - Jul. 07 Supp.)

132.07 PERMITS REQUIRED. Permits shall be required as follows:

1. Building. No person shall erect, construct, enlarge, alter, repair, move, remove, convert, or demolish any building or structure in the City, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the building official.

2. Mechanical. No person shall install or reconstruct any heating, ventilating, cooling, or refrigeration equipment unless a permit therefor has been obtained from the building official except as otherwise provided in this chapter. A permit shall be obtained for all heating, ventilating, cooling, or refrigeration equipment, moved with, or installed in, any relocated building. A separate permit shall be obtained for the equipment installed in each separate building or structure. A permit shall not be required for the following:

- A. Any portable heating appliance.
- B. Any portable ventilating equipment.
- C. Any portable cooling unit.

3. Plumbing. No person shall install, alter, reconstruct or repair any plumbing or drainage system or part thereof as defined in the Uniform Plumbing Code adopted by this chapter unless a permit therefor has been obtained, from the building official.

4. Electrical. No person shall install, alter, reconstruct or repair any electrical conductor or equipment subject to the provisions of the National Electrical Code adopted by this chapter unless a permit therefor has been obtained from the building official.

(Code of Iowa, Sec. 103A.19[6])

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132.08 EMERGENCY WORK. In emergency situations, work may be initiated without first submitting a permit application and receiving a permit therefor. However, a permit application must be submitted within a reasonable time after the passage of the critical period. With this one exception all emergency work must be done in accordance with this chapter.

132.09 PERMIT APPLICATIONS. Application for permit shall be made as follows:

1. Building Permit. To obtain a building permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

A. Identify and describe the work to be covered by the permit for which application is made;

B. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. Indicate the use or occupancy for which the proposed work is intended;

D. Be accompanied by plans and specifications as required in 132.10 of this chapter;

E. State the valuation of the proposed work;

F. Be signed by the permittee, or an authorized agent, who may be required to submit evidence to indicate such authority;

G. Give such other information as reasonably may be required by the building official.

2. Mechanical Permit. To obtain a mechanical permit, the applicant shall file an application on forms furnished for that purpose. The application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.

3. Plumbing Permit. To obtain a plumbing permit, the applicant shall file an application on forms furnished for that purpose. The application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.

4. Electrical Permit. To obtain an electrical permit, the applicant shall first file an application therefor in writing on a form provided for that purpose. The application shall include the name and business address of the person that is to do the work, a description of the

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property where the work is to be done, the name of the owner of the property, the name of the occupant, and a general description of the materials to be used, and shall specify the particular part or parts of the work that must be inspected as required by this chapter.

132.10 PLANS AND SPECIFICATIONS. When required by the building official for enforcement of any provisions of this chapter, two (2) sets of plans and specifications shall be submitted. The building official may require such plans and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such. Plans and specifications when required shall be of sufficient detail and clarity to show that the proposed work will conform to the provisions of this chapter and of all applicable laws, ordinances, rules, regulations and orders.

132.11 PLAN REVIEW. Required plans and specifications may be checked by the building official. Such plans may be reviewed by other City departments or personnel to check compliance with the laws and ordinances under their jurisdiction.

132.12 PLAN APPROVAL. If the plans and specifications as filed appear to conform to the requirements of this chapter and other laws and ordinances, the building official shall endorse in writing or stamp on all sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the

building official, and all work shall be done in accordance with the approved plans.

(Code of Iowa, Sec. 103A.19[1])

132.13 PARTIAL PLANS. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this chapter. The holder of such permit shall proceed at the holder's own risk without assurance that the permit for the entire building or structure will be granted.

132.14 RETENTION OF PLANS. One set of approved plans, specifications, and computations shall be retained by the building official for a period of not less than ninety (90) days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

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132.15 ISSUANCE OF PERMITS. When the building official is satisfied that the work described in an application for a permit and the plans and specifications filed therewith, if required, conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fees as specified have been paid in full, the building official shall issue a permit therefor to the applicant.

(Code of Iowa, Sec. 103A.19[4])

132.16 VALIDITY. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful. The issuance of a permit based upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter or of any other chapter of this Code of Ordinances or of any other ordinance of the City.

132.17 EXPIRATION OF PERMIT. Every permit issued by the building official under the provisions of this chapter shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the

building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days, or if the building or work authorized has not been completed within two (2) years from the date of such permit. Before such work can be recommenced a new permit shall be first obtained so to do, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. The building official may extend the expiration of the permit once for a period not exceeding one hundred (100) days.

132.18 SUSPENSION OR REVOCATION. The building official may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter.

(Sections 19,20,21,22 & 23 Deleted by Ord 2007-1659)

132.19 BUILDING PERMIT FEES. (Repealed by Ord. 2007-1659 – Apr. 07 Supp.)

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132.20 MECHANICAL PERMIT FEES. (Repealed by Ord. 2007-1659 – Apr. 07 Supp.)

132.21 PLUMBING PERMIT FEES. (Repealed by Ord. 2007-1659 – Apr. 07 Supp.)

132.22 ELECTRICAL PERMIT FEES. (Repealed by Ord. 2007-1659 Apr. 07 Supp.)

132.23 PLAN REVIEW FEES. (Repealed by Ord. 2007-1659 – Apr. 07 Supp.)

132.24 EXPIRATION OF PLAN CHECK. Applications for which no permit is issued within one hundred twenty (120) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred twenty (120) days upon written request by the applicant showing that circumstances beyond the Control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-checking fee.

132.25 INSPECTION REQUIRED. All construction or work for which a permit is required shall be subject to inspection by the building official, and certain types of construction shall have continuous inspection by special inspectors, as specified in Section 132.32.

(Code of Iowa, Sec. 103A.19[1])

132.26 LOT SURVEY. A survey of the lot may be required by the building official to verify compliance of the structure with approved plans.

132.27 CONCEALED WORK. That portion of any work or equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved.

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132.28 INSPECTION RECORD CARD. Work requiring a permit shall not be commenced until the permit holder or an agent shall have an inspection record card. This inspection record card shall be kept up to date.

132.29 APPROVALS REQUIRED. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in Section 132.30. There shall be a final inspection and approval on all buildings and work when ready for occupancy and/or completed.

132.30 REQUIRED INSPECTIONS. The building official, upon notification from the permit holder or an agent, shall make the following applicable inspections and shall either approve that portion of the work as completed or shall notify the permit holder or agent wherein the same fails to comply with this chapter.

1. Reinforcing Steel or Structural Framework. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

2. Foundation Inspection. To be made after trenches are excavated and

forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.

3. Frame Inspection. To be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete.

4. Mechanical Inspection. To be made before concealment or use.

5. Plumbing Inspection. To be made before concealment or use.

6. Electrical Inspection. To be made before concealment or use.

7. Lath and/or Wallboard Inspection. To be made after all lathing and/or wallboard, interior and exterior, is in place; but before any plastering is applied or before wallboard joints and fasteners are taped and finished.

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8. Other Inspections. In addition to the called inspections specified above, the building official may make or require any other inspections of any construction or work to ascertain compliance with the provisions of this chapter and other laws which are enforced by the building official.

9. Final inspection. To be made after work is completed and/or the building ready for occupancy.

132.31 MAINTENANCE. All buildings or structures both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this chapter in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or designated agent shall be responsible for the maintenance of buildings and structures. For the purpose of determining compliance with this section the building official may cause any structure to be reinspected.

132.32 SPECIAL INSPECTIONS. In addition to the inspections to be made as specified in Section 132.25, the owner or agent shall employ a special inspector who shall be present at all times during construction on the following types of work:

1. Concrete. On concrete work when the structural design is based on compressive strength of concrete in excess of 2,000 p.s.i.

2. Masonry. Masonry work shall have special inspection when required in the International Building Code.
(Ord. 2003-1596 - May 03 Supp.)
3. Welding. On all structural welding.
4. Reinforced Gypsum Concrete. When cast-in-place Class B reinforced gypsum concrete is being mixed or deposited.
5. Special Cases. On special construction or work involving unusual hazards or requiring constant inspection.
6. Exception. The building official may waive the requirement for the employment of a special inspector, if the building official finds that the construction or work is such that no unusual hazard exists.

132.33 SPECIAL INSPECTOR. The special inspector shall be a qualified person approved by the building official. The special inspector shall furnish continuous inspection on the construction and work requiring the special

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inspector's employment. The special inspector shall report to the building official in writing, noting all ordinance violations and other information as required.

132.34 APPROVED FABRICATORS. Special inspections required by Section 132.32 and elsewhere in this chapter shall not be required where the work is done on the premises of a fabricator approved by the building official to perform such work without special inspection. The certificate of approval shall be subject to revocation by the building official if it is found that any work done pursuant to the approval is in violation of this chapter.

132.35 REQUEST FOR INSPECTION. The building official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

132.36 ACCESS. It shall be the duty of the person requesting inspection to provide access to and means for proper inspection. The building official shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

132.37 POWER, FUEL AND WATER SUPPLY CONNECTIONS. Systems and/or equipment regulated by this chapter shall not be connected to the power, fuel or water supply until authorized by the building official, except that this section shall not be considered to prohibit the

operation of any equipment installed to replace existing equipment serving an occupied portion of a building in the event a request for inspection of such equipment has been filed with the building official not more than forty-eight (48) hours after such replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the building.

132.38 CERTIFICATE OF OCCUPANCY. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

1. Change in Use. Changes in the character or use of a building shall not be made except as specified in the International Building Code adopted by this chapter.

(Ord. 2003-1596-May 03 Supp.)

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2. Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of this chapter, the building official shall issue a certificate of occupancy which shall contain the following:

- A. The building permit number.
- B. The address of the building.
- C. The name and address of the owner.
- D. A description of that portion of the building for which the certificate is issued.
- E. A statement that the described portion of the building complies with the requirements of this chapter for group and division of occupancy and the use for which the proposed occupancy is classified.
- F. The name of the building official.

3. Temporary Certificate. A temporary certificate of occupancy may be issued by the building official for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

132.39 VIOLATIONS. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or

structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

132.40 PENALTY. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.

132.41 DEMOLITION PERMIT FEES. (Repealed by Ord. 2007-1659-Apr. 07 Supp.)

132.42 ENTRANCE/SIDEWALK PERMIT FEES. (Repealed by Ord. 2007-1659 – Apr. 07 Supp.)