

CHAPTER 43

CONSTRUCTION CODES

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43.01 TITLE. This chapter shall be known and may be referred to as the Wapello County Construction Codes.

43.02 SCOPE. No building or structure shall be used, occupied, erected, constructed, replaced, repaired, enlarged, moved or demolished unless it fully complies with the standards of this chapter. Notwithstanding the foregoing, buildings and structures in existence at the time of adoption of this chapter may have their existing use or occupancy continued, if such use or occupancy complies with the provisions of the predecessor ordinance then in effect, provided however, that such continued use or occupancy is not dangerous to health, life and safety.

43.03 LIMITATIONS.

1. This chapter does not apply within the incorporated area of a city unless the County elects to enter into a 28E agreement with the city to provide services.
2. No regulation or restriction adopted under the provisions of this chapter shall be construed to apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.
3. Agricultural buildings and land uses are not exempt from complying with any Federal, State or local regulations concerning developing, depositing, or excavating in or on any flood plains.
4. Any new or substantially improved structure that is governed by this chapter and located in a flood plain area as shown on the Flood Insurance Rate Maps (F.I.R.M.) for Wapello County must also comply with the existing standards of the State, including the Department of Natural Resources, and Chapter 36 of this Code of Ordinances.
5. The County reserves the right to require any person or group claiming that certain property is entitled to exemption, on the basis of this section, to

demonstrate that the property and buildings are primarily adapted and used for agricultural purposes.

6. Where, in any specific case, different sections of a specific code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

43.04 BUILDING CODE. The Current edition of the *International Building Code and Appendixes*, as published by the International Code Council is hereby adopted by reference with the following modifications:

1. Replace references to the *ICC Electrical Code* in Chapter 1 with Section 43.07 of this chapter.
2. Replace references to the *International Fuel Gas Code* in Chapter 1 with Section 43.09 or Section 43.12 of this chapter.
3. Replace references to the *International Energy Conservation Code* in Chapter 1 with Section 43.13 of this chapter.
4. Delete all references to Annual Permits in Chapter 1.

43.05 RESIDENTIAL CODE. The Current edition of the *International Residential Code and Appendixes*, as published by the International Code Council is hereby adopted by reference with the following modifications:

1. Replace references to the *ICC Electric Code* in Chapter 1 with Section 43.07 of this chapter.
2. The Building Official or Board of Appeals shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1).
3. Insert climatic and geographic design criteria in Table R301.2(1) as follows:

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

GROUND SNOW LOAD	WIND SPEED MPH	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP	FLOOD HAZARDS	
			Weathering	Frost Line Depth	Termite	Decay		NFIP Adoption	FIRM Maps
20 PSF	90	A	Severe	42"	Moderate to Heavy	Slight to Moderate	-5° F	1987	6/1/87

43.06 PROPERTY MAINTENANCE CODE. The Current edition of the *International Property Maintenance Code and Appendixes*, as published by the International Code Council is hereby adopted by reference with the following modifications:

1. Modify Section 102.3 by replacing the words *the International Building Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, and the ICC Electrical Code* with Sections 43.04, 43.07, 43.08, 43.09 and 43.12 of this chapter.

43.07 ELECTRICAL CODE. The Current edition of the *National Electrical Code and Appendixes*, as published by the National Fire Protection Association is hereby adopted by reference.

43.08 MECHANICAL CODE. The Current edition of *International Mechanical Code and Appendixes*, as published by the International Code Council is hereby adopted by reference.

43.09 PLUMBING CODE. The Current edition of *International Plumbing Code and Appendixes*, as published by the International Code Council is hereby adopted by reference.

43.10 ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. *Chapter 69 Iowa Administrative Code 567 Environmental Protection* is hereby adopted in its entirety as the primary code for the County.

The Current edition of the *International Private Sewage Disposal Code and Appendixes*, as published by the International Code Council is hereby adopted by reference.

43.11 FIRE CODE. The Current edition of *International Fire Code and Appendixes*, as published by the International Code Council is hereby adopted by reference.

43.12 FUEL GAS. The Current edition of the *International Fuel Gas Code and Appendixes*, as published by the International Code Council is hereby adopted by reference.

43.13 ENERGY CONSERVATION. All references to Energy Conservation Code shall meet the codes and guidelines mandated by the State of Iowa.

43.14 FACTORY-BUILT STRUCTURES. Chapter 16, *State of Iowa Building Code* as amended, Divisions VI, Factory-built Structures Rules and Regulations Section 661-16.600 (103A) is hereby adopted by reference as standards and regulations for factory-built structures. Add:

Section 661.16.626 (3) Skirting to be installed on manufactured homes. Manufactured homes shall have a skirting system installed in

accordance with the manufacturer's recommendation and in a manner approved by the Building Official.

43.15 ACCESSIBILITY FOR THE PHYSICALLY HANDICAPPED. Chapter 16, *State of Iowa Building Code* as amended, Divisions VII, Accessibility Rules and Regulations for the Physically Handicapped Section 661-16.700 (103A) is hereby adopted by reference.

43.16 ADOPTION OF STATE BUILDING CODE. Although the County Uniform Construction Codes contain several sections of the IOWA ADMINISTRATIVE CODE, Chapter 16, *State of Iowa Building Code*, there is no intention of adopting the State Building Code within the meaning of Section 103A, Code of Iowa.

43.17 BUILDING OFFICIAL. There is hereby established the position of Building Official, who shall be appointed by the Board of Supervisors. The Building Official shall administer and enforce the provisions of this chapter and shall have the following powers and duties in connection therewith:

1. The Building Official shall issue all permits and certificates required by this chapter.
2. If the Building Official finds that one of the provisions of this chapter is being violated, the Building Official shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Building Official shall order the discontinuance of any illegal work being done; or shall take any other action authorized by this chapter and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.
3. The Building Official shall keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this chapter.

All departments, officials, and public employees of the County who are vested with the duty or authority to issue permits shall insure conformance to the provisions of this chapter and shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of this chapter. The Board of Supervisors may, by resolution, delegate the powers and duties of the Building Official to any other officer or employee of the County, or of any city, town, or governmental subdivision within the County, or may combine the powers and duties of this position with any other office or position.

43.18 BOARD OF APPEALS.

1. Appointment. The Board of Supervisors shall appoint a five-person Board of Appeals. This Board of Appeals shall replace all references to Board of Appeals stated within Sections 43.04 through 43.12 of this chapter. The

Board of Appeals shall consist of one from each of the following professions or disciplines.

- A. Registered design professional that is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
- B. Registered design professional with plumbing engineering experience; or a plumbing contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
- C. Registered design professional with mechanical engineering experience; or a mechanical contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
- D. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
- E. Registered design professional with fire protection experience; or a fire protection contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.

The Board of Appeals shall be appointed so that the terms are staggered. No member shall serve more than two (2) consecutive terms. Members shall be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

2. Structure of Board. The Board shall elect its own Chairperson, who shall serve for one year. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and the presence of three (3) members shall constitute a quorum. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. The administrative officer shall be the recording secretary of the Board. Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be immediately filed in the office of the Building Official and shall be public record. The Board of Appeals shall adopt its own rules of procedure not to conflict with this chapter or with Iowa Statutes. The Board of Appeals shall not be compensated, except for necessary expenses.

3. Appeals. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Building

Official in the enforcement of this chapter, except for civil citations under Section 43.19. Such appeal shall be taken within a period of not more than three (3) days following the date of the order, requirement, decision or determination, and in the manner prescribed in the Rules of the Board of Appeals, by filing with the Building Official and with the Board of Appeals a notice of appeal specifying the grounds thereof, and by paying a filing fee of twenty-five dollars (\$25.00) to the County Treasurer. When notice of the appeal is filed, the Building Official shall transmit all of the records regarding the appeal to the Chairperson of the Board of Appeals, including a copy of the letter to the individual requesting the appeal. The Board of Appeals shall take action upon said appeal within seven (7) days following the date of appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate, a stay would, in the Building Official's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Building Official and on due cause shown.

4. Powers of the Board. The Board of Appeals shall have the following powers, and it shall be its duty:

A. To hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the Building Official in the enforcement of this chapter, except for civil citations under Section 43.19.

B. Hear and recommend change to the County Uniform Construction Code as deemed necessary.

In exercising the above powers, the concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter. Upon the hearing any party may appear in person, or by agent, or by attorney. The Board of Appeals may reverse or confirm, in whole or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Any person or persons, jointly or separately, aggrieved by any decision of the Board of Appeals under the provisions of this chapter, or any taxpayer, or any officer, department or bureau of the County may seek such relief through the Courts as provided by statute.

43.19 COUNTY INFRACTION. Any person who violates any of the provisions of this chapter shall be deemed to have committed a County infraction. A person shall be deemed to have committed a separate offense for each day during which a violation of this chapter continues. Any officer authorized by the County to enforce this chapter may issue a civil citation to a person who commits a County infraction in accordance with the provisions of Iowa Code Section 331.307.

43.20 SCHEDULE OF FEES.

1. For work requiring a permit, a fee for each permit shall be paid as required in accordance with the fee schedule as established by resolution of the Board of Supervisors. This fee schedule shall replace all reference of schedule of fees in Sections 43.04 through 43.12 of this chapter.
2. When a plan or other data is required to be submitted and the County Building Official is unable to conduct all or part of the plan review, the applicant shall pay the jurisdiction or firm who has been authorized by the Building Official to conduct such plan reviews. The plan review fee shall be determined by the jurisdiction or firm and will be in addition to the normal building permit fee charged by the County.
3. Whenever any work for which a permit is required by this chapter has been commenced without first obtaining said permit, an investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this chapter or from any penalty prescribed by law.
4. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this chapter, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviations from plans which would require the approval of the Building Official. The reinspection fee shall be in accordance with the fee schedule as established by resolution by the Board of Supervisors.

