

CHAPTER 145

DANGEROUS BUILDINGS

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145.01 ENFORCEMENT OFFICER. The Mayor is responsible for the enforcement of this chapter.

145.02 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, 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 and 364.12[3a])

145.03 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 21 pounds per square foot (a basic wind speed of 90 miles per hour at standard height of 30 feet).
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 (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) 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 structure 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 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting 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 (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) 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, including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any building inspector or 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-resistant construction, faulty electric wiring, as 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 months so as to constitute such building or portion thereof an unattractive nuisance or hazard to the public. Determinations regarding whether a building is abandoned will be based in part, but not solely, upon provisions found in *Code of Iowa 657A.10B*

13. Dangerous Wiring. Whenever any dwelling or building has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous condition.

145.04 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 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 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 the 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. However, in an emergency a City may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.

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

145.05 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. †

145.06 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 SHELLSBURG, 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.

145.07 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. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

145.08 COSTS. Costs incurred under Section 145.07 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])

145.09 ENFORCEMENT, GENERAL.

1. Administration. The Building Official and/or Mayor are hereby authorized to enforce the provisions of this code.

† **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 to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

2. Inspections. The Housing Official, the Fire Inspector and the Building Official and their authorized representatives, and Mayor are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code. Fees for required inspections will be established by resolution passed by the City Council and updated from time to time.

3. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Building Official or any authorized representative or Mayor has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or authorized representative or Mayor 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 code, provided that if such building or premises be occupied, such official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official or authorized representative or Mayor shall have recourse to every remedy provided by law to secure entry. When the Building Official or authorized representative or Mayor shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made herein provided, to promptly permit entry therein by the Building Official or authorized representative or Mayor for the purpose of inspection and examination pursuant to this code. "Authorized representative" includes the officers named in Subsection 2 of this section and their authorized inspection personnel.

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Conversion Standards

146.04 Mobile Home Park Approval

146.05 Foundation Requirements

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.

2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.

3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.

4. “Mobile home park” means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26)

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. **Existing Homes.** A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 CONVERSION STANDARDS. A mobile home or manufactured home converted to real estate shall meet the following standards:

1. Have a measured minimum dimension of 26 feet for the main body;
2. Have a minimum floor area of 660 square feet;
3. Have a permanent foundation with frost footings;
4. Have for the exterior wall covering either:
 - A. Wood or masonry finish or its appearance and/or
 - B. Vertical or horizontal grooved siding or lap siding or its appearance.
5. The main roof shall:
 - A. Have a pitch with no less than one foot of rise for each four feet of horizontal run, except this requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403;
 - B. Overhang the walls a minimum of 12 inches at the eaves;
 - C. Not be covered with flat or corrugated sheet metal;
6. Comply with all other City regulations.

146.04 MOBILE HOME PARK APPROVAL. No manufactured home community or mobile home park shall be established within the corporate limits of the City until the Council approves of the proposed location and operation by appropriate resolution upon application therefor. Application for establishment of a manufactured home community or mobile home park shall be filed with the Clerk and contain the following information:

1. Legal property description proposed to be used;
2. Name and address of the owner of the premises;
3. If applicant is not the owner of the premises, a statement as to the lease arrangements; and
4. Plat showing proposed access roads, parking facilities, mobile home spaces, playground areas, walks, community building and other facilities as appropriate.

146.05 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

(Code of Iowa, Sec. 103A.10 and 414.28)

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CHAPTER 148

PROTECTION OF PUBLIC WATER WELLS

148.01 Distances

148.02 Application

148.01 DISTANCES. No structure or facility of the enumerated types set out in the following Table A shall be located within the distances set forth in said table from public wells within the City.

148.02 APPLICATION. Proscriptions set forth in Table A shall apply to all public wells existing within the City, except public water wells formerly abandoned for use by resolution of the Council.

| TABLE A: SEPARATION DISTANCES | | |
|--|--|---|
| SOURCE OF CONTAMINATION | REQUIRED MINIMUM LATERAL DISTANCE FROM WELL AS HORIZONTAL ON THE GROUND SURFACE, IN FEET | |
| | Deep Well ¹ | Shallow Well ¹ |
| WASTEWATER STRUCTURES: | | |
| Point of Discharge to Ground Surface | | |
| Sanitary and industrial discharges | 400 | 400 |
| Water treatment plant wastes | 50 | 50 |
| Well house floor drains | 5 | 5 |
| Sewers and Drains ² | | |
| Sanitary and storm sewers, drains | 0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe | 0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe |
| Sewer force mains | 0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1,000 feet if sanitary sewer pipe | 0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1,000 feet if sanitary sewer main pipe |
| Water plant treatment process wastes that are treated onsite | 0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe | 0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe |
| Water plant wastes to sanitary sewer | 0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe | 0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe |
| Well house floor drains to sewers | 0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe | 0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe |
| Well house floor drains to surface | 0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe | 0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe |

| SOURCE OF CONTAMINATION | REQUIRED MINIMUM LATERAL DISTANCE FROM WELL AS HORIZONTAL ON THE GROUND SURFACE, IN FEET | |
|---|--|---------------------------|
| | Deep Well ¹ | Shallow Well ¹ |
| Land Disposal of Treated Wastes | | |
| Irrigation of wastewater | 200 | 400 |
| Land application of solid wastes ³ | 200 | 400 |
| Other | | |
| Cesspools and earth pit privies | 200 | 400 |
| Concrete vaults and septic tanks | 100 | 200 |
| Lagoons | 400 | 1,000 |
| Mechanical wastewater treatment plants | 200 | 400 |
| Soil absorption fields | 200 | 400 |
| CHEMICALS: | | |
| Chemical application to ground surface | 100 | 200 |
| Chemical and mineral storage above ground | 100 | 200 |
| Chemical and mineral storage on or under ground | 200 | 400 |
| Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia) | 200 | 400 |
| ANIMALS: | | |
| Animal pasturage | 50 | 50 |
| Animal enclosure | 200 | 400 |
| Earthen silage storage trench or pit | 100 | 200 |
| Animal Wastes | | |
| Land application of liquid or slurry | 200 | 400 |
| Land application of solids | 200 | 400 |
| Solids stockpile | 200 | 400 |
| Storage basin or lagoon | 400 | 1,000 |
| Storage tank | 200 | 400 |
| MISCELLANEOUS: | | |
| Basements, pits, sumps | 10 | 10 |
| Cemeteries | 200 | 200 |
| Cisterns | 50 | 100 |
| Flowing streams or other surface water bodies | 50 | 50 |
| GHEX loop boreholes | 200 | 200 |
| Railroads | 100 | 200 |
| Private wells | 200 | 400 |
| Solid waste landfills and disposal sites ⁴ | 1,000 | 1,000 |

¹ Deep and shallow wells, as defined in IAC 567-40.2(455B): A deep well is a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. A shallow well is a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least five feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

² The separation distances are dependent upon two factors: the type of piping that is in the existing sewer or drain, as noted in the table, and that the piping was properly installed in accordance with the standards.

³ Solid wastes are those derived from the treatment of water or wastewater. Certain types of solid wastes from water treatment processes may be land-applied within the separation distance on an individual, case-by-case basis.

⁴ Solid waste means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

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

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

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than four inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 60 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

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

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty To Trim Trees and Shrubbery

151.04 Trimming Trees To Be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.07 Felling of Trees Onto Streets

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS.

1. It is the City’s desire that when at all possible, trees should be planted inside the property lines and not between the sidewalk and curb. When planting inside the property lines the best practice is to plant at least five feet away from the property line and/or sidewalk.
2. No tree shall be planted in any parking, City easement, or right-of-way, including between the sidewalk and street, unless first approved by the Council. The Council will determine the quantity and the general location of the tree planting. Anyone planting should call *Iowa One Call* (dial 811) prior to digging.
3. Prohibited Trees. There are some varieties of trees that may not be planted in the parking or upon City easement or right-of-way, including between the sidewalk and street. A list of these prohibited trees shall be maintained at City Hall and will be updated as needed.

151.03 DUTY TO TRIM TREES AND SHRUBBERY.

1. Trees. The owner or agent of the abutting property shall keep the trees on any street, alley or parking and trees overhanging any sidewalk, street, alley or parking trimmed so that the space from the surface to the lower branches of such trees is not less than 10 feet over any sidewalk.
2. Shrubbery. All shrubbery, bushes, vines or plants maintained in the public streets beyond the lot lines, where such vegetation interferes with the vision of drivers of vehicles, shall be trimmed and cut and kept trimmed and cut by the owner of the lot or parcel of land in front of or at the side of which such shrubbery, bushes, vines or plants are maintained so that the top thereof is not over two feet above the street level and so as not to interfere with public travel and safety.
3. If the abutting property owner fails to trim the trees and shrubbery, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

4. The City is responsible to keep the trees on or overhanging the streets trimmed so that all branches will be at least 15 feet above the surface of the street.

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be infected with or damaged by any disease or insect or disease pests, and such trees and shrubs shall be subject to removal as follows:

1. **Removal From City Property.** If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, and that danger to other trees within the City is imminent, the Council shall immediately cause such condition to be corrected by treatment or removal so as to destroy or prevent as fully as possible the spread of the disease or the insect or disease pests. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. **Removal From Private Property.** If it is determined with reasonable certainty that any such condition exists on private property and that the danger to other trees within the City is imminent, the Council shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the nuisance to be removed and the cost assessed against the property.

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

151.07 FELLING OF TREES ONTO STREETS.

1. The City shall be notified prior to the time any tree is to be trimmed, if said tree or any portion thereof will fall on a street or alley. No tree shall be felled onto any street without having persons stationed in the street to stop traffic from both directions at the time the tree is being dropped, unless the street has been duly barricaded. Trees or branches which are felled into a street, sidewalk, or alley must be removed immediately.
2. **Insurance.** Before any tree or branch is felled onto public property and the property owner is doing the work, proof of homeowner personal liability insurance may be required. If a contractor has been hired to perform the work, the contractor shall have insurance in the amount of \$1,000,000.00 per person and \$1,000,000.00 per accident for bodily injury liability, and \$1,000,000.00 per person and \$1,000,000.00 aggregate for property damage liability.

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CHAPTER 154

PROPERTY MAINTENANCE REGULATIONS

154.01 Purpose
154.02 Authority For Enforcement
154.03 Interference

154.04 Definitions
154.05 Nuisances
154.06 Abatement of Nuisances

154.01 PURPOSE. The purposes of these regulations are to designate the responsibilities of persons for maintenance of residential and commercial structures and buildings within the City, whether principal or accessory, occupied or vacant (hereinafter referred to as “Structures” for purposes of this chapter); to define nuisances to include the failure to perform such maintenance; and to provide for the abatement of such nuisances to protect the public health, safety, and welfare of the City’s residents.

154.02 AUTHORITY FOR ENFORCEMENT. The Mayor shall be responsible for the enforcement of this chapter and shall have all necessary authority to carry out such enforcement. The Mayor may delegate enforcement authority to the City Clerk, a Council member, a building inspector under contract with the City, or other City staff as may be assigned. Whenever necessary to make an inspection to enforce any ordinance, or whenever there is reasonable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, 24-hour written notice of the authorized official’s intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

154.03 INTERFERENCE. No person shall interfere with the City officials while engaged in the enforcement of this chapter. A violation of this provision shall constitute a simple misdemeanor.

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

1. Deterioration. A state of conditions caused by lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.
2. Exposed to Public View. Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.
3. Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.
4. Extermination. The control and elimination of insects, rodents and vermin.
5. Infestation. The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an enforcement officer to be in threat of spreading to adjoining premises, or are exposed to public view.

6. Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.
7. Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.
8. Premises. A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structures thereon.
9. Responsible Party. Any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.

154.05 NUISANCES. Each and every premise shall be kept free of all nuisances, health, safety and fire hazards, unsanitary conditions and infestations. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:

1. General. All Structures shall be maintained in good repair and in structurally sound and sanitary condition as provided herein, so as not to cause or contribute to the creation of a blighted area, diminish esthetics and/or property values or adversely affect public health or safety. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood, such as mixing different colors of shingles or siding.
2. Rodents and Vermin. All Structures shall be kept free from rodent and vermin harborage and infestation. Where rodents and/or vermin are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and/or vermin harborage and prevent re-infestation.
3. Protective Treatment. All exterior surfaces, including, but not limited to doors, windows, door and window frames, cornices, porches, trim, and siding shall be maintained in good condition. Finished exterior wood surfaces, other than decay-resistant wood, shall be protected from the elements and decay by painting or application of other protective covering or treatment as are appropriate under the circumstances. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of 50 percent of that individual surface area. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Plywood sheeting, house wrap, tar paper, insulation board, and similar construction materials, not designed or intended to be utilized as finished exterior surfaces, shall be covered with a finished exterior surface designed and intended for exterior use, including but not limited to vinyl, wood, or engineered wood siding; masonry products such as brick or stone; or applications such as stucco.

4. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks, and shall be kept in such condition to prevent the entry of rodents and/or vermin.
5. Exterior Walls. All exterior walls shall be maintained plumb (unless otherwise designed or engineered); free from cracks, holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
6. Roofs and Drainage. All roofs and flashing of shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the Structure. Roof drains, gutters, and down spouts shall be maintained in good repair, with proper anchorage, and free from obstructions.
7. Stairways, Decks, Porches, and Balconies. Every exterior stairway, deck, porch, or balcony, and all appurtenances thereto, shall be maintained in structurally sound condition, in good repair, and with proper anchorage, and capable of supporting normally imposed loads.
8. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in structurally sound condition and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
9. Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads, and shall be maintained in good condition.
10. Basement Entrances. Every basement hatchway or exterior basement entrance shall be maintained to prevent entry of rodents and/or vermin, and shall be maintained so as not to allow rain or surface drainage water to enter.
11. Broken or Boarded Doors or Windows. Broken or boarded up exterior doors and/or windows shall be replaced or repaired.
12. Standing Water. Basements, cellars, and crawl spaces shall be free of standing water.
13. Garbage or Recycling. No person shall permit garbage or recyclable materials to accumulate longer than a garbage collection cycle or recyclable cycle upon premises owned or occupied by him or her if such accumulation would violate the purpose of this chapter; nor shall any person deposit any garbage or recyclable materials upon any other premises unless such person has been authorized by the owner of the premises to deposit such materials there.
14. Dilapidated or Abandoned. Any structure, which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; or any structure defined as abandoned or a public nuisance by Chapter 657A of the *Code of Iowa*.
15. Runoff. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.

16. Fences or Retaining Walls. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.

154.06 ABATEMENT OF NUISANCES.

1. The Mayor or designated enforcement authority may abate any nuisance identified pursuant to this chapter in accordance with the procedures for abatement of nuisances contained in Chapter 50 of this Code of Ordinances.
2. Any violation of this chapter shall also constitute a municipal infraction pursuant to Chapter 3 of this Code of Ordinances.

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CHAPTER 156

BUILDING PERMITS AND OCCUPANCY

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| 156.02 Permits Required | 156.08 Suspension or Revocation |
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156.01 PURPOSE. The purpose of this chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, as well as the use and occupancy of such buildings, to promote the health, morals, safety, and general welfare in the City. Rules governing these matters are found in Chapter 166, Zoning Regulations.

(Code of Iowa, Sec. 364.1)

156.02 PERMITS REQUIRED. No building, residence or other structure requiring a permanent location on the ground, including fences, decks, pools, towers and retaining walls shall hereafter be erected, constructed, structurally altered, brought into the City, moved from one place to another, demolished or occupied within the City unless a permit has first been obtained. A permit is required for work such as new homes, additions, exterior or interior structural revisions, additions, patios, porches, garages, signs, driveways, concrete pads, sidewalks and fences, or for any work that would change the outside dimensions of an existing building. A permit is required for any building, storage shed, swimming pool or alternative energy device as defined in Chapter 166 Zoning Regulations as an accessory building, structure or use. Any building which is more than 144 square feet will need to be attached to a permanent foundation and will require a building permit. A pool that is attached to the ground, has a deck, or stays erected year round will require a permit. A building permit is not required for minor interior remodeling requiring only non-structural changes, roofing, window replacement or siding a building. However, if electrical work is being done a permit from the state may be required and city hall can provide the number to call.

156.03 APPLICATION FOR PERMIT. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Clerk's office for that purpose. Every application shall contain the following information:

1. Name. The name and address of the applicant.
2. Location. The street address or similar description that will readily identify and definitively locate the proposed building or work.
3. Proposed Work. Identify and describe the work to be covered by the permit for which the application is made.
4. Use. The use or occupancy for which the proposed structure is or will be used.
5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details as the City may require. City resolution will establish the need for architectural or engineering documentation. Two copies of the plans shall be provided.

6. Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of the lot to be built upon and the location and size of the building or structure to be erected or altered. In the case of demolition, all existing buildings to be demolished or altered shall be identified. Property owners will be responsible for locating property pins and lines. Two copies of the plot diagram shall be provided.
7. The Architectural and Engineering Matrix shall be used when submitting an application for a building permit or other structure permit.
8. Such other data and information as may be required by the building official.

156.04 FEES. A permit fee in an amount established by resolution of the Council shall accompany the application. Per resolution, fees will be doubled if the project is initiated without obtaining the required permit.

156.05 ACTION ON APPLICATION/PERMIT ISSUANCE. The application and supporting documents will be reviewed by the City Clerk and/or building inspector.

1. If the application conforms with the requirements found in Chapter 166 and other pertinent laws and ordinances, and the fees specified in Section 166.23 have been paid, the Clerk shall issue a permit. The property owner will ensure that the permit is posted on the building and is visible from the street.
2. If the application does not comply with requirements found in Chapter 166 the application will be denied. The applicant will be informed of this decision and of their ability to appeal the denial to the Board of Adjustment.

156.06 RESTRICTIONS. No permit for the erection, alteration, use, or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, use or occupancy shall not cause or be the source of the following:

(Code of Iowa, Sec. 414.24)

1. Noise. Any undue noise.
2. Electrical Interference. Any undue radio or television interference.
3. Odors. Any offensive odors.
4. Refuse. Any offensive or unsightly refuse.
5. Smoke. Any offensive or undue smoke.
6. Fire Hazard. Any fire hazard.
7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
9. Other. Any effect which will be obnoxious, offensive, dangerous, or injurious to the health, welfare, and safety of citizens.

156.07 CONDITIONS OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It is unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and

approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

156.08 SUSPENSION OR REVOCATION. The City Clerk and/or Building Inspector may suspend or revoke a permit issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application on which the permit or approval was based, or when it is determined that the building or portion thereof is in violation of any ordinance or regulation of the City.

156.09 PERMIT VOID. The permit becomes null and void if work or construction authorized is not commenced within three months or if the entire project is not completed within one year from the date of issuance of the permit. A three-month extension to the permit may be granted if conditions otherwise would not allow work to be completed within the first year.

156.10 CERTIFICATE OF OCCUPANCY. The building inspector shall inspect buildings being erected or extended at any time and when the same have been completed shall authorize the City Clerk to issue a certificate of occupancy if the provisions of this chapter have been complied with. The certificate of occupancy shall contain the following:

1. The address of the building.
2. The name and address of the owner.
3. A description of that portion of the building for which the certificate is issued.
4. A statement that the described portion of the building has been inspected for compliance with the requirements of this chapter for the group and division of occupancy and the use for which the proposed occupancy is classified.
5. The name and contact information of the building inspector.

156.11 ABATEMENT OF VIOLATION. Any building or structure erected, altered, used or occupied in violation of this chapter shall be determined a nuisance and the same may be abated by the City or by any property owner within said district in the manner provided for the abatement of nuisances.

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CHAPTER 160

FLOODPLAIN REGULATIONS

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| 160.02 Statutory Authority, Findings of Fact and Purpose | 160.07 Nonconforming Uses |
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160.01 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. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year (also commonly referred to as the “100-year flood”).
3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include minor projects or routine maintenance of existing buildings and facilities, as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 160.05(4)(A) of this chapter; and
 - B. The enclosed area is unfinished (not carpeted, drywalled, 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 foot above the base flood elevation; and
 - D. The enclosed area is not a basement, as defined in this section.
7. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

8. “Existing factory-built home park or subdivision” means 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 the effective date of the first floodplain management regulations adopted by the community.
9. “Expansion of existing factory-built home park or subdivision” means 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).
10. “Factory-built home” means 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 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.
11. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. “500-year flood” means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.
13. “Flood” means 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.
14. “Flood insurance rate map” (FIRM) means the official map prepared as 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.
15. “Flood insurance study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.
17. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
18. “Floodproofing” means 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.
19. “Floodway” means the channel of a river or stream and those portions of the floodplains 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 foot.

20. “Floodway fringe” means those portions of the special flood hazard area outside the floodway.
21. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. “Historic structure” means 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 either: (i) by 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.
23. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of “enclosed area below lowest floor” are met.
24. “Maximum damage potential development” means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
25. “Minor projects” means small development activities (except for filling, grading, and excavating) valued at less than \$500.00.
26. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
27. “New factory-built home park or subdivision” means 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 the effective date of the effective date of the first floodplain management regulations adopted by the community.
28. “Recreational vehicle” means a vehicle which is:
- A. Built on a single chassis;

- B. 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 for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
29. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - C. Basement sealing;
 - D. Repairing or replacing damaged or broken window panes;
 - E. Repairing plumbing systems, electrical systems, heating, or air conditioning systems and repairing wells or septic systems.
30. "Special flood hazard area" (SFHA) means the land within the City subject to the base flood. This land is identified on the City's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. "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 dimensions of the building.
32. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and/or other similar uses.
33. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. “Substantial improvement” means 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 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 correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure’s designation as a historic structure.
 - B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
35. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.
36. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

160.02 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 364, *Code of Iowa*, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.
2. Findings of Fact.
 - A. The flood hazard areas of the 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 floodplain 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.
3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the 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 Paragraph 2(A) of this section with provisions designed to:

- A. Reserve sufficient floodplain 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.

160.03 GENERAL PROVISIONS.

1. **Lands to Which Chapter Applies.** The provisions of this chapter shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Benton County and Incorporated Areas, City of Shellsburg, Panels 19011C0332D, 19011C0334D, 19011C0351D, and 19011C0353D, dated December 20, 2019, which were prepared as part of the Benton County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. The Flood Insurance Study for the County of Benton County is hereby adopted by reference and is made a part of this chapter for the purpose of administering floodplain management regulations.
2. **Rules for Interpretation of Flood Hazard Boundaries.** The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the City Clerk shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Clerk in the enforcement or administration of this chapter.
3. **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.
4. **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 provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
5. **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.

6. **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 special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

7. **Severability.** If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.04 ADMINISTRATION.

1. **Appointment, Duties and Responsibilities of Administrator.**

A. The City Clerk 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 floodplain development permit applications to assure that the provisions of this chapter will be satisfied.

(2) Review floodplain 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 floodplain construction.

(3) Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum 1988) 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 Administration an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration.

(7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

(8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this chapter and advise the City Council of potential conflict.

(9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:

- a. Development placed within the Floodway results in an increase in the base flood elevation or alteration to the floodway boundary.
- b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
- c. Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(10) Perform site inspections to ensure compliance with the standards of this chapter.

(11) Forward all requests for variances to the City Council for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the City Council.

2. Floodplain Development Permit.

A. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of material and equipment, excavation or drilling operations), including the placement of factory-built homes.

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 (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all structures and additions.
- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
- (7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

(8) 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 floodplain 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 Council.

D. Construction and Use to Be as Provided in Application and Plans. Floodplain 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, structure 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.

160.05 FLOODPLAIN MANAGEMENT STANDARDS. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevation has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine: (i) whether the land involved is either wholly or partly within the floodway or floodway fringe; and (ii) the base flood elevation. Until a regulatory floodway is designated, no development may increase the base flood elevation more than one foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where: (i) the bridge or culvert is located on a stream that drains less than two square miles; and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567 IAC 71.2(2).

1. All Development. All development within the special flood hazard areas shall:
 - A. Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.
 - B. Use construction methods and practices that will minimize flood damage.
 - C. Use construction materials and utility equipment that are resistant to flood damage.
 - D. Obtain all other necessary permits from federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation and extend at such

elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to favorable consideration by the City Council, 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 located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

3. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be flood proofed 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 base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All New and Substantially Improved Structures.

A. 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:

- (1) 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.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) 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.

B. 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.

C. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air

conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation.

D. New and substantially improved structures shall be constructed with plumbing, gas lines, water meters, gas meters, and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

5. Factory-Built Homes.

A. All new and substantially improved 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 foot above the base flood elevation.

B. All new and substantially improved 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. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

6. Utility and Sanitary Systems.

A. 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.

B. 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 foot above the base flood elevation.

C. 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 foot above the base flood elevation.

D. 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.

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

8. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In

addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse Alterations. Watercourse alterations or relocations 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.

10. Subdivisions. 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 base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures to Residential Uses. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

A. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the BFE must be constructed of flood-resistant materials.

B. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

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 resist flotation, collapse, and lateral movement.

E. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

F. The structure's walls shall include openings that satisfy the provisions of Subsection 4(A) of this section.

Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Subsection 5 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days; and

(2) 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.

B. 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 Subsection 5 of this section regarding anchoring and elevation of factory-built homes.

13. Pipeline Crossings. 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.

14. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, 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 base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are flood proofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

160.06 ESTABLISHMENT OF VARIANCE PROCEDURES.

1. The Council 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.

A. 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.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base 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.

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

- D. In cases where the variance involves a lower level of flood protection for structures 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 \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.
- E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
2. Factors upon Which the Decision of the Council Shall Be Based. In passing upon applications for variances, the Council 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 floodplain 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 and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain 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.
3. Conditions Attached to Variances. Upon consideration of the factors listed above, the Council 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. Floodproofing 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 Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

160.07 NONCONFORMING USES.

- 1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in 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.
- 2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 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. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

160.08 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be guilty of a municipal infraction. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

160.09 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.

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CHAPTER 161

BUILDING AND OTHER CODES

161.01 Codes Adopted By Reference

161.02 State Rules and Regulations Take Precedence

161.01 CODES ADOPTED BY REFERENCE. The specifications and regulations which are mentioned by title and date below are hereby adopted by reference and declared to be part of this Code of Ordinances when not in conflict with a specific statement contained herein. Official copies of such standard codes shall be on file in the office of the City Clerk.

(Code of Iowa, Sec. 380.10)

1. *The International Building Code*, 2021 Edition, published by the International Code Council.
2. *The International Mechanical Code*, 2021 Edition, published by the International Code Council.
3. *The International Residential Code for One and Two-Family Dwellings*, 2021 Edition, published by the International Code Council.
4. *The International Plumbing Code*, 2021 Edition, published by the International Code Council.
5. *The National Electrical Code*, 2021 Edition, published by the International Electrical Code Services.

161.02 STATE RULES AND REGULATIONS TAKE PRECEDENCE. Certain provisions of the *Iowa State Building Code* promulgated by the State Building Code Commissioner or State Fire Marshall as provided by Chapters 100 and 103A of the *Code of Iowa*, are mandatory and supersede the above standard codes when they conflict. Other State agencies may have additional requirements for specific conditions or occupancies. Such provisions include, but are not limited to, the following:

1. Manufacture and installation of factory-built homes (previously called mobile homes).
2. All buildings owned by the State or any agency of the State.
3. Accessibility rules and regulations for the physically handicapped for buildings, structures, and parking facilities used by the general public.
(Code of Iowa, Chapter 104A)
4. Thermal and lighting efficiency standards for new construction which will contain more than 100,000 cubic feet of enclosed space that is heated or cooled.
(Code of Iowa, Sec. 103A.10[4])
5. Life cycle cost analysis for any public agency defined by Section 470.1 of the *Code of Iowa* for new construction having 20,000 square feet of usable floor space which is heated or cooled by a mechanical or electrical system or for any renovations described by the *Code of Iowa*.
(Code of Iowa, Chapter 470)

6. State Fire Marshall rules for automatic fire extinguishing systems in high rise buildings.

(Code of Iowa, Sec. 100.39)

7. State Fire Marshall rules for smoke detectors in multiple-unit residential buildings (two or more units, hotel, motel, dormitory, or rooming house) and single-family rental units.

(Code of Iowa, Sec. 100.18)

8. State Fire Marshall rules for flammable liquids and liquefied petroleum gases.

(Code of Iowa, Chapter 101)

1. 9. Installation, major alteration and operating permits for elevators.

(Code of Iowa, Chapter 89A)

10. Swimming pools and spas operated by local or State government or commercial interests.

(Code of Iowa, Chapter 135)

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