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Senate File 145

Passed on File.

By BERG, BYERS, DYKHOUSE, HATTERY,
HENNINGSEN, HULTMAN, KNUDSON and ZASTROW.

Passed Senate, Date

Vote: Ayes..... Nays.....

Passed House, Date

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to promote and protect the life, health and safety of persons in the use and occupancy of buildings used by the public; to establish a state building code, under the requirements of this Act, prescribing minimum standards in the construction, reconstruction, alteration, addition and repair of buildings used by the public; to define the scope of this Act and the state building code established hereunder; to create a state building code council, defining its powers and duties; and fixing the compensation of the members thereof; to provide for the appointment of a state building commissioner to administer the provisions of this Act, and defining his powers and duties; to provide for the registration and appointment of local building officials and licensed inspectors to carry out the local administration and enforcement of the provisions of this Act; to define the powers and duties of local authorities in the administration and enforcement of the provisions of this Act, and to permit the combination of cities, towns and counties in the appointment of a single building official under the provisions of this Act; to designate the county engineer as the acting building official in cities, towns and counties where no building official is otherwise appointed; to provide for the issuance of building permits for the construction, reconstruction, alteration, addition and repair of buildings used by the public; to provide for the issuance of certificates of occupancy; to provide for the collection of permit fees by cities, towns and counties; to grant the right of appeal from

the action of the local building officials and of local boards of appeal; and to fix the penalties for violations of the provisions of this Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Short title. This Act shall be known as
2 the "State Building Code Act".

1 Sec. 2. Declaration of policy. It is hereby declared
2 to be the policy of the state of Iowa to promote and protect
3 the life, health and safety of its citizens in the con-
4 struction, use and occupancy of buildings, to guard against
5 catastrophies where persons assemble, and to promote the
6 general welfare of the people of the state, and to that end
7 to establish uniform minimum standards and requirements in
8 the construction, alteration, repair and maintenance of
9 buildings used by the public, including adequate and safe
10 structural, fire protection, health and sanitation, and
11 safety requirements therefor; and for that purpose to
12 create a state building code council which, with the
13 assistance of trained specialists in the fields of
14 architecture, engineering, construction and installation
15 of equipment, and with state departments having jurisdiction
16 in related fields cooperating, shall make tests, conduct
17 inspections and giving consideration to generally accepted
18 tests and standards, shall prepare and promulgate rules and
19 regulations embodying the requirements, standards and
20 specifications provided in this Act.

1 Sec. 3. Definitions. Certain words in this Act are
2 defined for the purposes thereof as follows: Words used in
3 the present tense include the future; words in the masculine
4 gender include the feminine and neuter; the singular number
5 includes the plural and the plural the singular; the word
6 “person” includes a corporation as well as a natural person.

7 1. “Building used by the public” or “building” means
8 a structure built for the support, shelter, or enclosure
9 of persons, animals, or property of any kind, including
10 appurtenances and devices connected thereto or therewith,
11 except private farm buildings, one and two family dwellings,
12 and appurtenances thereto including private garages and
13 out buildings.

14 2. “Council” or “building code council” means the
15 Iowa building code council created by this Act.

16 3. “Commissioner” means the state building commissioner.

17 4. “Building official” means the local official in
18 charge of the administration and enforcement of the
19 provisions of this Act.

20 5. “Iowa state building code”, “Iowa building code”
21 or “building code” means this Act together with the rules
22 and regulations promulgated by the council.

23 6. “Requirements of this Act” or “provisions of this
24 Act” include the Iowa state building code.

25 7. “Use” shall include “occupancy”.

26 8. “Occupancy” is the purpose for which a building is

27 designed and intended to be used.

28 9. "Change of occupancy" means a change to a new use
29 included in a more hazardous classification as determined by
30 the council, and shall not include change of tenants or
31 proprietors.

32 10. "Occupied" shall be construed as though followed by the
33 words "or intended, or arranged, or designed to be occupied".

34 11. "Element" means an essential unit of the building such
35 as footing and foundation, floor, column, wall, partition,
36 ceiling, roof, mechanical and electrical equipment, fire
37 protection and extinguishing equipment, sanitary, heating and
38 ventilating facilities and safety devices, or units essential
39 to the safe functioning of the building.

40 12. "Component" means a part or member of an element.

41 13. "Building" or "structure" means an assembly of elements,
42 within the definition of paragraph 1.

43 14. "Load" means an essential factor used in the design of
44 an element such as weight of the element, effects caused by
45 impace, wind, snow, temperature change, soil pressures, fluid
46 pressures, and other forces of nature, and other effects caused
47 by occupancy and use of buildings.

48 15. "Design loading" means that combination of loads which
49 shall be used in design calculations.

1 Sec. 4. Scope. The provisions of this Act shall apply to
2 the construction, alteration, repair, equipment, use and occupancy,
3 location, maintenance, removal and demolition of buildings used

4 by the public and additions thereto, as herein provided.

5 This Act shall not limit the existing power of state agencies,
6 cities, towns, or counties to make and enforce regulations not
7 included in or covered by the Iowa building code.

8 The provisions of this Act shall not apply to ordinary non-
9 structural changes or minor repairs necessary for the maintenance
10 of any building.

1 Sec. 5. Building code council—members. There is hereby
2 created the Iowa building code council which shall consist of
3 seven members who shall be selected solely with regard to their
4 qualifications and fitness to discharge the duties of their
5 office, at least two of whom shall be registered architects,
6 one member from the building construction crafts, one member from
7 general contractors of building construction, three members
8 who shall be professional engineers, one of whom shall be a
9 structural engineer, one of whom shall be an electrical or
10 mechanical engineer and one of whom shall be a heating and
11 ventilating or sanitary engineer.

1 Sec. 6. Appointment and tenure. The members of the council
2 shall be appointed by the governor with the approval of a
3 two-thirds vote of the members of the senate in executive session.
4 Each member shall serve for a term of six years, or until his
5 successor is appointed and qualified, except that the terms of
6 the members first appointed shall expire, as designated by the
7 governor at the time of appointment, three terms on June 30, 1953,
8 two terms on June 30, 1955, and two terms on June 30, 1957.

9 Within thirty days after the convening of the general assembly
10 the governor shall appoint successors to the members whose terms
11 expire on the following June thirtieth.

1 Sec. 7 Vacancies. Vacancies occurring while the general
2 assembly is in session shall be filled for the unexpired portion
3 of the term in the same manner as full term appointments are
4 made. Vacancies occurring while the general assembly is not in
5 session shall be filled by the governor, but such appointments
6 shall terminate at the end of thirty days after the convening of
7 the next general assembly.

1 Sec. 8. Compensation. Each member of the council shall
2 receive the sum of twenty-five dollars for each day actually spent
3 in the discharge of official duties, provided such compensation
4 shall not exceed one thousand dollars for each fiscal year, and
5 in addition thereto his actual and necessary expenses while
6 away from his home in the discharge of his duties.

1 Sec. 9. Organization and meetings. Within thirty days after
2 the members of the first council take office, the governor shall
3 call a meeting of the members for the purpose of organization.
4 The council shall elect annually from its members a chairman, a
5 vice chairman and a secretary. Thereafter, the council shall
6 hold four regular quarterly meetings each year at the seat of
7 government and additional meetings at such other times and at
8 such places as it may deem necessary. Special meetings may be
9 called at any time by the chairman, and shall be called by the
10 chairman on the request of three members of the council. Four

11 members shall be a quorum. No action shall be taken by the
12 council unless a quorum is present. The state building
13 commissioner shall be the executive secretary of the council.

1 Sec. 10. Offices. The executive council shall provide and
2 properly furnish offices for the council.

1 Sec. 11. Powers and duties of council. The council shall
2 administer the provisions of this Act, and shall have the
3 following powers and duties:

4 1. To make, publish and enforce, and from time to time amend
5 and revise, rules, regulations and orders based on appropriate
6 tests, established practices and professional judgment, the
7 essential requirements for structural design and construction,
8 for fire protection, for health and sanitation, for safety
9 features of the building and its mechanical and electrical
10 equipment, and devices and for precautions during building
11 construction and operation, for the construction, repair and
12 maintenance of buildings used by the public, pursuant to the
13 provisions of this Act. Such rules and regulations together
14 with this Act shall constitute the Iowa state building code.
15 The council shall give due consideration to tests, standards
16 and specifications of nationally recognized authoritative
17 agencies in promulgating such rules and regulations and any
18 amendments thereto, and may adopt by reference such tests,
19 standards and specifications when the same are not in conflict
20 with the provisions of this Act.

21 2. To formulate policies to be followed by the state

22 building commissioner and building officials in the administration
23 of the provisions of this Act.

24 3. To examine and register building officials and to
25 license building, plumbing, electrical and other specialized
26 inspectors as determined and classified by the council, who are
27 or may be employed by cities, towns or counties for enforcing the
28 provisions of this Act.

29 4. To enter and inspect, either by itself or its duly
30 authorized representative, in the performance of its duties,
31 any buildings or premises used by the public.

32 5. To collect, classify and preserve all statistical records,
33 data and other important information and all transactions of the
34 council, and annually to submit a report to the governor.

35 6. To investigate building construction, building code
36 legislation, and building code administration, and to make a
37 survey of buildings and building construction in the state. The
38 council shall make a report to the governor not later than
39 December 1, 1952, of proposed changes in existing laws to
40 eliminate and correct overlapping and conflicting provisions
41 with the building code and to recodify related existing statutes
42 in harmony with this Act and the building code.

43 7. To amend the rules and regulations to permit the use
44 of new materials or methods of construction which meet the
45 requirements of the building code and the standards prescribed
46 in this Act. Any person proposing the use of new materials or
47 methods of construction shall pay all expense of tests required

48 to determine whether such new materials or methods of
49 construction meet the necessary requirements.

1 Sec. 12. Rules, regulations and standards. The council,
2 in cooperation with other state departments having jurisdiction
3 in related fields, and due consideration of national and state
4 records, and after publication of the proposed regulations and
5 standards and notice of said publication and of public hearings,
6 shall promulgate rules, regulations and standards and amendments
7 thereto based on the application of known scientific principles,
8 approved tests, or established practices and professional
9 judgment, for the protection of the life, safety, health and
10 general welfare of the public and of persons occupying or
11 using all buildings as provided in this Act in matters of
12 structural materials, design and construction, fire protection
13 requirements, health and sanitation requirements, and safety
14 requirements during and after construction, as follows:

15 1. Structural and construction requirements shall include
16 provisions so that all buildings and parts of buildings shall be
17 planned, designed and built to support and withstand dead and
18 live loads without injury to persons who use the buildings by
19 maintaining all stresses and deflections within nationally
20 recognized permissible limits and by providing adequate
21 resistance to the deteriorating effects of occupancy, use and
22 weathering elements of nature. Requirements promulgated by the
23 council in addition to those above shall:

24 a. Conform to the basic principles of structural mechanics

25 with due cognizance of the procedures and practices set forth
26 by nationally recognized authorities.

27 b. Provide for the acceptance of new materials, designs
28 and methods of construction by the building code council
29 provided these meet the requirements of this Act. In lieu of
30 established procedures the applicant when requested shall
31 furnish, at his expense, computations and acceptable tests.

32 c. Establish live loads for various types of occupancy.

33 d. Classify occupancies according to live loads.

34 e. Establish live loads for wind and snow.

35 f. Provide presumptive bearing values for the permissible
36 load on various types of foundation materials.

37 g. Require that all footing and foundation designs be
38 based upon data secured from the field investigation of
39 foundation conditions.

40 h. Establish allowable unit stresses in materials of
41 construction.

42 i. Designate accepted standards and methods of workmanship.

43 2. Fire protection requirements shall include provisions to
44 minimize the danger of loss of life and property from fire or fire
45 panic, and to keep within reasonable limits the danger of a fire
46 starting and spreading within a building or from one building to
47 another and the hazard of a general conflagration. **Requirements**
48 promulgated by the council in addition to those above shall:

49 a. Classify occupancies according to the fire hazard to life
50 or property and establish requirements for those classifications.

51 b. Classify buildings by type of construction according to
52 the fire resistance of the structure and its component parts.

53 c. Establish limitations and requirements for buildings
54 within and outside of fire limits and establish limitations for
55 height and area of buildings of different types of occupancy and
56 different types of construction giving consideration to fire
57 protective devices in the building and the fire protection and
58 fire extinguishing facilities.

59 d. Establish requirements for fire extinguishing equipment
60 or devices required in buildings due to special occupancy
61 requirements or due to the type of construction or size of the
62 building.

63 e. Establish requirements which will provide for the prompt,
64 orderly and safe evacuation of a building in case of fire or any
65 other emergency.

66 f. Establish additional requirements for buildings or parts
67 of buildings in which there are special risks or hazards to life
68 or property peculiar to special uses and occupancies.

69 g. Establish requirements for the construction and protection
70 of openings in floors, walls or roofs including duct work for
71 ventilating, air-conditioning or exhaust systems to prevent the
72 spread of fire or the products of combustion through a building.

73 h. Establish requirements for the construction of chimneys,
74 flues, stacks and vents for the removal of the products of
75 combustion from heat producing equipment.

76 i. Establish requirements for the installation of heat

77 producing devices and equipment.

78 j. Establish requirements for electric wiring and
79 electrical equipment.

80 k. Include such other requirements as shall be reasonably
81 necessary to protect the life, safety and general welfare of the
82 occupants of buildings and to protect adjoining property.

83 3. Health and sanitation requirements shall include
84 provisions so that all buildings or parts of buildings will
85 protect the public health and general welfare and will protect
86 the health and general welfare of people using such buildings
87 or parts thereof. Requirements promulgated by the council in
88 addition to those above shall:

89 a. Classify occupancies according to the facilities and
90 requirements necessary to provide healthful conditions.

91 b. Establish additional requirements for various
92 occupancies in which there are unusual health hazards or in
93 which special health or sanitary facilities or conditions are
94 necessary due to use or occupancy.

95 c. Establish minimum requirements which will provide
96 adequate illumination, ventilation, air-conditioning, heating,
97 water supply, plumbing facilities, waste disposal, sanitary
98 facilities, noise control and insect and rodent control for
99 the various occupancy classifications.

100 d. Establish standards for sanitary conditions to be
101 maintained during construction operations.

102 4. Safety requirements shall include provisions for

103 protecting the safety of the public or people using or occupying
104 buildings against personal injury or damage together with
105 provisions for protecting the safety of workmen and the public
106 and protection of adjoining property during construction
107 operations. Requirements promulgated by the council, in
108 addition to those above, shall establish requirements for :

109 a. All types of mechanical and electrical devices serving
110 buildings together with safety devices for such equipment.

111 b. The protection of floor and wall openings including
112 stairs, ramps, shafts, hatchways, doors and windows.

113 c. All facilities used in connection with circulation of
114 people to or within buildings including stairs, ramps, halls,
115 exits and entrances.

116 d. Various occupancies or for various types of mechanical
117 or electrical equipment in which there are unusual hazards to
118 life or limb or in which special facilities are necessary due to
119 use or occupancy.

120 e. The construction of sidewalk sheds, fences, barricades,
121 walkways, night lighting, warning lights, storage and handling of
122 materials and similar matters for the protection of the public
123 during building operations.

124 f. The construction and adequate lighting of scaffolds,
125 stairs, ladders, ramps and other temporary facilities, together
126 with requirements for protection of floor and wall openings,
127 storage, handling and hoisting of material, disposal of waste,
128 welding and cutting operations, and operations involving the use

129 of power driven machinery or equipment, for the protection of
130 workmen during building operations.

131 g. The protection of adjoining property during building
132 operations.

1 Sec. 13. Publication, distribution and notice. Publication
2 of proposed regulations shall be in pamphlet or sheet form, and
3 two copies thereof shall be furnished without charge to each
4 building official in the state and one copy at cost to each
5 individual or organization filing with the building code council
6 a written request to receive copies of proposed regulations and
7 standards. Notice of the publication of the proposed regulations
8 and standards and of the time and place of the public hearing
9 required by section twelve (12) shall be attached to the copies
10 so distributed, which distribution shall be made or mailed at
11 least twenty (20) days prior to said hearing. The building code
12 regulations and standards and amendments thereto and revised
13 editions thereof shall be published and printed, and two copies
14 thereof shall be furnished without charge to each building
15 official in the state and to such others as may desire them
16 at their approximate cost.

1 Sec. 14. New buildings. All buildings erected after the
2 effective date of this Act and the building code adopted
3 hereunder shall conform to the provisions of this Act and the
4 building code. No work shall be commenced on any such building
5 until a permit has been first obtained as hereinafter provided.

1 Sec. 15. Change of occupancy. When there is a change of

2 occupancy in any building or portion thereof, such building or
3 portion thereof shall be made to conform to the requirements
4 of this Act and the building code for such new use.

1 Sec. 16. Alterations and repairs. When alterations,
2 additions or repairs are made to any existing building in excess
3 of fifty per cent of the value thereof such building shall be
4 made to conform to the requirements of this Act and the building
5 code.

1 Sec. 17. Damaged buildings—repairs. When an existing
2 building is damaged in excess of fifty per cent of its value
3 and is repaired or reconstructed the building shall be made to
4 conform to the requirements of this Act and the building code.

1 Sec. 18. Lesser alterations and repairs. If the cost of
2 alterations, additions, repairs or reconstruction exceeds twenty-
3 five per cent and not more than fifty per cent of the value of
4 such building, the portion so altered, added, repaired or
5 reconstructed shall be made to conform to the requirements of
6 this Act and the building code.

1 Sec. 19. Minor repairs. Repairs, additions and alterations
2 not otherwise covered by this Act shall be made in such a manner
3 as will not extend or increase any existing non-conformity
4 with this Act or the building code.

1 Sec. 20. State building commissioner. The council shall
2 employ an administrative head whose appointment shall be approved
3 by the executive council of the state of Iowa, who shall be
4 the state building commissioner and who shall be responsible to

5 the council for the administration of the provisions of this
6 Act, and for the execution of the policies of the council.

7 He shall be a person of ability, a registered architect or a
8 registered professional engineer, and shall have had at least
9 ten years experience in the field of design and construction of
10 buildings.

1 Sec. 21. Term and salary. The commissioner shall serve
2 at the pleasure of the council. He shall receive a salary to
3 be fixed by the council, with the approval of the executive
4 council.

1 Sec. 22. Business or professional activity. The commissioner,
2 and officers, employees or clerks employed by the commissioner,
3 shall not engage in or have interest directly or indirectly in
4 the making of plans, writing of specifications, construction
5 of buildings, the sale or manufacture of any material, process
6 or device pertinent to the building industry, except as an owner
7 of a building. No member of the council shall act on any matter
8 in which he has any interest either directly or indirectly.

1 Sec. 23. Powers and duties of the state building commissioner.
2 The state building commissioner shall have general supervision
3 over the administration of the provisions of this Act, and shall
4 have the following powers and duties:

5 1. He shall employ such assistants and other employees as
6 may be authorized by the council and approved by the executive
7 council of the state of Iowa.

8 2. He shall assist building officials and other interested

9 persons in learning and understanding their duties and
10 responsibilities under this Act.

11 3. He shall have the same authority to enter and inspect
12 any building or premises, to stop work being done in violation
13 of this Act and the building code, and to take whatever action
14 he deems necessary for the protection and safety of persons and
15 property, as is granted in this Act to building officials.

16 4. He shall inspect any building in any city, town or
17 county upon the written request of any local official thereof,
18 when the local official believes that the building is dangerous
19 to persons or property, and shall make a report of such inspection
20 to the local governing body.

21 5. He shall issue permits, make inspections of construction
22 and issue certificates of occupancy for all new construction,
23 remodeling and alterations of buildings and additions thereto
24 under the jurisdiction of all state departments, boards and
25 commissions in the same manner as herein provided for building
26 officials to carry out such powers and duties. He may delegate
27 the inspections provided in this paragraph to any properly
28 qualified officer or employee of any department of the state.

29 6. He shall cause to be made inspections of buildings owned
30 by the state and shall report to the department having jurisdic-
31 tion of any such building any unsafe or unsanitary conditions
32 found to exist.

33 7. He shall make investigations and surveys in respect to
34 the causes of structural failures, fires and unsafe and unsanitary

35 conditions of buildings resulting in loss of life or serious
36 injury to persons.

37 8. He shall cooperate with other state departments in the
38 education of the public in safe, sanitary, and proper construc-
39 tion and maintenance of buildings.

40 9. He shall keep complete records of the business of his
41 office and shall submit quarterly to the council a report
42 covering the work of his office during the preceding period.

1 Sec. 24. Registration of building officials and licensed
2 inspectors. Any citizen being at least twenty-five years of age
3 and of good moral character and reputation, and who has had not
4 less than six years of professional training or experience in
5 architecture, engineering or building construction may apply for
6 registration as a building official. Upon satisfactorily passing
7 an examination in such technical and professional subjects which
8 apply to the various phases of safe and sanitary building
9 construction as shall be prescribed by the council, the council
10 shall issue to the applicant a certificate of registration as a
11 building official.

12 Any citizen being at least twenty-one years of age and of
13 good moral character and reputation, and who has had not less
14 than four years of technical training or experience in architec-
15 ture, engineering or building construction may apply for regis-
16 tration as a licensed inspector. Upon satisfactorily passing an
17 examination in such technical subjects which apply to the field
18 or fields of inspection, as classified by the council, the council

19 shall issue to the applicant a certificate of registration as a
20 licensed inspector in the field or fields of inspection for which
21 the applicant has qualified.

22 Any person employed by the state or any subdivision thereof
23 as a building official, building inspector, plumbing inspector,
24 electrical inspector, or other specialized kind of inspector on
25 the effective date of this Act, may within six months apply for
26 and shall be granted a certificate of registration as a building
27 official or licensed inspector for the kind of inspection in
28 which such applicant is then engaged.

29 The council may revoke any certificate of registration for
30 fraud in obtaining the same, or for any cause which renders the
31 holder thereof unfit for the performance of his duties after
32 thirty days notice and grant of hearing to the holder thereof.

1 Sec. 25. Local enforcement of building code. It shall be
2 the duty of councils of cities and towns to enforce the provisions
3 of this Act within their corporate limits, and the boards of
4 supervisors of counties shall enforce the provisions of this Act
5 within the county except within the corporate limits of cities
6 and towns and areas outside of the corporate limits under the
7 jurisdiction of cities and towns.

1 Sec. 26. Appointment of building officials and inspectors.
2 The councils of cities and towns and the boards of supervisors
3 of counties may appoint a registered building official and such
4 licensed inspectors as may be necessary to enforce the provisions
5 of this Act within their respective jurisdictions. Until a

6 building official is appointed in any city, town, or county the
7 county engineer shall be the acting building official.

8 The councils of cities and towns and the boards of supervisors
9 of counties may appoint as the registered building official and
10 as licensed inspectors the state building commissioner and the
11 state inspectors, in which case the building code council is
12 hereby empowered to exact and fix the amount of fees for permits
13 and inspections in an amount sufficient to defray part or all of
14 the costs of such administration and enforcement of the provisions
15 of this Act.

1 Sec. 27. Combined jurisdictions. Cities, towns and counties
2 may unite in any combination by agreement and appoint a registered
3 building official and such licensed inspectors as may be necessary
4 for enforcing the provisions of this Act in the combined areas
5 under their jurisdiction. Such cities, towns and counties shall
6 by ordinance and resolution fix the tenure, salary and other
7 duties of such officers.

1 Sec. 28. Powers and duties of building official. The
2 building official shall have the following powers and duties:

3 1. To issue permits and certificates of occupancy as
4 provided in this Act.

5 2. To order work on any building to be stopped when such
6 work is being done in violation of the building code or in a
7 dangerous or unsafe manner. Such order shall be made in writing
8 and given to the owner of the property or to his agent, or to
9 the person doing the work, and shall state the conditions under

10 which work may be resumed.

11 3. To revoke a permit or approval issued under the
12 provisions of this Act for fraud or misrepresentation of a
13 material fact in obtaining the same.

14 4. By himself or duly authorized representative to enter,
15 at reasonable times, any building, structure, or premises to
16 which this Act is applicable for the purpose of performing any
17 duty imposed upon him.

18 5. To examine or cause to be examined every building
19 reported as damaged to ascertain as nearly as possible the cause
20 of such damage, the nature and estimated amount of the damage,
21 and the purpose for which the building was used, and make a
22 written record thereof.

23 6. To annually submit a report to the mayor or the chairman
24 of the board of supervisors, as the case may be, and to the state
25 building commissioner, covering the work of his office during the
26 preceding calendar year.

1 Sec. 29. Building permits. No work shall be commenced on
2 the erection of a new building, nor upon any repair or alteration
3 of an existing building or addition thereto covered by the
4 provisions of this Act, until a building permit has been first
5 obtained as provided herein.

1 Sec. 30. Application for permit. Application for such
2 permit shall be made to the building official. It shall be
3 accompanied by the required fee, and shall be on a form approved
4 by the building commissioner and furnished by the building

5 official. It shall contain a general description of the proposed
6 work and its location; it shall indicate the proposed occupancy
7 of all parts of the building and of that portion of the site or
8 lot, if any, not covered by the building and shall contain such
9 other information as the building official may require.

10 When required by the building official, two or more copies
11 of specifications, and of plans drawn to scale with sufficient
12 clarity and detail to indicate the nature and character of the
13 work shall accompany the application. Such plans and specifi-
14 cations shall contain information as to the design loads,
15 occupancy loads, fire loads, and quality of materials when quality
16 is essential to conformity with the building code. Such
17 information shall be specific, and the building code shall not
18 be cited as a whole or in part, nor shall the term "legal" or
19 its equivalent be used as a substitute for specific information.
20 The building official may require details, computations, stress
21 diagrams, and other data necessary to describe the construction
22 and basis of calculations. He may also require plans showing
23 the location of the proposed building or structure and of every
24 existing building or structure on the site or lot, in accordance
25 with a boundary line survey prepared by a qualified surveyor.
26 He may require structural plans and computations to bear the
27 signature of the architect or engineer in charge of the structural
28 design.

29 The building official may require applications to be
30 certified by the applicant under oath.

1 Sec. 31. Abandonment of application. An application for
2 a permit shall be deemed to have been abandoned six months after
3 the date of filing, unless before then a permit shall have been
4 issued; provided, for cause, one or more extensions of time, for
5 periods not exceeding ninety days each, may be granted by the
6 building official.

1 Sec. 32. Issuance of permits. The building official shall
2 examine or cause to be examined each application for a permit and
3 shall ascertain whether the construction indicated and described
4 is in accordance with the requirements of the building code and
5 other applicable laws and ordinances. When the building official
6 is satisfied that the work described in the application conforms
7 to the requirements of the building code and other applicable laws
8 and ordinances, he shall issue the permit.

9 The issuance of a building permit shall not relieve the
10 applicant from obtaining any other permits required by the law, or
11 from obtaining approvals required by any other state department.

1 Sec. 33. Refusal of permits. If the application and the
2 plans filed therewith do not meet the requirements of the building
3 code and other applicable laws and ordinances the building
4 official shall deny the application, and shall return the plans
5 to the applicant with his refusal to issue the permit. Such
6 refusal shall, when requested, be in writing and shall state the
7 reasons for such refusal.

1 Sec. 34. Notice to assessor. When a permit has been issued
2 the building official shall give written notice to the city or

3 county assessor, which notice shall state the name of the person
4 to whom the permit is issued, the name of the owner and the
5 location of the building or structure, and the estimated cost as
6 given in the application.

1 Sec. 35. Reports of permits. The building official shall
2 make a report to the state building commissioner on the first of
3 each month of all permits issued by him during the preceding month.

1 Sec. 36. Conditions of permit. The building official shall
2 act on each application without unreasonable or unnecessary delay.
3 A permit shall be construed to be a license to proceed with the
4 work, and shall not be construed as authority to violate, cancel,
5 alter, or set aside any of the requirements of the building code,
6 nor shall the issuance of the permit prevent the building official
7 from thereafter requiring a correction of errors in plans or in
8 construction, or of violations of the building code. Any permit
9 issued shall become invalid unless the work authorized by it
10 shall have been commenced within six months after its issuance,
11 or if the work authorized by such permit is suspended or
12 abandoned for a period of one year after the work has commenced;
13 provided, for cause, one or more extensions of time, for
14 periods not exceeding ninety days each, may be allowed in writing
15 by the building official.

1 Sec. 37. Approval of Plans. When plans and specifications
2 are required with the application for permit the building official,
3 shall, upon the issuance of the permit, endorse in writing his
4 approval on both sets of plans. One copy thereof shall be

5 retained by the building official, and the other copy shall be
6 returned to the applicant and kept by him at the site of work and
7 be open to inspection at all reasonable times by the building
8 official or his authorized representative.

1 Sec. 38. Foundation permits. After the filing of an
2 application and before the issuance of a building permit, the
3 building official may, at his discretion, issue a special permit
4 for the foundations of the building. The holder of such a
5 special permit may proceed with the work on the foundation at
6 his own risk, but the issuance of such special permit shall not
7 be any assurance that a building permit will be issued.

1 Sec. 39. Fees. Towns, cities and counties are hereby
2 empowered to exact and fix the amount of fees for permits and
3 inspections in an amount sufficient to defray part or all of
4 the costs of administering and enforcing the provisions of this
5 Act.

1 Sec. 40. Inspections. Before issuing a permit to alter or
2 repair a building, or a certificate for change of occupancy, the
3 building official shall inspect the building. He shall examine
4 and inspect all buildings and structures from time to time
5 during and upon completion of the work for which the permit is
6 issued. In the inspection of materials he may when necessary
7 make such inspection at the point of manufacture or fabrication.
8 He shall keep a record of all inspections, and when any
9 inspection is based in whole or in part upon the report of some
10 recognized inspection service it shall be so entered on the record.

1 Sec. 41. Certificate of occupancy. No new building shall
2 be occupied and no change in occupancy of a building or part
3 thereof shall be made until after the building official shall
4 have issued a certificate of occupancy therefor.

1 Sec. 42. Issuance of certificate. Upon the completion of
2 a building in accordance with the provisions of this Act, and
3 after final inspection, the building official shall issue a
4 certificate of occupancy, stating the nature of the occupancy
5 permitted, the number of persons for each floor when so limited
6 by the building code, and the allowable load per square foot
7 for each floor, and that the building was erected in compliance
8 with the approved plans and the building code.

9 When a change of occupancy is proposed a certificate of
10 occupancy for the new use shall be obtained by application to
11 the building official giving the information and data necessary
12 to determine compliance with the building code for the occupancy
13 intended. The building official may require two sets of
14 detailed plans, or a general inspection, or both. When upon
15 examination and inspection it is found that the building
16 conforms substantially with the building code for such occupancy
17 a certificate of occupancy shall be issued.

18 A temporary certificate of occupancy may be issued for a
19 portion or portions of a building which may be occupied safely
20 prior to final completion or repair or alteration of a building.

1 Sec. 43. Appeals. Any person aggrieved by any decision,
2 ruling or order of the building official may appeal to the

3 building code council or to the district court.

4 Appeals to the building code council shall be taken by
5 filing in writing, within thirty days from the action appealed
6 from, with the state building commissioner a statement of the
7 decision, ruling or order appealed from and the reasons why
8 the appellant believes the action of the building official to
9 be erroneous. The council shall grant a hearing within thirty
10 days after the filing of the appeal and shall then promptly
11 decide the matter appealed from. The council may delegate one
12 of its members or the building commissioner to hear the appeal
13 either at the seat of government, at/or near the place where
14 the appeal arises and report his findings to the council.
15 Decision on the appeal shall be by the council.

16 Any person aggrieved by any unreasonable requirement of
17 any rule, regulation or standard of the building code council,
18 or by any unreasonable requirement of any ordinance of any
19 city or town, or any resolution of any county board of super-
20 visors covered by section forty-five (45), may appeal to the
21 district court.

22 Appeals to the district courts shall be commenced as
23 any other civil action or for good cause shown on such
24 notice as the court or judge shall prescribe. Such proceedings
25 shall be in equity and triable de novo.

26 Nothing herein shall be construed to deny the right of
27 review of any ruling of the building code council in a court
28 of competent jurisdiction.

1 Sec. 44. Alternate remedy. In lieu of appeal any
2 person aggrieved by any decision, ruling, or order of the
3 building official may demand an arbitration of his differences
4 with the building official by giving notice in writing to such
5 building official. Within ten days thereafter, the person
6 demanding arbitration and the building official shall each
7 name one member of the board of arbitration and the members
8 thus named shall select a third member. The decision of a board
9 of arbitration shall be final. The compensation of the members
10 of the board of arbitration shall be borne equally by the city,
11 town or county, as the case may be, and the person demanding
12 arbitration.

1 Sec. 45. Existing codes. Such portions of codes and
2 ordinances of cities and towns pertaining to the construction
3 and inspection of buildings relating to matters included in and
4 covered by the Iowa building code shall become inoperative on
5 the effective date of the Iowa building code, provided, however
6 when there exists in a city or town conditions or circumstances
7 which warrant higher standards than the minimum requirements
8 prescribed in the Iowa building code, such city or town may
9 hereafter by ordinance prescribe higher standards, and where
10 conditions and circumstances warrant, cities and towns or
11 counties, which have present code requirements and standards
12 greater than said minimum standards of the building code, may
13 retain said requirements and standards. A copy of any such
14 ordinance shall be filed with the Iowa building code council

15 sixty days before the same becomes effective.

1 Sec. 46. Penalties. Any person who violates any provision
2 of this Act, or who builds, alters, or maintains any building
3 or portion thereof in violation of any provision thereof or
4 of the building code, or who interferes with any building
5 official or his authorized agent in the performance of his
6 duties or prevents any building official from entering any
7 building or portion thereof in the performance of his duties,
8 shall be guilty of a misdemeanor.

1 Sec. 47. Validity of act. The invalidity of any division,
2 section, subsection, sentence, clause or phrase of this Act shall
3 not invalidate any other division, section, subsection, sentence,
4 clause or phrase thereof.

1 Sec. 48. Effective date of building code. The standards,
2 rules and regulations constituting the building code shall be
3 effective as to all state owned buildings and in all cities
4 of the first class on March 1, 1952, and shall be effective in
5 all other cities and towns and all counties on July 4, 1953,
6 and may be adopted by reference by any city, town or county by
7 ordinance, or by resolution of the board of supervisors before
8 July 4, 1953.

1 Sec. 49. Special charter cities. This Act shall apply
2 to special charter cities.

1 Sec. 50. This Act being deemed of immediate importance
2 shall be in full force and effect from and after its passage
3 and publication in the, a newspaper

4 published at, Iowa, and the

5, a newspaper published at

6, Iowa.