

BUILDING CODE INSPECTION SUBCOMMITTEE
OF THE
SENATE STANDING COMMITTEE ON CITIES
AND THE
HOUSE STANDING COMMITTEE ON CITIES AND TOWNS

Report to the Members of the
Second Session of the Sixty-sixth General Assembly
State of Iowa
1976

F I N A L R E P O R T

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Senate Concurrent Resolution 64 requested that an interim study be conducted of the "ways the inspection laws overlap and in what ways the inspection code overlapping may be consolidated or eliminated".

At its meeting of July 16, 1975, the Iowa Legislative Council approved the study for the 1975 interim and determined that the study should be conducted by a joint subcommittee of the Senate Standing Committee on Cities and the House Standing Committee on Cities and Towns.

The members of the Building Code Inspection Subcommittee appointed by the respective Chairpersons of the Standing Committees were as follows:

Senator Earl M. Willits, Chairperson
Senator Robert M. Carr
Senator James W. Griffin, Sr.
Representative Alvin V. Miller, Chairperson
Representative John H. Clark
Representative Craig D. Walter

The Subcommittee held meetings on October 17, November 13, and December 8, 1975. Testimony was received from the state building code commissioner, and representatives of the state Department of Health, the fire marshal's office, the Bureau of Labor, and the state Conservation Commission.

At its first meeting on October 17, the Subcommittee reviewed the question of whether or not buildings presently under construction by the state on property owned by the state should be subject to inspection by inspectors from the City of Des Moines. Mr. Don Appell, State Building Code Commissioner, reviewed the inconsistent provisions of Chapter 103A of the Code. Section 103A.10 provides that the state building code shall, for the buildings and structures to which it is applicable, constitute a lawful local building code and this section specifically provides that the state building code shall apply to all buildings and structures owned by the state or an agency of the state. Section 103A.19 provides that the examination and approval or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, the inspection of buildings or structures, and the administration and enforcement of building regulations shall be the responsibility of the governmental subdivisions of the state and shall be adminis-

tered and enforced in the manner prescribed by local law or ordinance. It is the conflict which exists between these two sections of the present state building code which is the basis for the study to be conducted by this Subcommittee.

Mr. Appell also indicated that Senate File 292 was introduced during the 1975 Session of the Sixty-sixth General Assembly which could correct some of the inconsistencies presently found in Chapter 103A. Senate File 292 repeals and rewrites Chapter 103A.

At the conclusion of the first meeting, the Subcommittee decided to invite other agencies to appear before the Subcommittee to discuss the feasibility of rewriting Chapter 103A and also recommended that other state officials involved with any type of building and housing codes be invited to appear before the Subcommittee and discuss present inspection practices and their ideas concerning the provisions of Senate File 292 presently pending before the Senate.

From the testimony received by the Subcommittee at its second meeting from department representatives who are involved with developing building code requirements and inspections to determine compliance with building code requirements, the consensus of opinion of those persons testifying was that there would be no objections to consolidating building code requirements into one uniform building code under the jurisdiction of a single agency or single division of an agency if representatives of those agencies having responsibility for certain code requirements would have input into the development of building code rules and if inspections presently provided by law would continue to be carried out in order to determine compliance with the building code. At this meeting, the Subcommittee directed the Legislative Service Bureau to request an opinion of the Attorney General's office relative to inspection of state buildings by local inspectors, whether the state might be required to obtain a local building permit and pay inspection fees. In an opinion issued by the Attorney General's office, the conclusion was "that local inspectors do not have the duty to inspect state buildings for compliance with the state building code. Similarly, the state is under no duty to pay, let alone apply for a local building permit."

At its third meeting, the Building Code Inspection Subcommittee agreed that Senate File 292 would provide the basis for its recommendations and reviewed Senate File 292 for purposes of including in that bill the recommendations of the Subcommittee. The recommendations of the Subcommittee are as follows:

1. That the State Building Code Commissioner's office should be removed from the Office for Planning and Programming and that a separate agency be created as provided in Senate File 292. The members of the Subcommittee agreed that the State Building Code Commissioner's office should not be included within the administrative framework of any particular agency because several

existing state departments have jurisdiction to enforce building code requirements and conduct inspections concerning compliance with building code requirements.

2. That if a governmental subdivision adopts a building code, that building code shall be the current state building code.

3. That the standards, requirements, and specifications set forth in the state building code shall apply to all buildings, manufactured buildings, mobile homes, recreational vehicles, and mobile home parks in each governmental subdivision of the state which has adopted a building code except that the requirements shall not apply to structures used primarily for agricultural purposes in unincorporated areas of the state and owner occupied dwellings in unincorporated areas of the state which are not rental properties of the owner.

Two issues which were not resolved by the Subcommittee include the inclusion of minimum energy standards in a building code relating to the construction of new structures and whether or not a state building code should apply to all public buildings constructed after the effective date of the Act, whether or not the public building is located within an area of the state subject to a building code.

The Subcommittee directed the Legislative Service Bureau to draft a bill incorporating the recommendations adopted at its third meeting.