

CHAPTER 9 BUILDING, RESIDENTIAL, AND FIRE SAFETY CODE

5-9-1 SHORT TITLE	5-9-9 REGISTRATION OF BUILDING CONTRACTOR
5-9-2 PURPOSE AND SCOPE	5-10-10 REVOCATION OF REGISTRATION
5-9-3 ADOPTION OF BUILDING CODE	5-9-11 USE OF REGISTRANT'S NAME BY ANOTHER
5-9-4 AMENDMENTS	5-9-12 LICENSE REQUIRED
5-9-5 PERMIT- TO WHOM ISSUED	5-9-13 RIGHT OF ENTRY
5-9-6 APPLICATION FOR PERMIT	5-9-14 APPEALS
5-9-7 PLANS AND SPECIFICATIONS	5-9-15 VIOLATION – PENALTY
5-9-8 ADMINISTRATION AND ENFORCEMENT	

5-9-1 SHORT TITLE. This ordinance shall be known as the “City of Maquoketa, Building Code,” and may be so cited.

5-9-2 PURPOSE AND SCOPE. It is the purpose of this ordinance to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Maquoketa, and certain equipment specifically regulated herein: to provide for the issuance of permits, inspection of buildings, the registration of building contractors, the collection of fees, the repeal of ordinances in conflict herewith and penalties for the violation of this ordinance.

5-9-3 ADOPTION OF BUILDING CODE. Except has hereinafter limited or amended, the following are hereby adopted in full as the complete Building Code of the City of Maquoketa for all structures covered and defined within:

1. The International Residential Code (IRC), 2018 Edition, as published by the International Code Council (ICC), and
2. The International Building Code (IBC), 2018 Edition, as published by the International Code Council (ICC), and
3. The National Fire Protection Association (NFPA) 101 Life Safety Code 2018 Edition, as published by the National Fire Protection Association (NFPA)

5-9-4 AMENDMENTS. The International Residential Code, as above referenced is hereby amended as follows:

1. Section R101.1 insert “City of Maquoketa” as name of jurisdiction.
2. Section R105.2 – Building 1 delete “120 square feet” and insert in lieu thereof “25 square feet”.
3. Section R105.2 – Building 2 delete “Fences in residential districts”.
4. Section R105.2 – Building 12 delete “R-3 and U” and inset in lieu thereof “all occupancies”.

5. Section R105.2 -- Mechanical add “8. Water heater replacement.”
6. Section R105.2 -- Mechanical add “9. Furnace replacement.”
7. Section R105.5 – Expiration begin with “Every permit shall be valid for 1 year or until the project is complete.”
8. Delete Section R313 – Automatic Fire Sprinkler Systems

The International Building Code, as above referenced is hereby amended as follows:

1. Section 101.1 insert “City of Maquoketa” as name of jurisdiction.
2. Section 101.4.2 – Delete and insert in lieu thereof “all mechanical installations shall complete with State Mechanical Code as adopted by the Iowa Department of Public Health”.
3. Section 101.4.3 – Delete and insert in lieu thereof “all plumbing installations shall complete with State Plumbing Code as adopted by the Iowa Department of Public Health Iowa”.
4. Delete Section 101.4.4 Property maintenance.
5. Section 101.4.5 – Delete “International Fire Code” and insert in lieu thereof “NFPA 101 Life Safety Code”.
6. Section 102.6.2 Buildings previously occupied, delete “International Fire Code” and insert in lieu thereof “NFPA 101 Life Safety Code”. Delete “International Property Maintenance Code”.
7. Delete Section 105.1.1 Annual permit.
8. Delete Section 105.1.2 Annual permit records.
9. Section 105.2 – Building 1 delete “120 square feet” and insert in lieu thereof “25 square feet”.
10. Section 105.2 – Building 2 delete “Fences in residential districts”.
11. Section 105.2 – Building 12 delete “R-3 and U” and inset in lieu thereof “all occupancies”.
12. Section 105.2 -- Mechanical add “8. Water heater replacement.”
13. Section 105.2 -- Mechanical add “9. Furnace replacement.”
14. Section 105.5 – Expiration begin with “Every permit shall be valid for 1 year or until the project is complete.”.
15. Section 110.4 Inspection agencies add “individuals” so that it reads “approved inspections agencies and individuals, provided that such agencies and individuals satisfy the requirements as to qualifications and reliability”.

The National Fire Protection Association (NFPA) 101 Life Safety Code, as above referenced is adopted without amendment.

5-9-5 PERMIT – TO WHOM ISSUED. A permit required by Section 105 of the IBC and Section R105 of the IRC shall be issued only to a registered building contractor, however, any permit required by this ordinance may be issued to the owner of a building to do any work regulated by this ordinance in that building, including the usual accessory buildings: provided, that the owner shall personally purchase all material and perform all labor in connection with the work. All work done in accordance with this exception must meet all the requirements of this ordinance and shall be inspected.

5-9-6 APPLICATION FOR PERMIT. Application for permit shall be made to the Building Official, as established in 5-1Q-1, and/or a designee established by the City Manager pursuant to rules provided therefore and on forms provided by City Hall. The application shall be accompanied by fees in accordance with the schedule of fees established in accordance with 5-1Q-5 and remitted to City Hall.

5-9-7 PLANS AND SPECIFICATIONS. Plans and specifications showing the proposed work in the necessary detail shall be submitted when requested by the Building Official and/or a designee. If a permit is denied, the applicant may submit revised plans and specifications without payment of any additional fee. If, in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit was issued, amended plans and specifications, and fees in the amount of half the fees originally required shall be submitted. A supplementary permit, subject to the same conditions applicable to the original application for a permit, shall be issued to cover the change.

5-9-8 ADMINISTRATION AND ENFORCEMENT. It shall be the duty of the Building Official and/or a designee to administer and enforce the provisions of this ordinance and to make any required inspections or tests: and to establish departmental rules for the effective and efficient administration and enforcement hereof.

5-9-9 REGISTRATION OF BUILDING CONTRACTOR. “Building Contractor”. Any person, firm, corporation, or other association doing any building work for hire for which a permit is required pursuant to Section 105 of the IBC other than a building owner performing his/her own work.

All building contractors shall be registered with the Clerk’s Office of the City of Maquoketa.

Any person desiring to be registered as a building contractor shall register with the City Clerk on forms provided therefore and pay an annual registration fee. Annual registrations provided hereunder shall expire the last day of September of each year but may be renewed prior to the expiration date. Building contractors with expired registrations may not secure building permits.

The registrant shall supply the contractor registration number required by Iowa Code, Chapter 91C and proof of insurance or bond.

5-9-10 REVOCATION OF REGISTRATION. The Building Official and/or a designee may revoke any registration if it is obtained through willful nondisclosure, misstatement, or misrepresentation of a material fact, or if a material provision of the Building Ordinance has been violated. Before a registration may be revoked, the registrant shall be given notice in writing, either personally or as required by the applicable Iowa Rules of Civil Procedure, enumerating the charges against him/her.

He/She shall be entitled to a fair hearing before the Building Official and/or a designee neither sooner than five days nor later than thirty days after receipt of the notice. The decision of the Building Official and/or a designee may be appealed to the City Council at its next regular meeting. The Council may affirm, amend, remand, or reverse the Building Official's decision. A person whose registration has been revoked shall not be permitted to apply for another registration within one year from the date of revocation.

5-9-11 USE OF REGISTRANT'S NAME BY ANOTHER. No registrant shall allow his/her name to be used by another person either for the purpose of doing business or work under the registration. Every registrant shall notify the Inspector of the address of his/her place of business, if any, and the name under which such business is carried on and shall give immediate notice to the Inspector of any change in either. No registration issued under this ordinance shall be transferable.

5-9-12 LICENSE REQUIRED. "Contractor". Any person, firm, corporation or other association doing any plumbing, mechanical, HVAC, electrical, refrigeration, sheet metal or hydronic systems services for hire for which a permit is required pursuant to Section 105 of the IBC other than a building owner performing his/her own work.

Any contractor working in Maquoketa on a project requiring a building permit shall be licensed with the State of Iowa.

5-9-13 RIGHT OF ENTRY. The Building Official and/or a designee may enter any premises on proof of authority for the purpose of inspecting any building work, at such times as may be reasonably necessary to protect the public health, safety, and welfare.

5-9-14 APPEALS. Building Appeal Board: The Council, in regular, special, or executive session, shall sit as a building appeal board and, on appeals under this chapter, may seek and retain additional professional counsel schooled in matters contained in this chapter. The Council may by motion appoint a committee of not less than three (3) members of the Council to act as the building appeal board, and a simple majority of either the committee, if so appointed, or the Council shall be deemed sufficient to settle matters brought before the board.

Meeting of the Appeal Board: The Council, or committee if so appointed, sitting as an appeal board, shall hold meetings from time to time and conduct hearings on appeals. There shall be a meeting not more than thirty (30) days after the filing of an appeal, and if such meeting does not occur within thirty (30) days after filing an appeal, the appeal shall be deemed granted in favor of the appellant.

Appeal: Any person aggrieved by any ruling, decision, interpretation or order of the Building Official shall have the right to appeal to the building appeal board by filing a written notice of such appeal with the Clerk within ten (10) days from the date of the Building Official's ruling. If such a notice is filed, the appeal board shall set a time and place for hearing and so notify the party that has filed the appeal. The hearing shall be open to the public and subject to the time limitation set out in subsection (2) above. The building appeal board by majority vote shall affirm, modify, or reverse an appealed ruling, decision, interpretation, or order of the Building Official. The building appeal board may permit such variance that can be made without increasing the hazards to the health or safety of persons or property, and when the granting thereof will not violate the intent and purpose of this chapter. Mere inconvenience to the appellant is not grounds for the granting of such variance.

5-9-15 VIOLATION – PENALTY. Anyone violating any of the provisions of this ordinance shall upon conviction, be subject to the penalties in accordance with Section XX of the City of Maquoketa Municipal Code.

