

ORDINANCE NO. 13,911

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealing Sections 26-76, 26-77, 26-80, 26-296, 26-297, 26-298, 26-299, 26-300, 26-301, 26-302, 26-303, 26-304, 26-305, 26-306, 26-375, 26-376, 26-377, 26-379, 26-381, 26-383, 26-385, 26-908, 26-909, 26-910, 26-911, 26-912, 26-913, 26-914, 26-915, 26-941, 26-946, 26-987, 26-1051, 26-1052, 26-1053, 26-1054, 26-1055, 26-1056, 26-1057, 26-1058, 26-1059, 26-1116, 26-1117, 26-1119, 26-1121, 26-1123, 26-1124, and 25-1125 thereof and enacting new Sections 26-80, 26-296, 26-375, 26-376, 26-377, 26-379, 26-381, 26-383, 26-385, 26-908, 26-941, 26-946, 26-987, 26-1051, 26-1116, 26-1119, 26-1121, 26-1123, 26-1124 and 26-1125, and adding and enacting new Sections 26-3 through 26-10, consolidating the Building Code Board of Appeals, the Electrical Board, the Plumbing Board and the Mechanical Board into a single body to be known as the Licensing and Appeals Board.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by repealing Sections 26-76, 26-77, 26-80, 26-296, 26-297, 26-298, 26-299, 26-300, 26-301, 26-302, 26-303, 26-304, 26-305, 26-306, 26-375, 26-376, 26-377, 26-379, 26-381, 26-383, 26-385, 26-908, 26-909, 26-910, 26-911, 26-912, 26-913, 26-914, 26-915, 26-941, 26-946, 26-987, 26-1051, 26-1052, 26-1053, 26-1054, 26-1055, 26-1056, 26-1057, 26-1058, 26-1059, 26-1116, 26-1117, 26-1119, 26-1121, 26-1123, 26-1124, and 25-1125 thereof and enacting new Sections 26-80, 26-296, 26-375, 26-376, 26-377, 26-379, 26-381, 26-383, 26-385, 26-908, 26-941, 26-946, 26-987, 26-1051, 26-1116, 26-1119, 26-1121, 26-1123, 26-1124 and 26-1125, and adding and enacting new Sections 26-3 through 26-10, consolidating the Building Code Board of Appeals, the Electrical Board, the Plumbing Board and the Mechanical Board into a single body to be known as the Licensing and Appeals Board, as follows:

**CHAPTER 26 - BUILDING AND BUILDING  
REGULATIONS**

**ARTICLE I. IN GENERAL**

**Sec. 26-1—3. Reserved.**

**Sec. 26-3. Permit and development division established;  
officials appointed.**

There is established in the city within the community development department the permit and development division which shall be under the direction and supervision of the permit and development administrator who shall be appointed by and responsible to the director of the community development department. The permit and development administrator and the building official shall be appointed by the director of the community development department. In the event the permit and development administrator does not also serve as the building official, the building official shall be responsible to the permit and development administrator.

**Sec. 26-4. Powers and duties of building official.**

(a) *Generally.* General powers and duties of the building official shall be as follows:

(1) The building official is directed to enforce all the provisions of the building code, electrical, mechanical, plumbing

ng,  
heating  
and air  
conditi  
oning,  
and  
steam  
power  
equipm  
ent  
codes.

(2) The  
buildin  
g  
official  
shall  
be  
respon  
sible to  
the  
directo  
r of the  
commu  
nity  
develo  
pment  
depart  
ment  
for the  
enforce  
ment  
of the  
buildin  
g,  
electric  
al,  
mecha  
nical,  
plumbi  
ng,  
heating  
and air  
conditi  
oning,  
and

steam  
power  
equipm  
ent  
codes  
and  
such  
other  
ordina  
nces as  
shall  
be  
assigne  
d to the  
buildin  
g  
official  
by the  
directo  
r. The  
buildin  
g  
official  
shall  
be  
accoun  
table  
for the  
issuanc  
e of all  
applica  
ble  
permits  
.

(3) The  
determ  
ination  
of  
value  
or  
valuati  
on  
under  
any of  
the

provisions of the building, electrical, mechanical, plumbing, heating and air conditioning, and steam power equipment codes shall be made by the building official .

(4) The building official shall have the power to render interpretations of the building, electrical

al,  
mecha  
nical,  
plumbi  
ng,  
heating  
and air  
conditi  
oning,  
and  
steam  
power  
equipm  
ent  
codes  
and to  
adopt  
and  
enforce  
rules  
and  
regulat  
ions  
supple  
mental  
to such  
codes  
as the  
buildin  
g  
official  
may  
deem  
necess  
ary in  
order  
to  
clarify  
the  
applica  
tion of  
the  
provisi  
ons of  
such  
codes.

Such interpretations, rules and regulations shall be in conformity with the intent and purpose of the applicable code.

(b) *Reports and records.* The building official shall be responsible for the following reports and records:

(1) The building official shall submit a report to the director of the community development department and the city manager not

less than once a year, covering the work during the preceding period. He or she shall incorporate in that report a summary of his or her recommendations as to desirable amendments to the building, electrical, mechanical, plumbing, heating and air conditioning, and



steam  
power  
equipment  
codes.

(2) The  
building  
official  
shall  
keep a  
permanent,  
accurate  
account  
of all  
fees  
and  
other  
monies  
collected  
and  
received  
under  
the  
codes  
assigned  
to the  
building  
official  
for  
enforcement,  
the  
names  
of the  
persons  
upon  
whose  
account  
the  
fees

were  
paid,  
the  
date  
and  
amount  
thereof  
,  
togethe  
r with  
the  
locatio  
n of  
the  
buildin  
g or  
premis  
es to  
which  
they  
relate.

(c) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of the building, electrical, mechanical, plumbing, heating and air conditioning, and steam power equipment codes or whenever the building official or the building official's authorized representative 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 the building official's authorized representative may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the building official by the building code. However, if such building or premises is occupied, the building official or the

building official's representative shall first present proper credentials and request entry; and if such building or premises is unoccupied, the building official or the building official's representative 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 the building official's authorized representative shall have recourse to every remedy provided by law to secure entry. When the building official or the building official's representative 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 as provided in this subsection, to promptly permit entry therein by the building official or the building official's authorized representative for the purpose of inspection and examination pursuant to the such codes.

(d) *Stop orders.* Whenever any work is being done contrary to the provisions of the building, electrical, mechanical, plumbing, heating and air conditioning, and steam power equipment codes, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

(e) *Occupancy violations.* Whenever any building or structure or equipment therein regulated by the building, electrical, mechanical, plumbing, heating and air conditioning, and steam power equipment code is being used contrary to the provisions of such codes, the building official may order such use discontinued and the structure or portion thereof vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure or portion thereof comply with the requirements of such codes.

(f) *Cooperation of other officials and officers.* The building official may request and shall receive so far as is required, in the discharge of his or her duties, the assistance and cooperation of other officials of this jurisdiction.

(g) *Liability.*

(1) The city or any employ ee is not liable for damages to a person or property as a result of any

act or failure to act in the enforcement of the building, electrical, mechanical, plumbing, heating and air conditioning, and steam power equipment codes, unless the act of enforcement constitutes false arrest.

(2) The building, electrical, mechanical, plumbing, heating and air

conditi  
oning,  
and  
steam  
power  
equipm  
ent  
codes  
shall  
not be  
constru  
ed to  
believe  
from  
or  
lessen  
the  
respon  
sibility  
of any  
person  
owning  
,  
operati  
ng or  
control  
ling  
any  
equipm  
ent or  
structu  
re  
regulat  
ed by  
such  
codes  
for  
damag  
es to a  
person  
or  
propert  
y  
caused  
by its  
defects

nor shall the city or any city employ ee be held as assuming any such liability because of the inspections authorized by such codes or any approvals issued under such codes.

*(h) Emergencies and public nuisances.*

(1) Whenever the building official or the building official's design ee finds a

public  
nuisance  
exists  
which  
requires  
immediate  
action  
to  
protect  
the  
public  
health  
and  
safety,  
such  
official  
may  
issue  
an  
order  
reciting  
its  
existence  
and  
requiring  
that  
action  
be  
taken  
as such  
official  
deems  
necessary.  
The  
action  
required  
by  
such  
official  
shall  
depend  
upon



the nature of the nuisance, the danger to the public which the nuisance presents, the condition and deterioration of the premises, the potential for rehabilitation of structure involved and the time reasonably necessary to take the required action. If the owner does not comply

with  
the  
order  
within  
the  
time  
specifi  
ed in  
such  
order,  
such  
official  
may  
authori  
ze the  
taking  
of that  
action  
specifi  
ed in  
the  
order.  
Any  
costs  
incurre  
d may  
be  
assesse  
d  
against  
the  
propert  
y.

(2) A  
copy  
of the  
order  
shall  
be sent  
to all  
owners  
reason  
ably  
known  
to the

building  
official  
or his  
or her  
designee at  
their  
last  
known  
addresses.  
Notice  
of the  
order  
shall  
be  
given  
to all  
owners  
,  
tenants  
, and  
other  
persons  
holding a  
property  
interest  
in the  
premises,  
who  
are  
reasonably  
known  
to such  
official.  
. The  
method  
by  
which  
such

notice shall be given shall be that method which shall give such notice within the shortest practicable period of time, considering the nature of the emergency and any difficulties in notifying the owners . If an owner or other person holding a property interest in the

premises cannot be found, an affidavit it shall be completed by the person attempting to locate such person, describing the efforts made, and held on file.

**Sec. 26-5. Licensing and appeals board created; authority.**

There is created a licensing and appeals board, referred to in this article and in articles II, III, V and VI of this chapter as "the board," with authority to:

- (1) Review the building, electrical, mechanical and plumbing

codes  
periodi  
cally  
and  
make  
recom  
mendat  
ions  
thereto  
to the  
city  
council  
.

(2)  
Prescri  
be  
rules  
and  
regulat  
ions  
for the  
conduc  
t of  
examin  
ations  
of  
applica  
nts for  
license  
s and  
certific  
ates  
and  
prepare  
and  
conduc  
t  
written  
examin  
ations  
for the  
license  
s and  
certific  
ates

required by articles II, III, V and VI. For written examinations, the board may utilize the services of a professional testing agency in lieu of creating its own tests. When such services are utilized, the cost of professional fees therefor shall not exceed the amount collected from the

applicants taking the examination.

(3) Rule upon the qualifications of all applicants and certify qualified applicants, together with their respective examination ratings, to the building official within 30 days after the date upon which the examination is held. The



building  
official  
shall  
then  
cause  
the  
certificate to  
be  
issued.  
No  
certificate  
shall  
be  
issued  
without  
written  
certification  
from  
the  
board.

(4)  
Suspended or  
revoke  
any of  
the  
licenses  
or  
certificates  
required by  
articles  
II, III,  
V and  
VI, for  
due  
cause  
and  
subject

to the  
limitati  
ons in  
this  
article,  
but  
only  
after  
the  
person  
charge  
d  
therewi  
th has  
been  
given  
notice  
and an  
opport  
unity  
to be  
heard  
in their  
own  
defens  
e.

(5) Act  
as a  
board  
of  
appeals  
to hear  
grievan  
ces  
arising  
from a  
decisio  
n of  
the  
buildin  
g  
official  
and to  
provid  
e for

reasonable interpretations consistent with the provisions of the building, electrical, mechanical and plumbing codes. Any person may upon written request appeal a previous decision of the building official to the board for consideration.

(6) The board shall have the authority to determine the suitability of alternative materials and types of construction to those otherwise allowed by article II (regarding the building code) and to provide reasonable interpretations of the provisions of such article. The board also

has the authority to accept alternatives and equivalencies recommended in the Uniform Code for Building Conservation, as qualified in section 26-50, for buildings built prior to 1950 or for buildings which have been designated as historical sites by a recognized state or county historic

al  
society  
or as  
may be  
design  
ated by  
ordina  
nce.

(7)  
Adopt  
a  
respon  
sible  
method  
whereb  
y the  
buildin  
g  
official  
is  
authori  
zed to  
conduc  
t  
qualify  
ing  
examin  
ations  
for a  
homeo  
wner's  
electric  
al,  
plumbi  
ng and  
mecha  
nical  
permits  
as  
prescri  
bed in  
articles  
III and  
V,

respect  
ively.

**Sec. 26-6. Terms; composition.**

(a) The licensing and appeals board shall consist of 17 members. Fifteen of the members shall be appointed for terms of three years, provided however that the terms of five of the initial appointed members shall be for one year, and the terms of five of the initial appointed members shall be for two years. All appointed terms shall expire on the April 1st.

(b) The appointed members of the licensing and appeals board shall consist of the following persons having a minimum of five years of experience in the required field:

(1)  
One  
Iowa  
registered  
architect.

(2)  
One  
Iowa  
registered  
professional  
engineer  
(structural or  
construction).

(3)  
One

Iowa  
register  
ed  
profess  
ional  
engine  
er  
(mecha  
nical).

(4)  
One  
Iowa  
register  
ed  
profess  
ional  
engine  
er  
(electri  
cal).

(5)  
One  
general  
contrac  
tor  
experie  
nced in  
residen  
tial  
constru  
ction.

(6)  
One  
general  
contrac  
tor  
experie  
nced in  
comme  
rcial  
constru  
ction.



(7)  
Two  
electric  
ians  
who  
hold an  
active  
master  
electric  
ian  
certific  
ate of  
compet  
ency  
issued  
by the  
city  
and are  
in  
respon  
sible  
charge  
of the  
electric  
al  
installa  
tion  
operati  
on of a  
license  
d  
electric  
al  
contrac  
ting  
firm.

(8)  
One  
plumbe  
r who  
holds  
an  
active  
master  
plumbe

r  
certific  
ate of  
compet  
ency  
issued  
by the  
city  
and is  
in  
respon  
sible  
charge  
of the  
plumbi  
ng  
installa  
tion  
operati  
on of a  
license  
d  
plumbi  
ng  
contrac  
ting  
firm.

(9)  
One  
plumbe  
r who  
holds  
an  
active  
journe  
yman  
plumbe  
r  
certific  
ate of  
compet  
ency  
issued  
by the  
city.

(10)  
Two  
mecha  
nical  
contrac  
tors  
who  
hold an  
active  
class  
A, B,  
C or D  
mecha  
nical  
contrac  
tor  
license  
issued  
by the  
city.

(11)  
One  
license  
d  
attorne  
y.

(12)  
One  
person  
with  
experie  
nce in  
real  
estate  
or real  
estate  
financi  
ng.

(13)  
One  
person  
with  
experie

nce in  
historic  
preserv  
ation.

(c) The  
buildin  
g  
official  
and  
fire  
marsha  
l shall  
serve  
as ex  
officio  
membe  
rs of  
the  
board.

(d) Any member of the board may be removed by the city council for malfeasance in office, incapacity, or neglect of duty.

**Sec. 26-7. Hearings.**

(a) Any person affected by a decision of the building official made pursuant to articles II (regarding the building code), III (regarding the electrical code), V (regarding the mechanical code) or VI (regarding the plumbing code) may request and shall be granted a hearing on the decision, provided that the person shall file in the permit and development center a written petition requesting a hearing and setting forth a brief statement of the grounds therefor within 15 days after receiving notice of the decision. Upon receipt of the petition, the permit and development center shall set a time and place for the hearing

and shall give the petitioner written notice thereof at least three days before the date set for it, unless such notice requirement is waived, in writing, by the petitioner. The hearing shall be commenced not later than thirty days after the day on which the petition was filed, unless, for good cause shown, the building official grants a postponement, in writing.

(b) At the hearing the petitioner shall be given an opportunity to be heard to show why the decision of the building official should be modified or withdrawn. The building official or the official's designee shall have the opportunity to be heard to show why the building official's decision should be affirmed.

(c) Any hearing concerning the suspension or revocation any license or certificate shall be held at the earliest convenience of all parties concerned, but in any case shall be within five days, excluding Saturdays, Sundays, and holidays, after written notice has been served on the person charged with the violation. The board shall hear all interested parties who have pertinent written or oral evidence or information to present for consideration.

#### **Sec. 26-8. Decisions.**

(a) After the hearing as provided in section 26-7, the licensing and appeals board shall affirm, modify or withdraw the decision of the building official. In proceedings relative to the suspension or revocation of licenses or certificates, at least two-

thirds of all appointed members serving on the board must concur in any suspension or revocation.

(b) Suspensions shall be for any period, up to six months. During the period of suspension, the license or certificate of the offender shall be void, and the offender shall not perform any work for which a license or certificate is required. After the termination of the period of suspension, the license or certificate shall be reactivated by the building official, provided that renewal fees which have become due thereon have been paid.

(c) The proceedings at any hearing before the board, including the findings and decision of the building official, if applicable, shall be summarized, reduced to writing, and entered as a matter of public record in the permit and development center. This record shall include a copy of every notice or order issued in connection with the matter.

**Sec. 26-9. Meetings; rules of procedure.**

(a) The licensing and appeals board shall schedule examinations at least semiannually, and shall hold additional meetings as necessary to hear appeals or conduct other business. Special meetings may be called at any time by the chair of the board or the building official or upon the written request of two members of the board to the chair and the building official.

(b) The licensing and appeals board shall adopt reasonable rules and

regulations for conducting its meetings

(c) The city council shall provide suitable rooms in which the board shall hold its meetings and shall provide for the necessary expenses incurred by the board.

**Sec. 26-10. Legal counsel.**

The licensing and appeals board shall have the right to request legal counsel from the city legal department when counsel is desired.

**ARTICLE II. BUILDING CODE**

**DIVISION 2. ORGANIZATION AND ENFORCEMENT**

**Sec. 26-76. Repealed by Ord. No. 13,---**

**Sec. 26-77. Repealed by Ord. No. 13,---**

**Sec. 26-80. Board of appeals.**

The licensing and appeals board of appeals shall serve as the board of appeals for all matters arising from this article.

**ARTICLE III. ELECTRICAL CODE**

**DIVISION 2. BOARD OF APPEALS**

**Sec. 26-296. Created; authority.**

The licensing and appeals board of appeals shall serve as the board of appeals for all matters arising from this article.

**Sec. 26-297. Repealed by Ord. No. 13,---**

**Sec. 26-298. Repealed by Ord. No. 13,---**

**Sec. 26-299. Repealed by Ord. No. 13,---**

**Sec. 26-300. Repealed by Ord. No. 13,---**

**Sec. 26-301. Repealed by Ord. No. 13,---**

**Sec. 26-302. Repealed by Ord. No. 13,---**

**Sec. 26-303. Repealed by Ord. No. 13,---**

**Sec. 26-304. Repealed by Ord. No. 13,---**

**Sec. 26-305. Repealed by Ord. No. 13,---**

**Sec. 26-306. Repealed by Ord. No. 13,---**

DIVISION 3. INSPECTION SECTION

**Sec. 26-375. Master electrician's certificate of competency.**

(a) To obtain a master electrician's certificate of competency a person shall meet the following conditions:

(1) He or she shall successfully pass a master electrician's examination administered and/or approved by the licensing and appeals board.

(2) He or she must have been certifie



d by  
the  
city, or  
any  
other  
approved  
jurisdiction, as  
a  
journeymen  
electrician for  
a  
period  
of two  
years  
and  
been  
actively  
engaged  
in the  
electrical trade  
during  
that  
period,  
unless  
exempt  
under  
subsection 26-  
376(a)(  
2).

(b) Exceptions. The requirements to obtain a master electrician's certificate of competency may be waived for individuals qualifying under the following exceptions:

(1)  
Holder  
s of

electric  
al  
contrac  
tor's  
license  
s  
granted  
by the  
city  
prior to  
date of  
the  
ordina  
nce  
from  
which  
this  
subsect  
ion  
derives  
shall  
be  
issued  
a  
master  
electric  
ian's  
certific  
ate of  
compet  
ency.

(2) A  
master  
electric  
ian's  
certific  
ate of  
compet  
ency  
may be  
issued  
withou  
t  
examin  
ation,

as  
require  
d by  
subsect  
ion  
(a)(1)  
of this  
section  
, for  
any  
person  
holdin  
g a  
similar  
certific  
ate or  
license  
if so  
denote  
d from  
another  
munici  
pal  
corpor  
ation  
in this  
state  
that is  
recogni  
zed by  
the  
licensi  
ng and  
appeals  
board  
as  
having  
similar  
certific  
ation  
standar  
ds.

DIVISION 4. LICENSES, CERTIFICATES AND PERMITS

**Sec. 26-376. Journeyman electrician's certificate of competency.**

(a) No person, except persons qualifying under section 26-377 (apprentice), shall engage in the work or practice the trade of installing, altering, maintaining, or repairing any electrical equipment within the scope of the electrical code without first obtaining a journeyman's certificate of competency through examination and meeting one or more of the following minimum requirements:

(1)  
Four  
years  
of  
workin  
g as an  
apprent  
ice, as  
specifi  
ed in  
section  
26-  
377,  
under  
the  
direct  
supervi  
sion of  
an  
individ  
ual  
holdin  
g  
either a  
master  
or  
journe  
yman  
electric  
ian's

certificate of competency.

(2) Completion of a minimum of 60 credit hours of post secondary training in the electrical field, from an accredited educational institution or trade school and being employed full time for a period of two years with an electrical contractor,

under a  
master  
or  
journe  
yman's  
direct  
supervi  
sion.  
The  
educati  
onal  
trainin  
g may  
not  
occur  
simulta  
neousl  
y.

(b) Exceptions. All or part of the requirements, specified in subsection (a) of this section, may be waived for individuals qualifying under the following exceptions:

(1)  
Person  
s  
holdin  
g a  
master  
electric  
ian's  
certific  
ate of  
compet  
ency  
are not  
require  
d to  
hold a  
journe  
yman  
electric  
ian's  
certific

ate of  
compet  
ency.

(2)  
Person  
s who  
present  
eviden  
ce of  
having  
taken a  
journe  
yman  
level  
examin  
ation,  
and  
receivi  
ng a  
success  
ful  
score,  
similar  
in  
content  
and  
difficul  
ty to  
the  
examin  
ations  
require  
d  
under  
this  
code,  
may  
receive  
a  
journe  
yman  
electric  
ian's  
certific  
ate of

competency without any further examination. This exception shall be reviewed and granted only by the licensing and appeals board.

**Sec. 26-377. Apprentice electricians.**

(a) For purposes of the electrical code, the term "apprentice" shall include any person who is involved or assisting in the installation of electrical systems or equipment, including individuals serving as trainees, helpers, or individuals that are participating in an established apprentice training program. Apprentice electricians shall work under the direct supervision and control of an individual holding a master or journeyman electrician's certificate of competency.

(b) Every apprentice shall register with the office of the building official before the first day of January of each year. The building official shall report all such registrations to the licensing and



appeals board following the first of the year.

(c) No electrical contractor shall employ any apprentice, for work with the city, who is not registered as required by subsection (b) of this section, and no electrical contractor shall employ more than two apprentices for each individual, permanently employed by the contractor, as a journeyman or master electrician. This ratio shall apply to every permitted job with the city.

**Sec. 26-379. Contractor's bond.**

To ensure the collection of electrical permit fees, the applicant shall, before a license required by this article is issued, deposit with the city treasurer a cash bond in the sum of \$500.00 or a certificate of deposit in a like amount payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall remain on deposit with the city for 90 days after the expiration or surrender of the license. Upon the death of the licensee, the treasurer may, upon approval of the licensing and appeals board and the building official, release the bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.

**Sec. 26-381. Sign wireman's certificate required.**

Any person who is licensed as a sign erector under the provisions of article II of this chapter of the city Code and who has satisfied the licensing and appeals board as to the person's qualifications with respect to the installation of electrical equipment in or upon signs shall be entitled to obtain a sign wireman's certificate. This certificate shall authorize the holder to obtain an electrical permit to install on the exterior of any building or structure electrical sign equipment, provided that no more than ten feet of exterior circuitry shall be so installed by the holder. For purposes of this section, any person who holds an electrical contractor's license shall not be required to obtain a sign wireman's certificate.

**Sec. 26-383. Sign wireman's bond.**

To ensure the collection of inspection fees and the rectification of defective work, the holder of a sign wireman's certificate shall file with the city treasurer a cash bond in the sum of \$100.00 or a certificate of deposit in a like amount payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall be deposited before the holder actively engages in the installation, repair, or replacement of electrical signs, and it shall remain on deposit for 90 days after the expiration or surrender of the license. Upon the death of the holder, the treasurer may, upon approval of the licensing and appeals board and the building official, release such bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.

**Sec. 26-385. Maintenance electrician's certificate.**

(a) A maintenance electrician's certificate shall be required of any regular employee of a manufacturing or industrial establishment who does electrical work for that establishment only, and who maintains and keeps in a state of repair the existing electrical equipment within a building or group of buildings. A maintenance electrician's certificate shall be issued to any person who shall satisfactorily pass the examination given by the licensing and appeals board. Any person holding a maintenance electrician's certificate issued by the city prior to passage of the ordinance from which this article derives shall be reissued renewals of his or her certificate without taking the examination provided for in this article.

(b) The installation of any new or additional electrical equipment of any kind by the holder of a maintenance electrician's certificate is prohibited.

**ARTICLE V. MECHANICAL CODE**

## DIVISION 2. ORGANIZATION AND ENFORCEMENT

### **Sec. 26-908. Mechanical board created, responsibilities.**

The licensing and appeals board shall serve as the board of appeals for all matters arising from this article.

### **Sec. 26-909. Repealed by Ord. No. 13,---**

### **Sec. 26-910. Repealed by Ord. No. 13,---**

### **Sec. 26-911. Repealed by Ord. No. 13,---**

### **Sec. 26-912. Repealed by Ord. No. 13,---**

### **Sec. 26-913. Repealed by Ord. No. 13,---**

### **Sec. 26-914. Repealed by Ord. No. 13,---**

### **Sec. 26-915. Repealed by Ord. No. 13,---**

## DIVISION 3. LICENSES, PERMITS AND INSPECTIONS

### **Sec. 26-941. License applications, fees and renewal.**

(a) Any person desiring to take any examination for the licenses required by the mechanical code shall make application to the building official on forms furnished by the building official, and each application shall be accompanied by a receipt from the city treasurer for the examination fee, as set out in this section, which fee shall be paid for each examination or reexamination. All applications shall be made and the application fee shall be paid at least 20 calendar days prior to the date of the examination.

(b) The fees for the following examinations and licenses are authorized and required, except that any licensee who is subject to the restrictions of subsection 26-906(b)

of this article may be issued an inactive license without a fee:

		Biennial Fee	
Type of License	Examination Fee	Active*	Inactive
Mechanical contractor class A	None	\$200.00	\$25.00
Comfort heating contractor class B	\$75.00	100.00	25.00
Refrigeration contractor class C	75.00	100.00	25.00
Boiler contractor class D	75.00	100.00	25.00
Special appliance contractor class E	75.00	100.00	25.00

\*  
Initial  
fee  
shall  
be  
prorate  
d in  
accord  
ance

with  
the  
following  
schedule:

No. of Months Until First Renewal Due	Initial Fee Reduction Percentage
18—24	0
12—18	25
0—12	50

(c) All licenses shall expire on January 31 of each odd-numbered year. The fee for renewal of an unexpired license or certificate shall be as specified in subsection (b) of this section. Any license that has so expired may be renewed within 90 days after the expiration date upon payment of the biennial license fee plus \$10.00. Upon the expiration of the 90-day period, no license shall be renewed without reexamination by the licensing and appeals board and payment of the biennial license fee plus \$10.00.

**Sec. 26-946. Contractor's bond.**

(a) Prior to the issuance or renewal of any mechanical contractor's license, the applicant therefor shall file with the office of the building official a bond running to the city in the sum of \$10,000.00 for a class A mechanical contractor's license, and \$5,000.00 for each of the other classes of licenses, to be approved by the building official and by the city legal department, to save the city harmless on account of any and all failures on the part of such applicant to comply in all particulars with the provisions of the mechanical code and all other applicable laws and ordinances, rules and regulations relating to the work for which a permit has been issued and to ensure the rectification of defective work to the satisfaction of the senior mechanical inspector.

(b) To ensure the collection of permit fees and the rectification of defective work, the applicant shall in addition to filing the bond required before the license is issued file with the treasurer for each license applied for a cash bond in the sum of \$100.00 or a certificate of deposit in a like amount made payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall remain on deposit with the city for 90 days after the expiration or surrender of the license. Upon the death of the licensee, the treasurer may, upon approval of the licensing and appeals board and the building official, release the bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.

## ARTICLE VI. PLUMBING CODE

### DIVISION 1. GENERALLY

#### **Sec. 26-987. Purpose.**

The purpose of the plumbing code is to provide for the protection of the public health and safety and the qualification and registration of persons engaged in the business of plumbing or laboring at the trade of plumbing; to require a permit and inspection for the installation or alteration of plumbing and drainage systems; to create a plumbing section of the permit and development division and a board of appeals, and prescribe their duties; to define certain terms; to establish minimum regulations for plumbing materials and the installation, alteration, or repair of plumbing and drainage systems and the inspection thereof; to provide penalties for the violation of the plumbing code; and to repeal conflicting ordinances.

#### *Subdivision II. Board of Appeals*

#### **Sec. 26-1051. Created and authority.**

The licensing and appeals board shall serve as the board of appeals for all matters arising from this article.

#### **Sec. 26-1052. Repealed by Ord. No. 13,---**

#### **Sec. 26-1053. Repealed by Ord. No. 13,---**

#### **Sec. 26-1054. Repealed by Ord. No. 13,---**

#### **Sec. 26-1055. Repealed by Ord. No. 13,---**

#### **Sec. 26-1056. Repealed by Ord. No. 13,---**

#### **Sec. 26-1057. Repealed by Ord. No. 13,---**

#### **Sec. 26-1058. Repealed by Ord. No. 13,---**

#### **Sec. 26-1059. Repealed by Ord. No. 13,---**

### DIVISION 3. LICENSES AND CERTIFICATES

#### **Sec. 26-1116. Application.**

Any person desiring to take an examination for any of the licenses or certificates required by this division shall make application directly to the examination service approved by the licensing and appeals board, with sponsorship from an approved jurisdiction. Following passing an exam the applicant shall make application for a license to the permit and development center, along with evidence of passing the specific examination approved by the board, with a score of 75 percent or greater. Supplementary information related to experience, bonds, insurance, and fees shall be supplied at the time of application, if required for the license or certification applied for. If sponsorship is requested from the city, a fee of \$25.00 shall be paid for processing and recordkeeping.

**Sec. 26-1117. Repealed by Ord. No. 13,---**

**Sec. 26-1119. Expiration and renewal.**

All licenses and certificates required by this division shall expire on December 31 of each even-numbered year. The fee for renewal of an unexpired license or certificate shall be as specified in section 26-1118. Any expired license or certificate may be renewed without examination within 90 days after the expiration date upon payment of the biennial fee plus \$10.00. When more than 90 days have passed, no expired license or certificate shall be renewed without reexamination by the licensing and appeals board and payment of the biennial fee plus \$10.00.

**Sec. 26-1121. Contractor's bond.**

(a) Prior to the issuance or renewal of any plumbing contractor's license, the applicant therefor shall file with the building official a bond running to the city in the sum of \$5,000.00 to be approved by the building official and the city legal department, to save the city harmless on account of any and all failures on the part of such applicant to comply in all particulars with the provisions of the plumbing code and all other applicable laws, ordinances, rules and regulations, and to ensure the rectification of defective work for which a permit has been issued.



(b) To ensure the collection of permit fees, the applicant shall, in addition to the bond required in subsection (a) of this section and before the license is issued, deposit with the city treasurer \$100.00 in cash or a certificate of deposit in a like amount made payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall remain on deposit with the city for 90 days after the expiration or surrender of the license. Upon the death of the licensee, the treasurer may, upon the approval of the licensing and appeals board and the building official, release such bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.

**Sec. 26-1123. Journeyman plumber's certificate of competency.**

(a) *Required.* Except as otherwise provided in this article, no person shall engage in the work or practice the trade of installing, altering, maintaining or repairing any plumbing or building drainage system within the scope of the plumbing code unless such person has obtained a journeyman plumber's certificate of competency and is either the holder of a plumbing contractor's license or is performing such work while in the employ of another person holding a plumbing contractor's license.

(b) *Exceptions.* Exceptions to subsection (a) of this section shall be as follows:

(1)  
Employees of  
the city  
water  
works  
shall  
not be  
required  
to  
hold a  
journeymen  
plumber's  
certificate of  
competency  
when  
performing  
work  
for the  
city  
water  
works  
under  
the  
provisions of  
section  
26-  
1120  
of this  
division.

(2) A  
journeymen  
plumber's  
certificate of  
compet

ency shall not be required when a private sewer, other than a building or house sewer, is constructed under the jurisdiction, standard specifications, and inspection of the city engineer.

(3) A journeyman plumber's certificate of competency shall not be required for the

installa  
tion of  
a water  
heater  
not  
exceed  
ing 50  
gallons  
capacit  
y or  
50,000  
Btu  
fuel  
input,  
provid  
ed a  
plumbi  
ng or  
mecha  
nical  
permit  
therefo  
r has  
been  
obtaine  
d.

(c) *Qualifications.* An applicant for a journeyman plumber's certificate of competency must be able to read mechanical drawings and do appropriate mathematical problems and must know the provisions of the plumbing code and all other applicable laws, ordinances, rules and regulations governing plumbing. The applicant shall have at least four years' practical experience as an apprentice assisting in the installation of plumbing work, except that the licensing and appeals board may reduce the experience requirement to three years when an applicant can demonstrate and document to the board's satisfaction that the applicant has achieved the

necessary degree of proficiency as established by the board. The applicant shall furnish the board with bona fide affidavits as to the applicant's practical experience and satisfactorily pass an examination for a certificate of competency as a journeyman plumber.

**Sec. 26-1124. Reissuance of current licenses and certificates of competency.**

Any person holding a current plumbing contractor's license, master plumber's certificate of competency, or a journeyman plumber's certificate of competency, on the effective date of the ordinance from which this section derives, shall be reissued the respective license or certificate without taking the examinations required in this article. In addition, such license or certificate may be issued without examination to any person holding a certificate from another governmental jurisdiction recognized by the licensing and appeals board as having licensing standards similar to those of the board.

**Sec. 26-1125. Apprentice.**

(a) The term "apprentice" shall include any person who, while learning the trade of plumbing under the direction and control of a certified journeyman plumber, is working in the installation, alteration or repair of plumbing equipment.

(b) No plumbing contractor shall hire or employ any apprentice who is not registered with the licensing and appeals board, and no plumbing contractor shall hire or employ more than two apprentices for each certified journeyman plumber in his or her employ. The same ratio shall apply to every permittable job.

(c) Every apprentice shall register his or her name and address with the

licensing and appeals board before  
January 1 of each year.

Sec. 2. This ordinance shall be in full force and effect from  
and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines,  
Iowa, hereby certify that the above and foregoing is a true copy  
of an ordinance (Roll Call No. 01-250), passed by the City  
Council of said City at a meeting held January 22, 2001, signed  
by the Mayor on January 22, 2001, and published as provided by  
law in the Business Record on February 5, 2001. Authorized by  
Publication Order No. 1551.

Donna Boetel-Baker, MMC, City Clerk