

ORDINANCE NO. 16,317

An Ordinance entitled, "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, as heretofore amended, by amending Chapter 26, Sections 26-100, 26-121, 26-141, 26-300, 26-305, 26-307, 26-310, 26-310.1, 26-310.4, 26-310.8, 26-310.16, 26-325, 26-325.1, 26-325.3, 26-325.4, 26-325.7, 26-325.9, 26-325.17, 26-325.18, 26-325.22, 26-345, 26-345.1, 26-346, 26-608, repealing Sections 26-310.5, 26-310.14, 26-310.15, 26-325.20, 26-325.21, adding Sections 26-345.1.1, 26-349.2, 26-655 and renumbering 26-349, relating to the adoption of the 2021 editions of the International Building Code; International Residential Code; International Existing Building Code; and the State of Iowa Energy Code. ",

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

Section 1. That the Municipal Code of the City the 2021lines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, heretofore amended, is hereby amended, by amending Chapter 26, Sections 26-100, 26-121, 26-141, 26-200, 26-300, 26-305, 26-307, 26-310, 26-310.1, 26-310.4, 26-310.8, 26-310.16, 26-325, 26-325.1, 26-325.3, 26-325.4, 26-325.7, 26-325.17, 26-325.18, 26-325.22, 26-345, 26-345.1, 26-346, 26-608, repealing Sections 26-210, 26-211, 26-212, 26-213, 26-214, 26-215, 26-216, 26-217, 26-218, 26-310.5, 26-310.14, 36-310.15, 26-325.20, 26-325.21, adding Sections 26-345.1.1, 26-349.2, 26-655, and renumbering 26-349, relating to the adoption of the 2021 editions of the International Building Code; International Residential Code; International Existing Building Code; and the State of Iowa Energy Code, as follows:

**Sec. 26-100. Permit and development division established; officials appointed.**

There is established in the city within the development services department the permit and development division which shall be under the direction and supervision of the building official. The building official shall be appointed by and be responsible to the director of the development services department.

**Sec. 26-121. Terms; composition.**

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- (11) One mechanical person who holds a master’s mechanical license issued by the State of Iowa and is in responsible charge of the mechanical installation operation of a licensed mechanical contracting firm.
- (12) One mechanical person who holds an active master or journeyperson mechanical license issued by the State of Iowa.

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**Sec. 26-141. Exemption from fees.**

- (a) Persons performing work on government owned public properties for the federal, state, county or city governments may obtain permits for that work without paying the permit fees described in this section, provided that nothing in this section shall be construed to exempt payment of permit fees by persons working under the direction of the city in connection with the abatement of any public nuisance on private property, pursuant to city ordinance or state law.
- (b) *Waiver of permit fees by city council.* The city council upon receipt of timely application may by resolution waive payment of permit fees required in this chapter to persons who develop a project within the Metro Center Urban Renewal Project Area which will receive assistance from the city, from Polk County or from the state of Iowa under Iowa Code, Chapter 15F, Vision Iowa Program.

**Sec. 26-300. Adoption of International Codes.**

- (a) The provisions of the International Building Code, 2021 edition, published by the International Code Council, 500 New Jersey Avenue NW, 6<sup>th</sup> Floor, Washington, D.C., 20001 are hereby adopted by reference and subject to the additions, deletions and modifications hereinafter stated as the general requirements for commercial building construction in the City of Des Moines.
- (b) The provisions of the International Residential Code, 2021 edition published by the International Code Council, 500 New Jersey Avenue NW, 6<sup>th</sup> Floor, Washington, D.C., 20001, except for Part VI –Fuel Gas, Part VII – Plumbing and Part VIII – Electrical; and with the adoption of appendices G, H, J, K, and M, are hereby adopted by reference and subject to the additions, deletions and modifications hereinafter stated as the general requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures in the City of Des Moines.
- (c) The provisions of the International Existing Building Code, 2021 edition, published by the International Code Council, 500 New Jersey Avenue NW, 6<sup>th</sup> Floor, Washington, D.C. 20001 are hereby adopted by reference and subject to the additions, deletions, and modifications hereinafter regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Des Moines.
- (d) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the building code. References to section numbers not preceded by "26-" will be to sections in the International Building Code (IBC), the International Existing Building Code (IEBC) or the International Residential Code (IRC).
- (e) All references to the International Plumbing Code found within the IRC, IBC, and IEBC shall be interpreted to refer to the corresponding provision in the State Plumbing Code.
- (f) All references to the International Mechanical Code found within the IRC, IBC, and IEBC shall be interpreted to refer to the corresponding provision in the State Mechanical Code.
- (g) The following climatic and geographic design criteria shall be applied in the application of the International Residential Code to structures in the City of Des Moines.

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**Sec. 26-305. Conversion to condominium or multiple housing cooperative.**

- (a) The conversion of any residential building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy classification for the building, notwithstanding anything in the building codes to the contrary, and shall conform to the International Building Code.
- (b) No person shall file or record a declaration in the office of the county recorder to convert an existing structure located within the city to a horizontal property regime unless a certificate of occupancy for compliance with the current building codes has been issued by the building official
- (c) No person shall file or record an instrument in the office of the county recorder conveying an interest in real estate located in the city to a multiple housing cooperative unless a certificate of occupancy for compliance with the current building codes has been issued by the building official.
- (d) At least 60 days before being filed or recorded in the office of the county recorder, the applicant shall file a copy of such declaration or such instrument, together with the following documents with the building official, and shall also pay a conversion fee in the amount set in the schedule of fees adopted by the city council by resolution:
  - (1) Two copies of an as-built plan for the entire structure.
  - (2) A building code analysis prepared by a licensed architect or professional engineer demonstrating that the structure conforms with the current building codes, or can be brought into conformance with the current building codes by planned improvements to be made to the structure.
  - (3) Two copies of construction plans for planned improvements to be made to the structure to bring the structure into conformance with the current building codes.
- (e) Upon receipt of the documents and the conversion fee as provided above, the building official or the building official's designee shall review the building code analysis and conduct such inspections of the structure as may be deemed appropriate by the building official to determine whether or not the structure conforms with the requirements of paragraph (a) above. If the building official or the building official's designee determines that the structure has been shown to be in substantial compliance with the requirements of paragraph (a) above, the building official shall cause a certificate of occupancy to be issued for the use of the structure as a horizontal property regime or a multiple housing cooperative. If the structure has not been shown to be in substantial compliance with the requirements of paragraph (a) above, the building official shall give written notice to the applicant of any violations of the applicable code requirements discovered to exist in the building.

**Sec. 26-307. Shelter for the homeless.**

- (a) As used in this section, the term "shelter for the homeless" means a building used to provide primarily short term lodging, or short term lodging and meals, and which may also provide other services, including counseling, with or without compensation, to transient individuals or to individuals who have no access to traditional or permanent housing. For purposes of

this subsection, short term lodging shall include facilities offering lodging for 30 days or less.

- (b) No building or portion thereof that is to be used as a shelter for the homeless shall be occupied as such unless an inspection certificate for such use has been issued by the neighborhood inspections administrator. Such certificate shall be valid for not more than one year from the date of issuance, and no new certificate shall be issued until the premises have been reinspected for compliance with applicable building code, zoning and fire safety requirements. No fee shall be charged for the annual inspection or certificate of compliance issued under this subsection; provided, however, that this fee exemption shall not apply to permit fees, when required.
- (c) Facilities which fall under federal, state or other local regulations which require annual inspections for building and health safety standards shall be exempted from this section.

**Sec. 26-310. General.**

The provisions of International Residential Code (IRC), 2021 edition are hereby amended as follows:

- (a) Delete section R105.2
- (b) Delete section R105.5
- (c) Delete section R112

**Sec. 26-310.1. Scope.**

Delete section R101.2 and insert in lieu thereof the following new section:

R101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the following:

1. Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. Detached one- and two-family dwellings and townhouses that contain business areas of up to 20 percent of the dwelling unit area.
4. Live/work units within detached one- and two-family dwellings and townhouses that comply with the requirements of Section 508.5 of the International Building Code.
5. Care facilities within detached one- and two-family dwellings and townhouses with eight or fewer persons receiving care who have the ability to respond to emergency situations and evacuate.
6. In-home child care facilities within detached one- and two-family dwellings and townhouses where in-home child care is provided to no more than eight children, and of these eight children no more than six are five years old or younger, no more

than four are twenty-four months old or younger, and no more than three are eighteen months old or younger.

7. In-home child care facilities that provide custodial care for 16 or fewer persons in detached one- and two-family dwellings and townhouses that were registered with the State of Iowa Department of Human Services as child development homes and have held such registration continuously in good standing since on or before January 1, 2017.

**Sec. 26-310.4. Egress window sill height.**

Section R310.2.3 is amended by adding the following exception.

Exception: A landing may be provided to meet the maximum sill height of forty-four (44) inches above the floor or landing provided. The landing shall be not less than thirty-six (36) inches wide, not less than twelve (12) inches out from the exterior wall, and not more than twenty-four (24) inches in height. The landing shall be permanently affixed to the floor below or the wall under the window it serves.

**Sec. 26-310.5. Repealed by Ord. No. 16,317.**

**Sec 26-310.8. Handrail continuity.**

Section R311.7.8.4 is amended by adding the following exception:

Handrails shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

**Sec. 26-310.14. Repealed by Ord. No. 16,317.**

**Sec. 26-310.15. Repealed by Ord. No. 16,317.**

**Sec. 26-310.16. Townhome Gas Piping.**

Add the following new section:

**R331 Townhome Gas Piping**

**R331.1 General.** Fuel gas piping installed downstream of the point of delivery shall not extend through any townhome unit other than the unit served by such piping.

**Sec. 26-325. General.**

The provisions of the International Building Code (IBC), 2021 edition, are amended with the revision of the following text as stated:

- (1) Delete section 105.2.
- (2) Delete section 105.5.
- (3) Delete section 110.3.6.

- (4) Delete section 113.
- (5) Delete section 2901.1.
- (6) Delete section 2902.2.
- (7) Delete section 2902.6.

**Sec 26-325.1. Day care occupancies.**

- (a) Delete section 308.5.4 and insert in lieu thereof the following new section.

**308.5.4 Eight or fewer persons receiving care in a dwelling unit.** Eight or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as a group R-3 occupancy or shall comply with the International Residential Code. Automatic sprinkler systems are not required per Iowa Code 414.32 for care facilities within a dwelling.

**Exception:** Day care facilities that provide custodial care for 16 or fewer persons for less than 24-hours per day in a single-family dwelling, and where registered with the State of Iowa Department of Human Services as child development homes on or before January 1, 2017, are permitted to comply with the International Residential Code.”

- (b) Delete section 310.4.1. and insert in lieu thereof the following new section.

**310.4.1 Care facilities within a dwelling.** Care facilities within a dwelling refer to 308.5.4.

**Sec. 26-325.3. Live/ work units**

- (a) Delete section 508.5 and insert in lieu thereof the following new section.

**419.1 General.** A *live/work unit* shall comply with Sections 508.5 through 508.5.11

**Exceptions:**

1. Dwelling or sleeping units that include an office that is less than 10 percent of the area of the *dwelling unit* are permitted to be classified as *dwelling units* with accessory occupancies in accordance with Section 508.2
2. Detached one- and two-family dwellings and townhouses that include business areas that is less than 20 percent of the area of the dwelling unit and constructed in accordance with the International Residential Code are not required to comply with Sections 508.5 through 508.5.11.

- (b) Delete 508.5.1, item #3, and insert in lieu thereof the following new item #3.

3. The nonresidential area function shall be limited to floors of the *live/work unit* with exit at the 1<sup>st</sup> story or a basement walkout of the *live/work unit*.

- (c) Add the following exception to 508.5.2.

The nonresidential area function shall be limited to floors of the *live/work unit* with exit at the 1<sup>st</sup> story or a basement walkout of the *live/work unit*.

**Sec. 26-325.4. Storm shelters for educational occupancies.**

Delete section 423.5 including subsections 423.4.1 and 423.4.2 and insert in lieu thereof the following new section.

**423.5 Group E occupancy.** In areas where the shelter design wind speed for tornadoes in 250 mph in accordance with Figure 304.2 (1) of ICC 500, all Group E occupancies with a program occupant load of 50 or more shall have a storm shelter constructed in accordance with Chapters 1 through 5 & 8 of ICC 500.

The installation of portable buildings for utilization on the campus or site for educational purposes is considered new construction and classified as Group E occupancies.

**Exceptions:**

1. Group E day care facilities.
2. Group E occupancies accessory to place of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.
4. Accessory structures to existing group E sites where the occupancy classification of said structures are classified as Groups A-5 and U

**423.5.1 Required Occupant Capacity.** The required occupant capacity of the storm shelter shall include all buildings classified as a Group E occupancy on the campus or site (whichever is larger) and shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

**Exceptions:**

1. Where a new building is being added on an existing Group E site, and where the new building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on-site, the storm shelter shall at a minimum accommodate the required capacity for the new building.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the campus or site.

**423.5.2 Location.** Storm shelters shall be located within the buildings they serve, or shall be located where the maximum distance of travel from not fewer than one

exterior door of each building to a door of the shelter serving that building does not exceed 1,000 feet.

**Sec. 26-325.7. Penetrations of fire rated walls with coiling overhead fire doors.**

Add the following new section: 714.4.1.3. Penetrations for the operation of rolling fire doors. One open ended ½” electrical metallic tubing (EMT) conduit shall be allowed for each rolling overhead fire door to allow the installation of fusible link hardware. The conduit shall be fire stopped where penetrating the wall in accordance with section 714, but the ends shall remain open to allow proper function of the fusible link.

**Sec. 26-325.9. Automatic Sprinkler Systems**

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i) Delete section 903.2.4 and insert in lieu thereof the following new section:

**903.2.4 Group F-1.** An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 *fire area* exceeds 6,000 square feet (557.5 m2).
2. A Group F-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group F-1 *fire areas* on all floors, including any mezzanines, exceeds 12,000 square feet (1115 m2).

j) Delete section 903.2.7 and insert in lieu thereof the following new section:

**903.2.7 Group M.** An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 6,000 square feet (557.5 m2).
2. A Group M *fire area* is located more than three stories above grade plane.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 12,000 square feet (2230 m2).

k) Delete section 903.2.9 and insert in lieu thereof the following new section:

**903.2.9 Group S-1.** An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 6,000 square feet (557.5 m2).
2. A Group S-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 12,000 square feet (1115 m2).
4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m2).
5. A Group S-1 occupancy used for Self-Service Storage Facility (mini-storage) exceeds 6,000 square feet (557 m2).



1) Delete section 903.2.9.1 and insert in lieu thereof the following new section:

**903.2.9.1 Repair garages.** An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

1. Buildings, with a *fire area* containing a repair garage exceeding 3,500 square feet (325 m<sup>2</sup>).
2. Buildings with repair garages servicing vehicles parked in *basements*.

**Sec. 26-325.17. Fire Command Center.**

Delete section 911.1 and insert in lieu thereof the following new section:

**911.1 General.** Where required by other sections of this code, Table 508.1, and in all buildings classified as high-rise buildings by the *International Building Code*, a *fire command center* for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.7.

**Table 911.1 Fire Command Center Thresholds**

Occupancy	Threshold Requiring a Fire Command Center
Group A	1,000 occupants
Group E	100,000 gross square feet
Group F	200,000 gross square feet
Group H	100,000 gross square feet
Group I-2 or I-3	100,000 gross square feet
Group M	100,000 gross square feet
Group R1	Greater than 200 <i>dwelling units</i> or <i>sleeping units</i>
Group S	200,000 gross square feet

Modify Code Section: IBC 911.3 (Correlate IFC 508.1.3)

Replace with the following language:

911.1.3 Size. The fire command center shall not be less than 0.015 percent of the total building area of the facility served or 200 square feet (19m<sup>2</sup>) in area, whichever is greater, with a minimum dimension of 0.7 times the square root of the room area or 10 feet (3048 mm), whichever is greater. Where a fire command center is required by table

508.1, the fire command center shall have a minimum size of 96 square feet (9 m<sup>2</sup>) with a minimum of 8 feet (2348 mm) where approved by the fire code official.

**Sec. 26-325.18. Landing frost protection.**

Insert the following new section: **1010.1.5.1 Frost Protection.** Where landings are required by Section 1010.1.5 to be at the same elevation on each side of the door, exterior landings at doors shall be provided with frost protection per section 1809.5.1.

Exception: Group U structures or structures built without frost depth footings.

**Sec. 26-325.20. Repealed by Ord. No. 16,317.**

**Sec. 26-325.21. Repealed by Ord. No. 16,317.**

**Sec. 26-325.22. Ventilation.**

Delete section 1202.1 and insert in lieu thereof the following new section: 1203.1 General. Buildings shall be provided with mechanical ventilation in accordance with the International Mechanical Code. Where the air infiltration rate in a dwelling unit is less than 5 air changes per hour when tested with a blower door at a pressure 0.2 inch w.c. in accordance with Section R402.1.1.2 of the International Energy Conservation Code – Residential Provisions, the dwelling unit shall be ventilated by mechanical means in accordance with section 403 of the State Mechanical Code. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with 407 of the State Mechanical Code.

**Sec.26-345. Generally.**

The provisions of International Existing Building Code (IEBC), 2021 edition are hereby amended as follows:

- (1) Delete section 103.
- (2) Delete section 105.2.
- (3) Delete section 105.5.
- (4) Delete section 109.3.5.
- (5) Delete section 112.
- (6) Delete section 115.

**Sec. 26-345.1 Fire Protection in Existing Buildings**

Any references requiring automatic fire sprinkler systems to be provided per the International Building Code shall comply with the 2021 International Building Code published by the International Code Council, 500 New Jersey Avenue NW, 6<sup>th</sup> Floor, Washington, D.C., 20001. For the purposes of this code, no local amendments to the automatic sprinkler system thresholds in the 2021 International Building Code, other than the amendments to section 903.2.11.1.3 and section 903.3.1.2, shall apply.

**Sec. 26-345.1.1. Fire Protection Requirements for Existing Group R Occupancies.**

Automatic sprinklers systems shall be permitted to be designed in accordance with the 2021 International Building Code 903.3.1.2 as published for any of the following:

1. R-2 occupancies 3 stories above grade plane or less and 16 units or less.
2. R-1 and R-2 occupancies with an approved alternative design in accordance with 104.11 of the International Building Code
3. R-3 and R-4 occupancies

**Sec. 26-346. Adoption of Swimming pool code.**

The provisions of the International Swimming Pool and Spa Code, 2021 edition, published by the International Code Council, 500 New Jersey Avenue NW, 6<sup>th</sup> Floor, Washington, D.C. 20001 are hereby adopted by reference and subject to the additions, deletions, and modifications hereinafter regulating the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment in the City of Des Moines.

**Note:** The Iowa Department of Public Health regulates swimming pools, spas, wading pools, water slides, wave pools, spray pads, and bathhouses connected to swimming pools owned or operated by local or state government, or commercial interests or private entities including, but not limited to, public or private school corporations, hotels, motels, camps, apartments, condominiums, health clubs, and country clubs. Please see <https://idph.iowa.gov/swimmingpoolsandspas> for further details.

**Sec. 26-349.1. Definitions.**

Insert a new definition in Chapter 2, “Swimming pool” is defined as any structure intended for swimming or recreational bathing capable of containing water more than 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

**Sec. 26-349.2. Barrier Requirements – General.**

Delete section 305.1 and insert the following in lieu thereof the following new section.

**305.1 General.** The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas and hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

**Sec. 26-608. Plumbing permit issuance criteria; plans and specifications.**

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- (b) *Plans and specifications.* Plans and specifications shall be submitted as follows:

- (1) When required by the building official for the enforcement of any provisions of the plumbing code, plans and specifications for the installation of any plumbing or plumbing system shall be filed with and approved by the building official before the issuance of any permit.

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**Sec. 26-655. Swimming Pool Discharge.**

In other than single family dwellings, townhomes and duplexes, pipes carrying wastewater from swimming pools, wading pools, or hot tubs, including pool drainage, backwash from filters, water from scum gutter drains or floor drains which serve walks around pools, shall be installed as an indirect waste by an air gap. Where the recirculation pump is used to discharge waste pool water to the drainage system, the pump discharge shall be installed as an indirect waste, with an air gap, to the sanitary sewer system.

Swimming pool discharge from single family dwellings, duplexes and townhomes shall be in accordance with the City of Des Moines Public Works discharge requirements.

**Secs. 26-656—26-669. Reserved.**

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

FORM APPROVED:

/s/ Gary D. Goudelock Jr.  
Gary D. Goudelock Jr., Assistant City Attorney

Ordinance No. 16,317

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, 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. 24-0076), passed by the City Council of said City at the meeting held on January 8, 2024 and signed by the Mayor on January 8, 2024 and published and provided by law in the Business Record on January 26, 2024. Authorized by Publication Order No. 12542.

Laura Baumgartner, City Clerk