



**Roll Call Number**

**Agenda Item Number**

56

**Date** February 20, 2023

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 Sections 26-100, 26-101, 26-121, 26-138, 26-139, 26-300, 26-302, 26-303, 26-310.12, 26-325, 26-803 and repealing Section 26-325.6, relating to building and building regulations",

presented.

**(Council Communication No. 23-100)**

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Second by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

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 Sections 26-100, 26-101, 26-121, 26-138, 26-139, 26-300, 26-302, 26-303, 26-310.12, 26-325, 26-803 and repealing Section 26-325.6, relating to building and building regulations, related to building and building regulations.

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, s heretofore amended, is hereby amended, by amending Sections 26-100, 26-101, 26-121, 26-138, 26-139, 26-300, 26-302, 26-303, 26-310.12, 26-325, 26-803 and repealing Section 26-325.6, relating to building and building regulations, related to building and building regulations, as follows:

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

There is established in the city within the ~~community~~-development services department the permit and development division which shall be under the direction and supervision of the permit and development administrator. The permit and development administrator and the building official shall be appointed by and be responsible to the director of the ~~community~~-development services 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. 26-101. Powers and duties of building official.**

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- (b) *Reports and records.* The building official shall
  - (1) Provide the director of ~~community~~-development services and the city manager, not less than once per year a summary of the building official's recommendations as to desirable amendments to the building codes.
  - (2) 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, together with the location of the building or premises to which they relate.

- (3) Keep a record of the issuance of permits, inspections made, and other official work performed in accordance with this chapter.
- (4) Keep records of building and fire code board of appeals meetings, hearings, rulings, and other matters performed in accordance with this chapter.
- (5) Keep records of board of power engineer examiners meetings, hearings, rulings, and other matters performed in accordance with this chapter.

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

- (a) The Building and Fire Code Board of Appeals 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 April 1st.
- (b) The appointed members of the building and fire code board of appeals shall consist of the following persons having a minimum of five years of experience in the required field:
  - (1) One Iowa licensed architect.
  - (2) One person shall be an Iowa licensed professional structural or civil engineer, or a construction professional trained in structural engineering, construction engineering, or construction management ~~(structural or construction)~~.
  - (3) One Iowa licensed professional mechanical engineer or a construction professional trained in mechanical engineering ~~(mechanical)~~.
  - (4) One Iowa licensed professional electrical engineer or a construction professional trained in electrical engineering ~~(electrical)~~.

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**Sec. 26-138. Permit fees.**

- (a) There shall be paid to the ~~community~~ development services department for the issuance of each permit, fees in the amounts set in the schedule of fees adopted by the city council by resolution. Permit fees shall include but not be limited to fees for plumbing permits, mechanical permits, electrical permits, building permits, certificates of occupancy, building plan reviews, engineering reviews, planning reviews, zoning reviews, demolition permits, energy reviews, handicap reviews, reinspections, signs and billboards, erosion control inspections, and fees for failure to obtain permits before starting work.

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**Sec. 26-139. Fee for failure to obtain permit before starting work.**

Except in emergency situations, as determined by the building official, if work for which a permit is required is started or continued by any person before obtaining a required permit, the regular total fees as specified in this article for such work may be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed in this chapter. However, no double fee shall be imposed upon any person who starts work without a permit if:

- (1) Work is started on Saturday, Sunday, or holiday, or during any other day when the office of the building official is not normally open for business; and
- (2) Such person secures the proper permit on the next working day of the [community development services](#) department; and
- (3) No plan review is required prior to issuance of the permit.

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

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(f) 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.

1. The frost line depth identified in the following table shall be applied in the application of the International Building Code and International Existing Building Code.

Ground Snow Load	Wind Design				Seismic Design Category	Subject To Damage From:				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temperature
	Wind Speed	Topographic effects	Special wind region	Wind-borne debris zone		Weathering	Frost Line Depth	Termite	Decay					
30 psf	115 mph	None	No	No	A	Severe	42"	Moderate to Heavy	Slight to Moderate	0°F	Yes	Mar-1984	1833	48.6°F

Manual J Design Criteria							
Elevation	Latitude	Winter Heating	Summer Cooling	Altitude correction factor	Indoor Design Temperature	Design Temperature Cooling	Heating temperature difference
965'	42°	-2°	90°	1.0	70°	75°	-
Cooling Temperature Difference	Wind Velocity Heating	Wind Velocity cooling	Coincident wet bulb	Daily Range	Winter humidity	Summer humidity	
-	-	-	75°	M	-	-	

**Sec. 26-302. Building permit exemptions.**

- (a) A building permit shall not be required for the following:
  - (1) One-story detached accessory buildings used as tool or storage sheds, playhouses, pet shelters, and similar uses constructed in accordance with the International Residential Code or International Building Code; provided the floor area does not exceed 120 square feet in area and complies with all applicable planning and

zoning requirements. ~~Such building must be located at least two feet from any property line and three feet from any dwelling.~~

- (2) Chain link or wire fences four feet or less in height and all other fences three feet or less in height.
- (3) Movable cases, counters, and partitions not over five feet nine inches in height.
- (4) Playground equipment.
- (5) Retaining walls, which ~~are retain no more than not over~~ four feet of unbalanced fill, do not support in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge, ~~and do not~~ impounding flammable liquids.

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#### **Sec. 26-303. Demolition of buildings and structures.**

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- (10) Such other information as shall be reasonably required by the building official or ~~community~~ development services director, including all information necessary to conduct historic review pursuant to chapter 58, article IV.

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#### **Sec. 26-310.12. Footings for accessory structures.**

Amend section R403.1.4.1 by deleting exception #1 and inserting in lieu thereof the following

Exception:

1. Detached ~~garages accessory structures~~ of light frame wood construction with an area of 1024 square feet or less may be provided with a floating slab; where all the following conditions are met:
  - 1.1 The bottom portion of the thickened slab area shall be twelve (12) by twelve (12) inches with one (1) number four (4) bar placed near the top and bottom of the edge.
  - 1.2 The slab floor shall be not less than four (4) inches thick with one (1) number four (4) bar placed every two (2) feet on center or in a 6 by 6 mesh.
  - 1.3 The slab pour shall be continuous.

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

The provisions of the International Building Code (IBC), 2018 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 110.3.5.
- (4) Delete section 113.
- (5) Delete ~~chapter 29~~ section 2901.1.
- (6) Delete section 2902.2.

(7) Delete section 2902.6.

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**Sec. 26-325.6. Shaft Enclosure Materials Repealed by Ord. No. --,----**

~~Add the following new section 713.3.1~~

~~713.3.1—2-hour fire-rated shaft enclosure in Type III, IV and V construction. Shaft enclosures that are required to have a fire resistance rating of 2 hours or more serving interior exit stairs or interior exit ramps in buildings of type III, IV, and V construction type shall be constructed of concrete or masonry. All other shafts that are required to have a fire resistance rating of 2 hours or more shall be constructed of materials permitted by the building type of construction.~~

**Sec. 26-803. Sign and billboard permit application; plans and specifications.**

- (a) Application for a sign permit shall be made in writing upon forms furnished by the zoning enforcement officer. Such application shall contain the street address or legal description, as required, of the property upon which the sign is to be located, the name and address of the owner and the sign erector, and such other information as may be required by the zoning enforcement officer.
- (b) Two copies of plans and specifications shall be submitted when required with the application for each sign permit. Such plans shall show complete details, methods of attachment or support, location, and materials to be used. Computations, stress diagrams, and other data sufficient to show the correctness of the plans shall be submitted when required by the community development neighborhood services department.

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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