

ORDINANCE NO. 14-05

AN ORDINANCE AMENDING CHAPTER 155 BUILDING CODE, OF THE MUNICIPAL CODE OF THE CITY OF WINDSOR HEIGHTS, IOWA, BY ADOPTING THE 2012 INTERNATIONAL BUILDING CODE AND 2012 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS

WHEREAS, the City Council of the City of Windsor Heights, Iowa desires to continue to protect life, safety and property through the adoption and enforcement of construction codes, and to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

WHEREAS, the Council now deems it appropriate to revise the Municipal Code by adopting the latest addition of the International Code Council Building Code and Residential Code with certain amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, IOWA:

Section 1. ADOPTION. That Chapter 155 of the Municipal Code of the City of Windsor Heights, Iowa, the Building Regulations be repealed and there be enacted in lieu thereof the following Chapter;

**CHAPTER 155
BUILDING CODE**

155.01	Adoption of Building Code	155.31	Risers
155.02	Administrative Provisions	155.32	Continuity (handrail configuration)
155.03	Adoption of Building Codes	155.33	Automatic Fire Sprinkler Systems Townhomes exception
155.04	Amendments, Modifications, Additions and Deletions	155.34	Automatic Fire Sprinkler Systems One & Two Family exception
155.05	Referenced Codes—Amendments, Modifications, Additions and Deletions	155.35	Frost Protection
155.06	Deletions	155.36	Foundation Walls – lateral support
155.07	Title	155.37	Foundation Walls For Conventional Light Frame Wood Construction
155.08	Energy	155.38	Foundation Drainage – sump pumps
155.09	Creation of Enforcement Agency	155.39	Reinforcement Support
155.10	Iowa State Plumbing Code	155.40	Single & multiple-station smoke alarms
155.11	Required (permits) Platting	155.41	Foundation and Supports – mechanical equipment
155.12	Work exempt from permit	155.42	Freezing
155.13	Permit Fees	155.43	Sewer Depth
155.14	Expiration	155.44	Continuity and Components
155.15	Revocation of Permit	155.45	Doors, Gates and Turnstiles (frost protection)
155.16	Plan Review Fees	155.46	Continuity (handrails)
155.17	Work Commencing Before Permit Issuance	155.47	Access to a Public Way
155.18	Use & Occupancy	155.48	Maximum Height From Floor (emergency escape and rescue)
155.19	Underground Utility Installation	155.49	Window Wells
155.20	Definitions	155.50	Energy Efficiency
155.21	Climatic and Geographic Design Criteria	155.51	Minimum Thickness of Weather Coverings (vinyl siding)
155.22	Exterior Walls	155.52	Vinyl Siding (weather-resistive barrier required)
155.23	Townhouses	155.53	Ground Snow Loads

155.24	Two-Family Dwellings	155.54	Flood Loads
155.25	Dwelling/Garage Fire Separation	155.55	Frost Protection
155.26	Bathrooms (Exhaust)	155.56	Swimming Pools, Spas and Hot Tubs
155.27	Separation (garages)	155.57	Swimming Pool – defined
155.28	Emergency Escape and Rescue Required (basements)	155.58	Compliance With Other Codes
155.29	Operational Constraints	155.59	Fences
155.30	Emergency Escape Windows Under Decks & Porches	155.60	Conversion to Horizontal Property Regime
		155.61	Installment Sale Transactions

155.01 ADOPTION OF BUILDING CODE. The *Iowa State Building Code* promulgated by the Iowa State Building Code Advisory Council and the Iowa State Building Code Commissioner pursuant to *Code of Iowa* Chapter 103A is hereby adopted as and shall constitute the “Building Code of the City of Windsor Heights, Iowa,” to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City, and the same is, by this reference, incorporated herein as fully and completely as if set forth in full.

155.02 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and in the following sections of the several codes named, which are hereby adopted by reference, to provide procedures for local enforcement of the codes, constituting the Windsor Heights, Iowa, Building Codes. The Building Official is responsible for the enforcement of the Building, Plumbing, Mechanical, Fire, Housing, and Dangerous Building Codes, and such other ordinances as shall be assigned to such official, and the Building Official shall perform such other duties as may be required by the City Administrator. The Building Official shall be accountable for the issuance of all applicable permits under this chapter and shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code, subject to approval of the Council, as he or she may deem necessary in order to clarify the application of the provisions of this code. Such rules, regulations, and interpretations shall be in conformity with the intent and purpose of this code.

155.03 ADOPTION OF BUILDING CODES. Pursuant to published notice as required by law, the *International Building Code 2012 Edition* (hereinafter known as the “IBC”); and the *International Residential Building Code 2012 Edition* (hereinafter known as the “IRC”), published by the International Code Council, Inc., are adopted in full except for such portions as may be hereinafter deleted, modified or amended, and the same are, by this reference, incorporated herein as fully and completely as if set forth in full herein. A copy of the International Building Code 2012 Edition as adopted, a copy of the International Residential Code 2012 Edition as adopted and a copy of this chapter are on file in the office of the Code Official.

155.04 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. *The International Building Code, 2012 Edition* (“IBC”), and the *International Residential Code, 2012 Edition* (“IRC”), are amended as hereinafter set out in Sections 155.05 through 155.58.

155.05 REFERENCED CODES—AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. Most of the remaining sections in this chapter represent amendments to the requirements contained in the IBC and IRC. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

155.06 DELETIONS. The following is deleted from the IRC and is of no force or effect in this chapter:

Subsection 501.3 Fire protection of floors

Part VIII – Electrical

155.07 (SUBSECTIONS 101.1 AND R101.1 AMENDED)—**TITLE.** Subsections 101.1, Title, of the IBC and R101.1, Title, of the IRC, are hereby deleted and there is enacted in lieu thereof the following subsections:

Subsection 101.1 Title. These regulations shall be known as the Windsor Heights Building Code, hereinafter known as “this code.”

Subsection R 101.1 Title. These provisions shall be known as the Windsor Heights Residential Code for One- and Two – Family Dwellings, and shall be cited as such and will be referred to herein as “this code.”

155.08 (SUBSECTION 101.4.6 AMENDED AND R101.3.1 ADDITION)—**ENERGY.** Subsection 101.4.6, Energy, of the IBC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and Subsection R101.3.1, Intent, of the IRC, is hereby established by adding the following subsection:

Subsection 101.4.6 Energy and Subsection R101.3.1 Intent. The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in “this code” and these regulations shall be known as the Windsor Heights Energy Code. Construction or work for which a permit is required shall be subject to inspections and the Building Official may make or cause to be made the requested inspections. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. Any portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

155.09 (SUBSECTIONS 103.1 AND R103.1 AMENDED)—**CREATION OF ENFORCEMENT AGENCY.** Subsection 103.1, Creation of enforcement agency, of the IBC and R103.1, Creation of enforcement agency, of the IRC, are hereby amended by adding the following paragraph:

Subsections 103.1 and R103.1 Building and Zoning Administrator The term Building Official is intended to also mean the Building and Zoning Administrator, who shall be designated by the Planning & Building Director and shall hereinafter be referred to as Code Official and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official. The Code Official when so appointed, shall be responsible for the enforcement of the Building Code; the Mechanical code; the Housing code; the Plumbing code; the Gas Code, the Energy code, the Electrical code, the Zoning code and the Fire Prevention code of the city. The Code Official shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this title. The Code Official shall have whatever additional duties the Director of Planning & Building may prescribe.

155.10 (SUBSECTION 104.11 ADDITION)—**ALTERNATE MATERIALS, METHODS AND EQUIPMENT.** Subsections 104.11.3, Plumbing and Fuel Gas, of the IBC, is hereby established by adding the following subsection:

Subsection 104.11, Alternate materials, methods and equipment, of the IBC is hereby amended by adding the following subsection and exception:

Subsection 104.11.3 – Iowa State Plumbing Code The Iowa State Plumbing Code consisting of the Uniform Plumbing Code, as prepared and edited by the International Association of Plumbing and

Mechanical Officials, as amended and currently adopted by the State of Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing and fuel gas systems.

Subsection 104.11.3, Administration exception 1 Administrative regulations shall be as prescribed in the International Plumbing Code, 2012 Edition and international Fuel Gas Code, 2012 Edition, as adopted and amended.

155.11 (SUBSECTIONS 105.1 AND R105.1 ADDITION)—(PERMITS) REQUIRED. Subsections 105.1, Required, of the IBC and R105.1, Required, of the IRC, are hereby amended by adding the following to said subsections:

Subsections 105.1 and R105.1 Platting required. A building permit shall not be issued unless the land upon which the proposed work is to be done is platted pursuant to the provisions of the subdivision regulations.

A building permit shall not be issued permitting the construction of any building or other structure on any lot designated on any plat as an outlot, without such lot being replatted in accordance with the provisions of the subdivision regulations. Such platting may be waived by the city council if that body determines that no portion of the land is needed for public purposes or if that portion needed for public purposes, as determined by the council, is dedicated to the city; provided further, that such platting may be waived by the zoning administrator if the requested building permit is for one of the following purposes:

1. Any accessory structure or addition for a one or two family residence;
2. The removal, repair or alteration of a structure on unplatted premises, provided that there is no change in the use classifications of such structure;
3. The term "alteration" shall be deemed to mean any change or modification of a structure that does not serve to increase the size of the original structure by more than ten percent.

155.12 (SUBSECTIONS 105.2 AND R105.2 AMENDED)—WORK EXEMPT FROM PERMIT. Subsections 105.2, Work exempt from permit, of the IBC and R105.2, Work exempt from permit, of the IRC are hereby amended by adding a sentence to said subsections as follows:

Exemption from permit requirements of this chapter shall not preclude requirements for permitting of plumbing, electrical and mechanical installations and systems or compliance with Windsor Heights Code of Ordinances.

155.13 PERMIT FEES. The various permit fees under the Building, Mechanical, and Plumbing Codes shall be as detailed in Exhibit A of this chapter, as amended. All permit fees for the above disciplines shall be adjusted on January 1 of each year based on the Consumer Price Index (CPI) for the previous year.

155.14 (SUBSECTIONS 105.5 AND R105.5 AMENDED)—EXPIRATION. Subsections 105.5, Expiration, of the IBC and R105.5, Expiration, of the IRC, are hereby amended by deleting said subsections and inserting in lieu thereof the following:

Subsections 105.5 and R105.5 12 Month Expiration Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, the permit shall automatically cancel and no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or

location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

A building permit shall automatically cancel if for any reason work is not commenced within 120 days of the date issuing the building permit or if work is substantially stopped for a period of 120 days, prior to said cancellation, unless a written extension is granted by the Building Inspector upon good cause shown by the applicant for such extension.

155.15 (SUBSECTIONS 105.6.1 AND R105.6.1 ADDITION)—REVOCATION OF PERMIT. Subsections 105.6.1 Revocation of Permit, of the IBC and R105.6.1, Revocation of Permit, of the IRC, are hereby established by adding the following subsections:

Subsections 105.6.1 and R105.6.1 Revocation of Permit It is the responsibility of the permit holder to schedule the required inspections and obtain final approval. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a Temporary Certificate of Occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid Certificate of Occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

155.16 (SUBSECTIONS 109.2.1 AND R108.2.1 ADDITION)—PLAN REVIEW FEES. Subsections 109.2.1, Plan review fees, of the IBC, and R108.2.1, Plan review fees, of the IRC, are hereby established by adding the following subsections:

Subsections 109.2.1 and R108.2.1 Plan review fees Fees for all plan reviews shall be as set forth and established by resolution of the City Council. All plan review fees shall be automatically adjusted on January 1 of each year based on the Consumer Price Index (CPI) for the previous year. All such fees shall be paid in accordance with the terms and requirements of such resolution or as the same may be amended by the City Council from time to time.

155.17 (SUBSECTIONS 109.4 AND R108.6 ADDITION)—WORK COMMENCING BEFORE PERMIT ISSUANCE. Subsections 109.4, Work commencing before permit issuance, of the IBC, and R108.6, Work commencing before permit issuance, of the IRC, are hereby established by adding the following sentence after said subsections:

Subsections 109.4 and R108.6 Work commencing before permit issuance. If any construction requiring a permit by provision of the Building Code or City Code is undertaken without first obtaining a building permit, the permit fee shall be double the amount it would have been if granted prior to the commencement of construction. Further, if any additional professional services (for example engineering or architectural services) are required by the City in the review of the building permit request, those fees will be passed through and paid by the applicant.

155.18 (SUBSECTION R110.1 AMENDED)—USE AND OCCUPANCY. Subsection R110.1, Use and occupancy, of the IRC, is hereby amended by deleting exception #2 - Accessory buildings or structures.

155.19 (SECTION 112 AND R111 ADDITION)—UNDERGROUND UTILITY INSTALLATION. Subsections 112.4, Service Utilities, of the IBC, and R111.4, Service Utilities, of the IRC, are hereby established by adding the following subsections:

Subsections 112.4 and R111.4 Underground utility installation All electrical service lines not exceeding four hundred eighty volts and all telephone and cablevision service lines, as well as other utility lines serving any new building or structure, including signs and billboards, requiring permanent electrical service shall be placed underground unless a waiver from such is approved by the city engineer.

The provisions of this section shall not apply to existing buildings or additions to such buildings. Nothing in this section shall be deemed to apply to temporary service when defined as such by the utility company.

155.20 (SECTION R202 AMENDED)—DEFINITIONS. Section 202, Definitions, of the IBC, and Section R202 Definitions, of the IRC, are hereby amended by deleting the definition of accessory structure, swimming pool and townhouse and inserting in lieu thereof the following:

Section 202 Swimming Pool Any structure intended for swimming, recreational bathing or wading that is capable of containing water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

Section R202 Accessory Structure Accessory structures shall be defined as and shall conform to applicable zoning requirements and shall include but not be limited to structures and equipment with a fixed location on the ground, including wind energy systems, generators and equipment shelters.

Section R202 Townhouse A single-family dwelling unit constructed in groups of three or more attached units in which each unit extends from foundation to roof. Townhouse groups of more than twelve units shall have a yard or public way on at least two sides.

155.21 (TABLE R301.2(1) AMENDED)—CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA. Table R301.2(1), Climatic and Geographic Design Criteria, of the IRC, is hereby amended by modifying said table as follows:

Table R301.2(1), Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject To Damage From			Winter		Flood Hazards	Air Freezing Index	Mean Annual Temp.
	Speed MPH	Topographic Effects		Weathering	Frost Line Depth	Termite	Design Temp	Ice Barrier Req'd.	NFIP Adoption		
30 PSF	90	NO	A	Severe	42"	No	-5° F	Yes	16-May-83	1833	48.6

155.22 (SUBSECTION R302.1 AND TABLE R302.1 AMENDED)—EXTERIOR WALLS. Subsection R302.1, Exterior walls, of the IRC, is hereby amended by deleting all exceptions and inserting in lieu thereof the following exception:

Subsection R302.1 Exterior walls exception #1 Accessory structures less than 10 feet from a dwelling and/or less than 3 feet from a property line shall be provided with 5/8" "X" fire code sheetrock or equivalent throughout the interior, including the walls and ceiling. Any accessory structure opening(s) in

wall(s) parallel to and less than 10' from dwelling unit wall(s) shall be fire rated in accordance with this code.

Table R302.1, Exterior Walls, of the IRC, is hereby amended by modifying said table as follows:

Table R302.1(1), Exterior Walls

Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	(Fire-resistance rated)	1 hour with exposure from both sides per ASTM E 119 or UL 263	< 3 feet
	(Not fire-resistance rated)	0 hours	≥ 3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	≥ 2 feet
Openings	Not allowed	N/A	< 3 feet
	25% Maximum Wall Area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

155.23 (SUBSECTION R302.2 AMENDED AND SUBSECTION R302.2A ADDITION)—**TOWNHOUSES.** Subsection R302.2, Townhouses, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following (exception and subsequent subsections remains unchanged):

Subsection R302.2 Townhouses Each sprinklered townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls. All townhouse groups of more than twelve attached units in which each unit does not have a yard or public way on at least two sides shall be sprinklered.

Subsection R302.2, Townhouses, of the IRC, is hereby established by adding the following subsection and exception:

Subsection R302.2 Townhouses Each non-sprinklered townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls. All townhouse groups of more than twelve attached units in which each unit does not have a yard or public way on at least two sides shall be sprinklered.

Exception: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the Windsor Heights Electrical Code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

155.24 (R302.3 AMENDED)—**TWO-FAMILY DWELLINGS.** Subsection R302.3 Two-family dwellings, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following and deleting exception 2:

R302.3 Two-family dwellings For purposes of fire-resistive separation, two-family dwelling units shall be considered as townhouses and shall be constructed in accordance with R302.2

Exception 2 deleted

155.25 (SUBSECTION R302.6 AND TABLE R302.6 AMENDED)—DWELLING/GARAGE FIRE SEPARATION. Subsection R302.6, Dwelling/garage fire separation, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection:

Subsection R302.6 Dwelling/garage fire separation The garage shall be separated throughout as required by Table R302.6. Openings in garage walls shall comply with section R302.5.

Table R302.6 Exterior Walls, of the IRC, is hereby amended by modifying said table as follows:

Table R302.6, Dwelling/garage separation

Separation	Material
From the residence & attics – common wall with garage	5/8” “X” fire code sheetrock or equivalent applied to the garage side
From all habitable rooms above the garage	5/8” “X” fire code sheetrock or equivalent – throughout garage
Structures supporting floor/ceiling assemblies used for separation required by this section	5/8” “X” fire code sheetrock or equivalent – throughout garage
Garages located less than 10 feet from a dwelling unit(s) on the same lot	5/8” “X” fire code sheetrock or equivalent – throughout garage

155.26 (SUBSECTION R303.3 AMENDED)—BATHROOMS. Subsection R303.3, Bathrooms, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and also by adding the following exception:

Subsection R303.3 Bathrooms Bathrooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

Exception: Toilet rooms containing only a water closet and/or lavatory may be provided with a recirculating fan.

155.27 (SUBSECTION 406.3.4 AMENDED)—SEPARATION. Subsection 406.3.4, Separation, of the IBC, is hereby amended by deleting subsection #1 and inserting in lieu thereof the following:

Subsection 406.3.4 Separation #1 The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type “X” fire code gypsum board or equivalent applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch type “X” fire code gypsum board or equivalent throughout. Garages beneath habitable rooms shall be separated by not less than 5/8-inch type “X” fire code gypsum board or equivalent throughout. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8” thick, or doors in compliance with 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

155.28 (SUBSECTION R310.1 AMENDED)—EMERGENCY ESCAPE AND RESCUE REQUIRED.

Subsection R310.1, Emergency escape and rescue required, of the IRC, is hereby amended by deleting the first paragraph of said section and inserting in lieu thereof the following:

Subsection R310.1 Emergency escape and rescue required Basements, habitable attics and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where a window is provided as a means of escape and rescue opening from a basement, it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided, the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section 310.3. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

155.29 (SUBSECTIONS 1029.4 AND R310.1.4 AMENDED)—OPERATIONAL CONSTRAINTS. Subsections 1029.4, Operational Constraints, of the IBC and R310.1.4, Operational constraints, of the IRC, are hereby amended by adding a new sentence and exception following these subsections:

Subsections 1029.4 and R310.1.4 Operational Constraints The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside and shall not require the removal of a sash or other component of the emergency escape and rescue opening.

Exception: Existing required emergency escape openings shall be maintained in accordance with the Windsor Heights Property Maintenance Code and may be replaced with the same size and type of window.

155.30 (SUBSECTION R310.5 AMENDED)—EMERGENCY ESCAPE WINDOWS UNDER DECKS AND PORCHES. Subsection R310.5, Emergency escape windows under decks and porches, of the IRC, is hereby amended by adding a new sentence following this section:

Subsection R310.5 Emergency escape windows under decks and porches Cantilever areas of all construction elements shall be regulated in accordance with this section.

155.31 (SUBSECTION R311.7.5.1 AMENDED)—RISERS. Subsection R311.7.5.1, Riser height, of the IRC, is hereby amended by adding the following exceptions:

Subsection R311.7.5.1 Riser height exception 2 The maximum riser height shall be 7 3/4 inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch, except at the top or bottom riser of any interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the risers exceed the maximum height of 7 3/4 inches.

Subsection R311.7.5.1 Profile exception 3 The opening between adjacent treads is not limited on exterior stairs serving individual dwelling units.

155.32 (SUBSECTION R311.7.8.2 ADDITION)—CONTINUITY. Subsection R311.7.8.2, Continuity, of the IRC, is hereby amended by adding the following exception:

Subsection R311.7. 8.2 Continuity exception 3 Handrails within a dwelling unit or serving an individual dwelling unit 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.

155.33 (SUBSECTION R313.1 AMENDED)—TOWNHOUSE AUTOMATIC FIRE SPRINKLER SYSTEMS. Subsection R313.1 Townhouse automatic fire sprinkler system, of the IRC, is hereby amended by deleting said subsection and inserting the following in lieu thereof (exception remains unchanged):

Subsection R313.1 Townhouse automatic fire sprinkler systems An automatic residential fire sprinkler system shall be installed in townhouses containing more than 12 (twelve) dwelling units.

155.34 (SUBSECTION R313.2 AMENDED)—ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SYSTEMS. Subsection R313.2 One- and two-family automatic fire sprinkler systems, of the IRC, is hereby amended by adding the following exception:

Subsection R313.2 One- and two-family automatic fire sprinkler systems exception 2 Dwelling units in which the gross square footage of the dwelling space(s), including all floor levels whether finished or unfinished and all basement areas whether finished or unfinished (exclusive of attached garage area), does not exceed 8,000 square feet.

155.35 (SUBSECTION R403.1.4.1 AMENDED)—FROST PROTECTION. Subsection R403.1.4.1, of the IRC, is hereby amended by deleting all existing exceptions and inserting in lieu thereof the following:

Subsection R403.1.4.1 Frost protection exception 1 Detached garages of light frame wood construction of 1,010 square feet or less in size and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum 8 inches thick and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick. Garages areas shall have all sod and/or debris removed prior to installation of said floor.

155.36 (SUBSECTION R404.1 AMENDED)—CONCRETE AND MASONRY FOUNDATION WALLS. Subsection R404.1, Concrete and masonry foundation walls, of the IRC, is hereby amended by adding the following paragraph:

Subsection R404.1 Concrete and masonry foundation walls lateral support Prior to backfill and prior to a poured in place floor slab to provide bottom lateral support the following may be provided (1) a full depth (minimum 1-1/2") nominal 2" x 4" keyway may be formed into the footings to secure the bottom of the foundation wall -or- (2) 36" long vertical # 4 rebar may be embedded a minimum of 6" into the footings not to exceed 7' o.c. spacing

155.37 (SUBSECTIONS 1807.1.5.1 AND R404.1.2.2.3 ADDITION)—FOUNDATION WALLS FOR CONVENTIONAL LIGHT FRAME WOOD CONSTRUCTION. Subsections 1807.1.5.1, Foundation Walls For Conventional Light Frame Wood Construction, of the IBC and R404.1.2.2.3, Foundation Walls For Conventional Light Frame Wood Construction, of the IRC, are hereby established by adding the following subsections and table:

Subsections 1807.1.5.1 and R404.1.2.2.3 Foundation Walls For Conventional Light Frame Wood Construction As an alternate to the requirements of respective codes the following Table 'Foundation Walls for Conventional Light Frame Construction' may be used:

Table - 'Foundation Walls for Conventional Light Frame Construction'

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall**	Reinforcement type and placement within Foundation Wall** (maximum 12' span between corners and supporting cross walls.)	Type of Mortar
		Concrete	Masonry			
Gross	Net	Concrete	Masonry	Concrete	Masonry	Masonry
8	7' 8"	7 1/2"	8"	1/2" horizontal bars, placement in the middle, and near the top & bottom – 1/2" bars @ 6' max. vertically	0.075 square inch bar 8' o.c. vertically in fully grouted cells. If block is 12" nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21 IBC
9	8' 8"	8"	See Chapter 18 IBC	1/2" bars 2' o.c. horizontally & 20" vertically o.c.	See Chapter 18 IBC	Same as above
10	9' 8"	8"	See Chapter 18 IBC	(5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18 IBC	Same as above
*Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide 1) 36" vertical #4 rebar embedded in the footing @ maximum 7' O.C. spacing -and/or- 2) full depth nominal 2" depth x 4" width keyway in footing						
** All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of 18, 19, and 21 of the International Building Code.						
NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs @ 28 days. Footings shall contain continuous reinforcement of 2 – 1/2" diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.						
NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						
Note: Foundation plate or sill anchorage may be installed in accordance with the respective codes as applicable.						

155.38 (SECTION R405 ADDITION)—FOUNDATION DRAINAGE. Section R405, Foundation Drainage, of the IRC, is hereby amended by adding a new subsection as follows:

Subsection R405.3 Sump Pumps Footing drains and drainage systems shall be discharged to a sump pump plumbed to a discharge system separated from the sanitary sewer and in accordance with the standard specifications adopted by the City Council. Exceptions may be granted by the Code Official in accordance with said engineering standards.

155.39 (SUBSECTION R506.2.4 ADDITION)—REINFORCEMENT SUPPORT. Subsection R506.2.4, of the IRC, Reinforcement support is hereby amended by addition of the following exception:

Subsection R506.2.4 Reinforcement support exception 1 Non-structural slabs

155.40 (SUBSECTION 907.2.11 AMENDED)—SINGLE AND MULTIPLE-STATION SMOKE ALARMS. Subsection 907.2.11, of the IBC, Single and Multiple-station smoke alarms is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 907.2.11 Single and Multiple-station smoke alarms Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this code and the household fire warning equipment provision of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

155.41 (SUBSECTION M1403.2 AMENDED)—FOUNDATIONS AND SUPPORTS. Subsection M1403.2 Foundations and supports, of the IRC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Subsection M1403.2 Foundation and supports Foundations and supports for outdoor mechanical systems shall be raised at least one and one half inches above the finished grade and shall also conform to the manufacturer's installation instructions.

155.42 (SUBSECTION P2603.5 AMENDED)—FREEZING. Subsection P2603.5 Freezing, of the IRC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Subsection P2603.5 Freezing Exterior water supply system piping shall be installed not less than sixty (60) inches below grade.

155.43 (SUBSECTION P2603.5.1 AMENDED)—SEWER DEPTH. Subsection P2603.5.1 Sewer Depth, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection P2603.5.1 Sewer Depth Building sewers shall be a minimum of forty-eight (48) inches below grade.

155.44 (SUBSECTION 1007.2 ADDITION)—CONTINUITY AND COMPONENTS. Subsection 1007.2, Continuity and Components, Of the IBC, is hereby amended by adding the following #11 to said subsection:

Subsection 1007.2 Continuity and Components #11 Components of exterior walking surfaces shall be hard surfaced.

155.45 (SECTION 1008 ADDITION)—DOORS, GATES AND TURNSTILES. Section 1008, Doors, Gates and Turnstiles, of the IBC, is hereby amended by adding the following subsection:

Subsection 1008.1.6.1 Frost Protection Exterior landings at doors shall be provided with frost protection.

155.46 (SUBSECTION 1012.4 ADDITION)—(HANDRAIL) CONTINUITY. Subsection 1012.4, Continuity, of the IBC, is hereby amended by adding the following exception:

Subsection 1012.4 Continuity exception 5 Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 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.

155.47 (SUBSECTION 1027.5 ADDITION)—**ACCESS TO A PUBLIC WAY.** Subsection 1027.5, Access to a Public Way, Of the IBC, is hereby amended by adding the following subsection:

Subsection 1027.5.1 Access to a Public Way Components of exterior walking surfaces shall be hard surfaced.

155.48 (SUBSECTION 1029.3 AMENDED)—**(EMERGENCY ESCAPE AND RESCUE) MAXIMUM HEIGHT FROM FLOOR.** Subsection 1029.3, Maximum Height From Floor, of the IBC, is hereby amended by adding the following exception:

Subsection 1029.3 Maximum Height From Floor exception 1 Within individual units of Group R-2 and R-3 occupancies where a window is provided as a means of escape and rescue opening from a basement it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves.

155.49 (SUBSECTION 1029.5 AMENDED)—**WINDOW WELLS.** Subsections 1029.5, Window Wells, of the IBC, is hereby amended by adding the following subsection:

Subsections 1029.5.3 Window well drainage All window wells shall be provided with approved drainage.

155.50 (CHAPTER 13 ENERGY EFFICIENCY AND CHAPTER 11 [RE] AMENDED)—**ENERGY EFFICIENCY.** Chapter 13, Energy Efficiency, of the IBC and Chapter 13 [RE], Energy Efficiency, of the IRC, are hereby amended by deleting said chapters and inserting in lieu thereof the following:

Chapter 13 Energy Efficiency (IBC) and Chapter 11 (IRC). The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in “this code” and these regulations shall be known as the Windsor Heights Energy Code.

155.51 (TABLE 1405.2 ADDITION)—**MINIMUM THICKNESS OF WEATHER COVERINGS.** Table 1405.2, Minimum Thickness of Weather Coverings, of the IBC, is hereby amended by adding the following footnote:

Table 1405.2 Minimum Thickness of Weather Coverings footnote f Vinyl siding shall be provided with a weather-resistant sheathing paper.

155.52 (SUBSECTION 1405.14 ADDITION)—**VINYL SIDING.** Subsection 1405.14, Vinyl Siding, of the IBC, is hereby amended by adding a new subsection as follows:

Subsection 1405.14.2 Water-Resistive Barrier Required An approved water-resistive barrier shall be provided under all vinyl siding.

155.53 (SUBSECTION 1608.2 AMENDED)—**GROUND SNOW LOADS.** Subsection 1608.2, Ground Snow Loads, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Subsection 1608.2 Ground Snow Load The ground snow load to be used in determining the design snow load for roofs is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall

be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

175.54 (SECTION 1612 AMENDED)—FLOOD LOADS. Section 1612, Flood Loads, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following section:

Section 1612.1 General Floodplain Construction Standards The following standards are established for construction occurring within the one-hundred-year flood elevation:

A. All structures shall:

1. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage; and
3. Be constructed by methods and practices that minimize flood damage.

B. Residential buildings: All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the one-hundred-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the one-hundred-year flood level and extend at such elevation at least eighteen feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Code Official where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

C. Nonresidential buildings: All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one foot above the one-hundred-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level.

D. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood; that the structure, below the one-hundred-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to mean sea level) to which any structures are floodproofed shall be maintained by the Code Official.

E. Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that:

1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations for mobile homes 50 feet or more in length or one such tie for mobile homes less than 50 feet in length;
2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points for mobile homes 50 feet in length;
3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
4. Any additions to the mobile home be similarly anchored.

F. Mobile homes shall be placed on lots or pads elevated by means of compacted fill so that the lowest floor of the mobile home will be a minimum of one foot above the one-hundred-year flood level. In addition, the tie-down specification of Section 175.04.350 subsection E must be met and adequate surface drainage and access for a hauler must be provided.

G. New mobile homes, expansions to existing mobile homes and mobile home lots where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds fifty percent before the repair, reconstruction or improvement has commenced shall provide:

1. Lots or pads that have been elevated by means of compacted fill so that the lowest floor of mobile homes will be a minimum of one-foot above the one-hundred-year flood level;
2. Ground anchors for mobile homes.

H. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one-hundred-year flood level. Other material and equipment must either be similarly elevated or:

1. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
2. Be readily removable from the area within the time available after flood warning.

Section 1612.2 Special floodway standards.

The following standards are established for construction occurring within a designated floodway.

A. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable general floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

B. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

155.55 (SUBSECTION 1809.5 ADDITION)—FROST PROTECTION. Subsection 1809.5, Frost Protection, of the IBC, is hereby amended by adding the following exception 4:

Exception 4 Detached garages, accessory to Group R-2 and R-3 occupancies, 1010 square feet or less in size of light frame wood construction and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum 8 inches thick and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick. Garage areas shall have all sod and/or debris removed prior to installation of said floor.

155.56 (APPENDIX G ADOPTED)—SWIMMING POOLS, SPAS AND HOT TUBS. Appendix G, Swimming Pools, Spas and Hot Tubs, of the IRC, is hereby adopted by reference and shall be in full force and effect in this chapter.

155.57 (SUBSECTION 3109.2 AND AG102 DEFINITION AMENDED)—SWIMMING POOL-DEFINED. Subsection 3109.2, Definition, of the IBC and AG102, Definitions, of the IRC, is hereby amended by deleting said definition and inserting in lieu thereof the following:

Swimming Pool. Any structure intended for swimming, recreational bathing or wading that is capable of containing water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

155.58 (SECTION 3401.3 AMENDED)—COMPLIANCE WITH OTHER CODES. Section 3401.3, Compliance, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 3401.3 Compliance Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the Windsor

Heights Fire Code, Windsor Heights Plumbing Code, Windsor Heights Fuel Gas Code, Windsor Heights Property Maintenance and Housing Code, Windsor Heights Mechanical Code, Windsor Heights Electrical Code, Windsor Heights Energy Code, Windsor Heights Residential Code and the Windsor Heights Zoning Code. The provisions of this code shall not be deemed to nullify or lessen any provisions of local, state or federal law.

155.59 FENCES.

1. Before any person shall construct, repair, reconstruct, or replace a fence, said person shall obtain a written permit from the City Administrator. A written application for the permit shall be filed with the City Administrator. The application shall include the street address or legal description of the property, the name of the owner, the name and address of the person performing the work, and the proposed plan of construction or repair. The plan of construction or repair must include the depth, width, and type of material used. The City Administrator shall issue the permit if the proposed plan meets all the requirements of this chapter, and the fence regulations set forth in Chapter 172, including any specifications contained herein, if the fee is paid, and if the construction or repair as planned will not create any substantial hazard. A permit shall expire six (6) months after the date of issuance, if not constructed at that time.

2. The applicant for a fence construction or repair permit shall pay a permit fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. All permit fees under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fees shall be kept on file in the office of the City Administrator and shall be open to inspection during regular business hours.

155.60 CONVERSION TO HORIZONTAL PROPERTY REGIME.

1. It is the intent of the City Council by this Ordinance to provide for the health, welfare and safety of citizens and the orderly development of the City by establishing standards for property which is to be subjected to residential horizontal property regimes (condominiums). It is the Council's intent to assure that all property to be used for residential purposes must at the time a horizontal property regime is established meet currently adopted building code standards. It is the intent of the City Council in regard to the conversion of apartments to horizontal property regimes (condominiums) that such change in form of ownership should not result in the residents of such units living in buildings which do not meet current health, welfare and safety standards and this Ordinance is in part enacted to assure residents that standards herein provided will be maintained. This Ordinance is to be liberally construed to meet the purposes and intent of the City Council as herein stated.

2. Any person or other entity seeking to establish a horizontal property regime (condominiums) for residential purposes, including a person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B shall establish and document compliance with all Building Code requirements of the City applicable upon the date the city receives the declaration of the horizontal property regime. Such compliance shall include documentation of the following.

- A. That all materials, manner and means of construction in the building proposed meet currently adopted building codes for new residential construction including current fire, building, plumbing, electrical and mechanical codes.
- B. That all plumbing in the building meets current standards for water conservation including low flow toilets and similar devices.

- C. That the building(s) have fire sprinklers, required separation (1 or 2 hour wall separation) and all other life safety systems required for new construction.
 - D. That the building(s) meet all state and federal requirements for handicapped accessibility that would be required of new construction.
 - E. That the building(s) meet all state energy efficiency standards that are required for new construction.
3. Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B shall comply with all current provision for on site parking, storm water detention and retention that apply to new construction.
4. Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B shall comply with all requirements of the Des Moines Water Works concerning condominiums and each unit should have a separate water meter.
5. Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B.3 shall at least 30 days before filing any declaration file with the City Clerk, the Public Works Director and the City Inspector a written analysis by a licensed professional engineer(s) or other appropriate licensed professional, based upon personal inspection of the building sought to be converted. The written analysis shall certify that the building meets all current city building codes that would apply to new construction. The certification will separately itemize and describe in a manner sufficient to show the factual basis of any certification that the fire, energy, life safety, structural, plumbing, electrical and mechanical systems meet current standards. The certification shall further certify compliance with current onsite parking, storm water detention and retention requirements and separately certify the building meets current standards for materials and that acceptable means and methods of construction were used that meet current standards for new construction. Appropriate city staff will review the certification and report to the City Building Official whether said certification is sufficient to meet the requirements of this Ordinance.
6. Any person or other entity seeking to convert an existing structure to condominiums shall comply with all requirements of Zoning Code of the Windsor Height City Code prior to conversion in the same manner as an applicant for new construction including, but not limited to, filing a site plan for review which shall show compliance with all set back, parking, signage, open space and all other requirements which would apply to new construction.
7. No conversion of property to horizontal property regime under Iowa Code section 499B.3 shall be completed nor shall a declaration be filed until there has been full compliance with this Ordinance. Upon showing of full compliance with this Ordinance, the City Building Official shall by written notice so inform the County Recorder of the County in which any property subject to this Ordinance is located and state in said written notice that the property meets the requirements of Iowa Code section 499B.20.
8. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

9. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

155.61 INSTALLMENT SALE TRANSACTIONS.

1. **Definitions.** For the purpose of this section, the following definitions shall apply:

City shall mean the City of Windsor Heights, Polk County, Iowa.

Contract shall mean a real estate installment purchase agreement for the intended transfer of residential real estate between a buyer and seller. A real estate installment purchase agreement is one which is payable in more than four (4) installments, not including the down payment, ***in which the Contract Buyer takes possession of the property immediately but does not receive the deed and title until all installment payments have been made.*** This division does not apply to contracts for commercial property or vacant lots.

Contract Buyer shall mean the person or entity purchasing or acquiring the real property.

Contract Seller shall mean the person or entity offering or transferring the real property for sale, or anyone acting on behalf of the contract seller.

Director shall mean the building enforcement director of the City or his/her designee.

Inspection shall mean a physical examination of the real estate, which shall include, but not be limited to, a review of the structural components, exterior, roofing, plumbing, heating, cooling, electrical, insulation and ventilation, interior, fireplace and solid fuel burning appliances of the real estate.

Inspection Report shall mean a report in a form approved by the city and prepared by an inspector to describe an inspection.

Inspector shall mean the individual who performs the examination of the real estate.

Person shall mean an individual, a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or an association, or any other legal entity.

Transfer shall mean the conveyance by sale, exchange, contract or by any other method by which real property is purchased. For the purpose of this ordinance, transfer shall not mean the conveyance of real estate interests as detailed under Iowa Code Chapter 558A.

2. **Inspector certification and disqualification.**

(a) All Inspectors who perform the Inspections of real estate pursuant to a Contract shall be a member in good standing of an eligible professional association for home inspectors. An eligible professional association must have the following attributes:

- i. Not-for-profit status;
- ii. Standards for Practice for its members;
- iii. Code of Ethics for its members;
- iv. Requires examinations for membership; and
- v. Requires annual continuing education.

No Inspector shall be employed by an entity that is owned by a Contract Seller or an affiliate. The term affiliate means a parent, brother or sister entity (meaning its parent entity has an ownership interest in each entity or shares a common manager), or a subsidiary entity or any other entity in which the Contract Seller, its parent, brother, sister or subsidiary entity owns five percent (5%) or more of such entity.

(b) Members of professional associations who are otherwise eligible to perform Inspections shall obtain prior approval from the City to perform said Inspections. The City shall have the discretion to approve or deny any Inspector and shall maintain a current list of all Inspectors who are eligible to perform Inspections under this Ordinance.

(c) The City shall have sole discretion to grant, suspend or revoke an Inspector's certification based upon any of the following:

- i. Malfeasance;
- ii. Neglect of duty;
- iii. Incapacity;
- iv. Disqualification, suspension, or debarment from any activity related to the construction or real estate industry by an agency of any government;
- v. Offering or giving gifts or gratuities to employees of the city in violation of state law; and/or
- vi. Failure to comply with any other requirements of this Ordinance.

(d) If the Director determines that cause exists to disqualify an Inspector from performing Inspections for any of the reasons set forth above, the Director shall notify said Inspector. The notice shall set forth the reason(s) for disqualification and shall be sent to the Inspector by certified mail.

(e) Upon written request of the Inspector filed within ten (10) days of the mailing of the above-referenced notice, the Director shall schedule a hearing at which the Inspector may present evidence why he or she should not be disqualified. The Director's recommendation shall be issued within thirty (30) days of the conclusion of the hearing and shall be mailed to the Inspector via certified mail. The Director's recommendation shall be forwarded to the City Council.

3. Procedures and Fees.

(a) A person seeking to transfer real property by Contract, or a broker, salesperson or agent acting on behalf of such person, shall obtain or update an inspection of the subject real estate not more than sixty (60) days prior to the execution of the Contract.

(b) The Inspector shall prepare an inspection report of the physical examination of the real estate. The Inspection Report shall also include written certification that the Inspector is a member of good standing in an eligible professional association, as detailed above.

(c) The Inspection Report shall be delivered to the Contract Buyer and the City at least fourteen (14) days prior to the execution of the Contract. The Inspection Report may be delivered to the Contract Buyer via personal delivery and/or certified or registered mail. Proof of delivery of the Inspection Report along with a filing fee of \$75.00 shall be filed with the City at least fourteen (14) days prior to the execution of the Contract. Subsequent inspection reports and updates for the same property involving the same Contract Buyer may be filed by the same Contract Seller without requiring an additional filing fee.

(d) Within seven (7) days following execution of the Contract, the Contract Seller shall file with the City copies of all instruments transferring the real estate.

(e) The City shall have the right to annually—or on an “as needed basis”—inspect any property for which an Inspection is allowed under this Ordinance. All persons with ownership or management interests in the property shall allow Inspection upon reasonable notice provided by the City.

(f) Any person who fails to perform an act required by this division or who commits an act prohibited by this Ordinance shall be guilty of a municipal infraction.

4. Ordinance not Limiting.

The responsibilities imposed under this Ordinance shall not limit or abridge any duty, requirement, obligation or liability for disclosure created by another provision of law, or under contract between parties.

5. Alternate Procedures.

In the alternative to proceeding with the provisions in (1) through (4) above, Contract Sellers may elect to be bound by and comply with the City’s Rental Housing Code, as outlined in Chapter 156 of the Windsor Heights Code of Ordinances. If a Contract Seller elects to proceed under the governance of Chapter 156, they must promptly notify the City and comply with all rental housing provisions prior to executing a Contract.

Section 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. SEVERABILITY. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

Section 4. PRIOR ACTIONS. All Ordinances, orders, Resolutions and actions of City Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked and rescinded.

Section 5. EFFECTIVE DATE. This ordinance shall be effective _____, after its final passage and publication as required by law.

PASSED AND APPROVED this ____ day of _____, 2014.

Diana Willits, Mayor

ATTEST:

Jeffrey Fiegenschuh, City Clerk

CHAPTER 155

February 3, 2014

Glover _____
Timm _____
Burgess _____
Peterson _____
Timm _____

February 17, 2014

Glover _____
Timm _____
Burgess _____
Peterson _____
Timm _____

March 3, 2014

Glover _____
Burgess _____
Butz _____
Timm _____
Peterson _____

