

CHAPTER 162

EXISTING BUILDING CODE

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162.01 PURPOSE. It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents and others, to meet their responsibilities with respect to proper construction, construction techniques, and premises safety and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the City, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the City, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

162.02 WARNING. NO PERSON SHALL PLACE RELIANCE UPON THIS CHAPTER, ANY INSPECTIONS PERFORMED OR CERTIFICATES ISSUED PURSUANT TO THIS CHAPTER, AS INDICATING THE SAFETY OF OR QUALITY OF CONSTRUCTION OF ANY PARTICULAR PREMISES. NEITHER THIS CHAPTER NOR INSPECTIONS MADE PURSUANT THERETO NOR CERTIFICATES ISSUED ARE INTENDED TO ASSUME THE DUTY OF ANY PERSON TO ADEQUATELY CONSTRUCT AND MAINTAIN A PREMISES OR PROVIDE A SAFE PREMISES OR TO, IN ANY WAY, INDICATE A DECREASE IN THE RISK ASSOCIATED WITH THE USE OR OCCUPANCY OF ANY PREMISES. A CERTIFICATION THAT A PREMISES HAS BEEN INSPECTED PURSUANT TO THIS CHAPTER SHALL NOT IN ANY WAY CONSTITUTE A WARRANTY OR GUARANTEE OF THE SAFETY OR QUALITY OF THAT PREMISES.

162.03 INTERPRETATION. The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the *Existing Building Code 2003* edition adopted herein.

162.04 ADOPTION. Pursuant to published notice and public hearing, as required by law, the *International Existing Building Code 2003 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be

hereinafter deleted, modified or amended. An official copy of the *International Existing Building Code* 2003 Edition, as adopted, and a certified copy of this chapter are on file in the Office of the City Clerk.

162.05 SHORT TITLE. The Existing Building Code for the City of Clive, Iowa, may also be known, referred to, and cited as the “Existing Building Code.”

162.06 SCOPE. The provisions of this Code shall apply to:

1. Existing Buildings.
 - A. Additions to, alterations of, and repairs to existing buildings, if covered by this code. The Construction Services Administrator may, when such additions, alterations or repairs are made, order other reasonable additions or alterations in a building, structure, or on premises, when a danger to life or property may result if such other additions or alterations were not made.
 - B. Installations, which were in compliance with the code in existence at the time such installations were made, shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
 - C. If the classification of a building has been changed due to a change in occupancy, the construction in the entire building shall comply with all the building standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall be constructed in compliance with the building standards of its particular classification.

162.07 INDEMNIFICATION. The applicant for any permit under this Code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code or any other ordinances of the City; and such applicant, by making such application, forever indemnifies the City, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the City, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of the permit issued under this Code whether expressly recited therein or not.

162.08 PERMIT REQUIRED. No new installation, alteration or change shall be made in or upon the wiring of any building, nor shall any electric current be connected

to any wires or apparatus without first securing a permit from the Clive Community Development Department.

162.09 ISSUANCE OF PERMIT. After proper application on forms provided by the Clive Community Development Department, permits shall be issued in the name of a registered contractor or the name of the firm or corporation with whom the contractor is associated. A registered contractor shall secure permits only for work done by the firm or corporation named on the registration. A registered contractor shall sign all applications for building permits. Permits are not transferable. No permits shall be issued to any person or company who has fees outstanding or who has outstanding violations of this code or any other laws or ordinances of this City.

162.10 PERMIT FEES. There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the City Council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the City Council. No fees shall be collected on buildings or structures constructed by or for the City of Clive.

162.11 EXPIRATION OF PERMIT. Every permit issued under the provision of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 60 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided that such suspension or abandonment has not exceeded 120 days.

162.12 REVOCATION. Any permit required by the provisions of this Code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this Code.

162.13 INSPECTION. Except as otherwise provided in this Code, no person shall cover or conceal or cause to be covered or concealed any new construction, electrical, plumbing or mechanical systems or apparatus for which a permit has been issued, until such new construction, electrical, plumbing or mechanical systems or apparatus has been inspected and approved as required by this Code. The Construction Services Administrator shall have authority to remove or cause the removal of any obstructions, which may prevent the proper inspection of new construction, electrical, plumbing or mechanical systems or apparatus. Upon the completion of the new construction, electrical, plumbing or mechanical systems or apparatus in any building, it shall be the duty of the company, firm or individual doing the same to notify the Construction Services Administrator, who shall inspect the same on receipt of such notice for conformance to the provisions of this Code. Certificates of Occupancy shall not be issued unless the new construction, electrical, plumbing or mechanical systems or apparatus shall be in conformity with the rules and regulations set forth in this Code.

162.14 DELETIONS. The following are deleted from the *Existing Building Code*, 2003 Edition (hereinafter known as the IEBC) are of no force or affect in this chapter:

1. Section 106.4.6 Amended. Section 106.4.6, Retention of Construction Documents, of the IFGC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.4.6 Retention of Construction Documents. One set of construction documents shall be retained by the Construction Services Administrator until final approval of the work covered therein.

162.15 AMENDMENTS, MODIFICATIONS AND ADDITIONS. The remaining sections in the chapter represent amendments to the requirements contained in the IEBC. In the event there are requirements that conflict with these codes the requirements of this chapter shall prevail.

1. Section 106.5.1 Amended. Section 106.5.1, Work Commencing Before Permit Issuance, of the IEBC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.5.1 Work Commencing Before Permit Issuance. Any person who commences any work on an existing building before obtaining the necessary permits shall be subject to a fee established by the Construction Services Administrator that shall be in addition to the required permit fees.

2. Section 106.5.3 Amended. Section 106.5.3, Fee Refunds, of the IEBC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.5.3 Fee Refunds. The Construction Services Administrator is authorized to establish a refund policy.

3. Section 108.4 Amended. Section 108.4, Violation Penalties, of the IEBC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who alters or repairs an existing building in violation of the approved construction documents or directive of the Construction Services Administrator, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

4. Section 108.5 Amended. Section 108.5, Stop Work Order, of the IEBC is hereby amended by deleting said section and inserting in lieu thereof the following sections:

Section 108.5 Stop Work Order.

Section 108.5.1 Authority. Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator is authorized to issue a stop work order.

Section 108.5.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists the building official shall not be required to give notice prior to stopping the work.

Section 108.5.3 Opportunity For Hearing. Before any permit is suspended or revoked, the Construction Services Administrator will provide to the person whom the permit was issued the facts and circumstances constituting the basis of such action, and an opportunity to be heard.

162.16 OUTSTANDING PERMITS. If a building permit is outstanding on the effective date of this chapter and the *International Existing Building Code 2003 Edition* adopted hereby, the provisions of this chapter, and the *International Existing Building Code 2003 Edition* adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Building Official shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

162.17 SITE MAINTENANCE. All persons constructing, erecting, altering, furnishing materials, performing services or performing construction of any nature for any building or other structure within the City shall prevent refuse, debris, and junk from blowing, drifting, or otherwise being deposited upon adjacent properties and streets. Construction debris shall be kept on site in some manner of containment and shall be removed from the site in a timely manner.

162.18 STREET PROTECTION. No person performing construction of any nature or furnishing materials or performing services within the City shall drive across or cause any vehicle, trailer, implement, equipment, materials or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

162.19 CONFLICTING PROVISIONS. In any case where the provisions of this chapter, or the Code adopted hereby, are found to be in conflict with a provision of the Code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the City of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

162.20 VIOLATIONS. Any person, firm or corporation, violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00 or by imprisonment of not more than 30 days or by municipal infractions as prescribed by law.

162.21 APPEALS. Any person affected by a decision of the Construction Services Administrator may request and shall be granted a hearing on the decision, as described in Chapter 160 of this Code of Ordinances.

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