

CODE OF ORDINANCES, CLIVE, IOWA

CHAPTER 158

ENERGY CONSERVATION CODE

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158.01 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.

158.02 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.

158.03 INTERPRETATION. The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the International Energy Conservation Code 2003 edition adopted herein.

158.04 ADOPTION. Pursuant to published notice and public herein, as required by law, the International Energy Conservation Code 2003 edition, published by the International Code Council, Inc., are adopted in full except for such portions as may be hereinafter deleted, modified or amended. An official copy of the International Energy Conservation Code 2003 edition, as adopted and a certified copy of the chapter are on file in the Office of the City Clerk.

158.05 SHORT TITLE. The International Energy Conservation Code for the City of Clive, Iowa may also be known, referred to, and cited as the “Energy Code.”

158.06 SCOPE. This Code sets forth the minimum requirements for the design of new buildings and structures or portions thereof and the additions to the existing buildings that provide facilities or shelter.

158.07 INDEMNITY. 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 indemnities 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.

158.08 FEES. There shall be a fee paid for the review of plans to ensure compliance with the Energy Code. This fee shall be in accordance with an established schedule, which can be modified from time to time with the approval of Council.

158.09 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.