

CHAPTER 24 - BUILDING AND PROPERTY MAINTENANCE

SECTION 1

BUILDING AND CONSTRUCTION ADMINISTRATIVE PROVISIONS

24.1.1 Title

The provisions contained in this Chapter shall be known as the “Building and Construction Administrative Provisions” for the Building Department of Mills County, Iowa.

24.1.2 Statutory Authorization

In Iowa Code Section 331.304(3), as amended, the Iowa Legislature delegated to counties the power to adopt, administer and enforce the State Building Code. Said power shall be exercised in accordance with Iowa Code Chapter 103A. The power to adopt by ordinance, administer, and enforce a county building code, is subject to the following restrictions:

- a.** A county building code shall not apply within the incorporated area of a city except at the option of the city, and shall not apply within a city's two-mile limit referred to in Iowa Code Section 414.23, to the extent that the city has adopted a building code within the two-mile limit.
- b.** A county building code shall not apply to farm houses or other farm buildings which are primarily adapted for use for agricultural purposes, while so used or under construction for that use.

24.1.3 Jurisdiction

The provisions of this Ordinance shall apply to all of the unincorporated area of Mills County, Iowa.

24.1.4 Creation of Enforcement Agency

There is hereby created in Mills County, Iowa, the Building and Safety Department, with administrative authority as delegated by the Mills County Engineer through the Building Official.

24.1.5 Appointment

The Building Official shall be appointed by the Mills County Board of Supervisors.

24.1.6 Deputies

In accordance with the prescribed procedures of Mills County, Iowa and with the concurrence of the Mills County Engineer, the Building Official shall have the authority to appoint Deputy Building Officials, the related technical officers, inspectors, plan examiners and other designated employees. Such designated employees shall have powers as delegated by the Building Official and hereinafter these designees shall be implied to be included whenever Building Official is mentioned in this Chapter.

24.1.7 Scope and Intent

The purpose of the Building Department is to enforce the minimum requirements of the adopted Codes for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

The purpose of the Building and Safety Department is to enforce the minimum requirements of the adopted Codes and 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 for fire and other emergency responders during emergency operations.

24.1.8 Duties and Powers of the Building Official

The Building Official is hereby authorized and directed to enforce the provisions of the adopted Codes under Chapter 24 of the Mills County Code of Ordinances. The Building Official shall have the authority to render interpretations of the adopted Codes and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the adopted Codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the adopted Codes.

24.1.9 Applications and Permits

The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the adopted Codes.

24.1.10 Notices and Orders

The Building Official shall issue all necessary notices or orders to ensure compliance with the adopted Codes.

24.1.11 Inspections

The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

24.1.12 Identification

The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under the adopted Code.

24.1.13 Right Of Entry

Where it is necessary to make an inspection to enforce the provisions of the adopted Codes, or where the Building Official or designee has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the adopted Codes which makes the structure or premises unsafe, dangerous or hazardous, the Building Official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the adopted Codes, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official or designee shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official or designee shall have recourse to the remedies provided by law to secure entry.

24.1.14 Department Records

The Building Official or designee shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period of five (5) years as retention of public records.

24.1.15 Liability

The Building Official, members of the Appeal Board, or Building and Safety Department employees charged with the enforcement of the adopted Codes, while acting for Mills County, Iowa in good faith and without malice in the discharge of the duties required by the adopted Codes or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or

employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the adopted Codes shall be defended by legal representative of Mills County, Iowa until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the adopted Codes.

24.1.16 Approved Materials and Equipment

Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

24.1.17 Used Materials and Equipment

The use of used materials which meet the requirements of the adopted Codes for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

24.1.18 Modifications

Wherever there are practical difficulties involved in carrying out the provisions of the adopted Codes, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of the adopted Codes impractical and the modification is in compliance with the intent and purpose of the adopted Codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

24.1.19 Alternative Materials, Design and Methods of Construction and Equipment

The provisions of the adopted Codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the adopted Codes, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of the adopted Codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the adopted Codes in quality, strength, effectiveness, fire resistance, durability and safety.

24.1.20 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the adopted Codes, shall consist of valid research reports from approved sources.

24.1.21 Tests

Whenever there is insufficient evidence of compliance with the provisions of the adopted Codes, or evidence that a material or method does not conform to the requirements of the adopted Codes, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to acquire tests as evidence of compliance to be made at no expense to Mills County, Iowa. Test methods shall be as specified in the adopted Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

24.1.22 Codes and Applicability

Where, in any specific case, different sections of the adopted Codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

24.1.23 Codes

The Building Department has been empowered to enforce the following Codes which shall be hereinafter referred to as “the adopted Codes”. A copy of the following adopted Codes are on file and are open for inspection of the public in the office of the Building Official are hereby referred to, adopted, and made apart hereof as if fully set out in this Ordinance.

a. Building Code

The provisions of the Building Code as found in Section 24.2 of this Chapter shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all commercial, industrial, and multi-family residences.

b. Residential Building Code

The provisions of the Residential Building Code as found in Section 24.3 of this Chapter shall regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

c. Plumbing Code

The provisions of the Plumbing Code as found in Section 24.4 of this Chapter shall regulate the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a gas, water, sanitary sewage, storm water system and all aspects of a medical gas system.

d. Mechanical Code

The provisions of the Mechanical Code as found in Section 24.5 of this Chapter shall regulate the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, boilers, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

e. Electrical Code

The provisions of the Electrical Code as found in Section 24.6 of this Chapter shall regulate the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

f. Fuel Gas Code

The provisions of the Fuel Gas Code as found in Section 24.7 of this Chapter shall regulate the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and related accessories.

g. Energy Conservation Code

The provisions of the Energy Conservation Code as found in Section 24.8 of this Chapter shall regulate all matters governing the design and construction of buildings for energy efficiency.

h. Existing Building Code

The provisions of the Existing Building Code as found in Section 24.9 of this Chapter shall regulate the repair, alteration, change of occupancy, addition and relocation of existing buildings.

i. Historic Building Code

The provisions of the Historic Building Code as found in Section 24.10 of this Chapter shall regulate the rehabilitation, preservation, restoration, and relocation of historic buildings.

j. Property Maintenance Code

The provisions of the Property Maintenance Code as found in Section 24.11 of this Chapter shall regulate existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

k. Demolition of Buildings and Structures

The provisions of the Demolition of Building and Structures as found in Section 24.12 of this Chapter shall regulate the demolition of every building or structure or any appurtenances connected or attached to such building or structure. The purpose of this Chapter is to establish the minimum requirements to safeguard the public health, safety, general welfare of life and property from hazards attributed to the demolition environment.

l. Factory Built Structures

The provisions of the Factory Built Structures as found in Section 24.13 of this Chapter shall provide minimum regulations of factory-built structures to safeguard life, health, property, and public welfare.

24.1.24 Other Laws

The provisions of the local Codes as adopted by Mills County, Iowa shall not be deemed to nullify any provisions of the state or federal law.

24.1.25 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

24.1.26 Application of References

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the adopted Codes.

24.1.27 Referenced Codes and Standards

The Codes and standards referenced in each of the adopted Codes shall be considered part of the requirements of the adopted Codes to the prescribed extent of each such

reference. Where differences occur between provisions of the adopted Codes and referenced Codes and standards, the provisions of the adopted Codes shall apply.

24.1.28 Partial Invalidity

In the event that any part or provision of the adopted Codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

24.1.29 Existing Structures

The legal occupancy of any structure existing on the date of adoption of the adopted Codes shall be permitted to continue without change, except as is specifically covered in the adopted Codes, the Property Maintenance Code or the State Fire Code, or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public with the exception that if a commercial or industrial structure is vacant and with either the water, electric and/or gas service turned-off for a period of more than two (2) calendar years, then the legal occupancy of the structure's Occupancy shall become "Utility".

24.1.30 Application for Permit

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Department for that purpose. Such application shall:

- a. Identify and describe the work to be covered by the permit for which application is made.
- b. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- c. Indicate the use and occupancy for which the proposed work is intended.
- d. Be accompanied by construction documents and other information as the Building Official may require.
- e. State the valuation of the proposed work.
- f. Be signed by the applicant, or the applicant's authorized agent.
- g. Give such other data and information as required by the Building Official.

24.1.31 Action on Application

The Building Official or designee shall examine all applications for permits and amendments thereto within a reasonable time after filing. If the application or the

construction documents do not conform to the requirements of pertinent laws, the Building Official or designee shall reject such application in writing, stating the reasons therefore. If the Building Official or designee is satisfied that the proposed work conforms to the requirements of the adopted Codes and laws and ordinances applicable thereto, the Building Official or designee shall issue a permit therefore as soon as practicable.

24.1.32 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned 180 calendar days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

24.1.33 Permits Required

Any owner, contractor, master, or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure which is regulated by the adopted Codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

Any owner, contractor, master, or authorized agent who intends to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

24.1.34 Work Exempt From Permit

Exemptions from permit requirements of the adopted Codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the adopted Codes or any other laws or Ordinances of Mills County, Iowa. Permits shall not be required for the following:

a. Building

- (1) One-story detached accessory structures of one and two-family residences, used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 sq. ft. (11 m²).
- (2) Fences.
- (3) Oil derricks.

- (4) Retaining walls that are not over four feet (4') (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- (5) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
- (6) Sidewalks, driveways patios and decks not more than thirty inches (30") (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- (7) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (8) Temporary motion picture, television and theater stage sets and scenery (for no more than fifteen (15) calendar days).
- (9) Prefabricated swimming pools accessory to one (1) and/or two (2) single family dwellings that are less than twenty-four inches (24") (610mm) deep, or do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
- (10) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- (11) Swings and other playground equipment.
- (12) Awnings supported by an exterior wall that do not project more than fifty-four inches (54") (1372 mm) from the exterior wall and do not require additional support.
- (13) Non-fixed and movable fixtures, cases, racks and counters.
- (14) Partitions that are not higher than five feet nine inches (5'-9").
- (15) Roofing overlays (shingles and felt only), residing, door and window replacements (same size) on existing structures.

b. Electrical

(1) Repairs and Maintenance

Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(2) Radio and Television Transmitting Stations

The provisions of the adopted Codes shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

(3) Temporary Testing Systems

A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

c. Gas

(1) Portable heating appliance.

(2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

d. Mechanical

(1) Portable heating appliance.

(2) Portable ventilation equipment.

(3) Portable cooling unit.

(4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by the adopted Codes.

(5) Replacement of any part that does not alter its approval or make it unsafe.

(6) Portable evaporative cooler.

(7) Self-contained refrigeration system containing ten (10) pounds (5 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less.

e. Plumbing

(1) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the adopted Codes.

- (2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

24.1.35 Emergency Repairs

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

24.1.36 Repairs

Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

24.1.37 Public Service Agencies

A permit shall not be required for re-installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

24.1.38 Homeowners, Permit Required

- a. The owner or owners of a single-family dwelling or mobile home, including the usual accessory buildings and quarters used exclusively for living purposes, may do building, electrical, plumbing, and mechanical work upon or within said single-family dwelling and accessory buildings without a license if the capability to do such work is demonstrated by such owner or owners to the satisfaction of the inspector; provided, however, that the dwelling or mobile home will be occupied by such owner or owners for at least two (2) more years and that a permit for such work has been issued as provided in this Chapter.
- b. In consideration of Mills County, Iowa granting said permit to the homeowner, the homeowner agrees to release, hold harmless, indemnify, and defend Mills County, Iowa, its agents, and employees from and against all liability, loss, damages, claims, and judgments asserted or rendered against said County or its agents or employees for damage to property or injury to person, including death,

at any time resulting there from, wherein an allegation is made that the homeowner negligently or improperly designed or performed electrical work, or wherein it is alleged that Mills County, Iowa, or its agents, or employees negligently or improperly failed to discover patent or latent defects in the design or performance of work, or otherwise in any manner whatsoever failed to enforce any provision of the Codes then in effect.

24.1.39 Permit Transfer and Notification of Quitting Installation

There shall be administrative processes known as Permit Transfer and Notification of Quitting Installation.

A Notification of Quitting Installation may be required on a project. Should any person to whom a permit has been issued for an installation desire to quit such work, such person shall notify the Building Official and request an inspection. Acceptance of or violations against the work installed shall be recorded by the Building Official on the permit record according to the findings of the Building Official. No refund shall be granted to the permit grantee of the permit fee covering equipment installed and inspected.

If a permit grantee quits an installation after the equipment is installed and fails to notify the Building Official, the owner or his or her agent may notify the Building Official and request inspection. Upon inspection, the permit grantee shall be sent a notice of any violation. The owner shall be notified that he or she may secure another licensed contractor to proceed with the work.

In case the permit grantee gives written permission or appears in person with another contractor and grants permission, the permit shall be transferred to the latter State registered or licensed contractor, provided that the latter contractor pays the established transfer fee. If permission is not granted by the original permit holder, the contractor who completes the installation shall secure a permit covering the work he or she does, and the latter contractor shall secure a permit covering the work he or she does, and the latter contractor shall be responsible in either case for all work done under his or her supervision.

An owner who secured a permit to make installations of equipment in his or her residence may transfer his or her permit to a State registered or licensed contractor, provided the owner notifies the Building Official of his or her intention, receives inspection of the work by him or her, and has his or her contractor pay the established transfer fee to the Building Official.

Before proceeding with any work which has been started by any other permit grantee, an owner shall request the Building Official to inspect the installation for which a permit was granted and also to inspect any work performed, and shall also obtain an owner's permit for the remaining part of the installation. The original permit grantee may, if he or she desires, transfer his or her permit to the owner upon the owner's

payment to the Building Official of the required transfer fee. Before a permit can be renewed, the required fees as shown by this Ordinance shall be paid.

24.1.40 Permit Issued To

- a.** A building permit shall only be issued to the State Registered General Contractor. At the discretion of the Building Official, the Owner may be allowed to be the General Contractor.
- b.** An electrical permit shall only be issued to the State Licensed Electrical Contractor. At the discretion of the Electrical Inspector, the Homeowner may be allowed to do their own electrical work if that is where they reside.
- c.** A plumbing permit shall only be issued to the State Licensed Plumbing Contractor. At the discretion of the Plumbing Inspector, the Homeowner may be allowed to do their own plumbing work if that is where they reside.
- d.** A mechanical permit shall only be issued to the State Licensed Mechanical Contractor. At the discretion of the Mechanical Inspector, the Homeowner may be allowed to do their own mechanical work if that is where they reside.

24.1.41 Validity of Permit

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the adopted Codes or of any other Ordinance of Mills County, Iowa. Permits presuming to give authority to violate or cancel the provisions of the adopted Codes or other Ordinances of Mills County, Iowa shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of the adopted Codes or of any other Ordinances of Mills County, Iowa.

24.1.42 Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of eighty (80) days after the time the work is commenced. Every permit issued by the Building Official under the provisions of the adopted Codes shall expire by a time limitation and become null and void after the number of months as follows:

PERMIT	MONTHS	PERMIT	MONTHS	PERMIT	MONTHS
Footing	6	Sign	12	Electrical	18
Structural Frame	6	Siding	12	Plumbing	18
Manufactured Structures	6	Roofing	12	Mechanical	18
Swimming Pool	6			Utility	18
				Building	18

24.1.43 Suspension or Revocation

The Building Official is authorized to suspend or revoke a permit issued under the provisions of the adopted Codes wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the adopted Codes.

24.1.44 Placement of Permit

The building permit or copy should be kept on the site of the work until the completion of the project. The “Permit Issued” poster should be visible from the street.

24.1.45 Submittal Documents

- a. Plans, engineering calculations, diagrams and other data shall be submitted with two (2) or more sets as required with each application for building permits.

For commercial and industrial building permits, the Building Official will require applications applicable to the adopted Codes to have plans, computations and specifications prepared, designed, and sealed by an architect and/or professional engineer licensed by the State of Iowa. The professional engineer shall be classified for the branch of engineering he was examined in, granted a current certificate, and practice in that discipline. Submittals shall be in compliance with the Iowa Administrative Code and the Mills County Code of Ordinances.

- b. **Exception**

For commercial and industrial building permits, the Building Official may waive the requirement of sealed plans if he finds that the nature of the work applied for is such that there is a very minor amount of work (less than \$5,000.00 construction valuation) and does not impact the life-safety functions of the building.

24.1.46 Information on Construction Documents

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the adopted Codes and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

24.1.47 Fire Protection System Shop Drawings

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with the adopted Codes and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced State installation standards.

24.1.48 Means of Egress

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the adopted Codes. In occupancies other than residential and industrial, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

24.1.49 Exterior Envelope

Construction documents for all buildings shall describe the exterior envelope in sufficient detail to determine compliance with the adopted Codes. The construction documents shall provide details of the exterior envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

24.1.50 Site Plan

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. In the case of demolition, the site plan shall show construction

to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

24.1.51 Examination of Documents

The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the adopted Codes and other pertinent laws or ordinances.

24.1.52 Approval of Construction Documents

When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One (1) set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

24.1.53 Previous Approvals

The adopted Codes shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of the adopted Codes and has not been abandoned.

24.1.54 Deferred Submittals

For the purposes of this Section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

24.1.55 Amended Construction Documents

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

24.1.56 Retention of Construction Documents

One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

24.1.57 Phased Construction

There are minimum requirements for a "Partial Permit" project to accommodate large or complex developments and allow the start of actual construction prior to the total completion of all plans and the issuance of all required building permits.

These requirements are the minimum to be provided by the general contractor or the developer before any building permits may be obtained and construction may begin. This procedure is for a "Partial Permit" project and may require modification for a specific project. Normally a "Partial Permit" consists of a footing permit, a structural frame permit, and then the building permit.

24.1.58 Phased Construction Approval

The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the adopted Codes. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

24.1.59 Preliminary Meetings

The "Partial Permit" process is initiated by a meeting with the Owner, Developer, Engineer, Architect, Contractor, the Building Official, and other appropriate County Departments, Township representatives and involved agencies.

- a. At this meeting the Owner, Developer, Engineer, or Architect shall:
 - (1) Outline the overall scope of the work to be performed;

- (2) Declare the intent to process the project by the "Partial Permit" procedure; and
 - (3) Provide a written schedule of:
 - (a) Construction milestone dates; and
 - (b) Plan element submittal dates.
- b.** At this meeting, Mills County, Iowa shall identify the following requirements:
- (1) Procedures for plan change submittals;
 - (2) Inspection procedures by County staff;
 - (3) Inspection and testing procedures by the Quality Assurance Agency;
 - (4) Limits placed on the project by using the "Partial Permit" process; and
 - (5) Fees and fee schedules.

NO ACTUAL CONSTRUCTION MAY BEGIN AT THIS POINT IN TIME.

24.1.60 Phased Construction Submittals

The second step in the "Partial Permit" procedure is the formal submittal of plans and obtaining a building permit. Several items are required to be submitted before any permits are issued. The submittal must consist of the following information:

a. Phased Plans, Calculations and Other Supportive Data

- (1) Complete plot plan showing all proposed structures with dimensions to all buildings, structures, property lines, easements, etc. Show sizes of all buildings and utility service locations to each; water, sewer, gas, electric, storm drains, telephone, and etc;
- (2) Soils report;
- (3) The front sheet of the Architectural plans shall provide the basic design information about the total project. This information should include:
 - (a) Type of construction
 - (b) Occupancy classification
 - (c) Occupant loads

- (d) Area of structures
 - (e) Number of stories and height
 - (f) Number of rooms
 - (g) Sprinklered or Non-Sprinklered
 - (h) Reference codes under which it is designed
 - (i) Land use zone
- (4) Typical floor plan of each floor showing all uses;
 - (5) Master exit plan must be provided for the completed project;
 - (6) Complete structural calculations for the entire project;
 - (7) Complete structural plans for the full major component requested for permit;
 - (8) High Rise Life Safety Package shall be submitted; and
 - (9) Complete plumbing, mechanical and electrical plans for the work that must be constructed within the foundation or structural proposal.

b. Phased Permits and Fees

Due to the substantial amount of additional time in reviewing and issuing multiple permits for "Partial Permit" Projects, the footing permit fee charged will be fifty percent (50%) of the building permit fee. All building permits are cumulative. Permits for construction to proceed would only be issued after plans and appropriate information have been submitted, checked, and approved. There could possibly be several separate permits issued on a single project based on the number of phases for which plans are submitted. It will be at the discretion of the Building Official to determine the amount of plans and information to be submitted before a permit for the next phase of construction is issued. This process would be discussed at the initial plan review meeting and should be identified in the written description provided at the initial meeting. Close control will be maintained to assure that the latest approved plans are on the job and that construction has been approved. Construction will be stopped if it has progressed past the scope of work for which the permits were issued.

(1) Foundation Permits

Upon completion of all the requirements listed above, a foundation only permit may be obtained. This permit must be for the total foundation, i.e., tower, low rise, and separate buildings on the site. Partial foundation permits for the elements listed below will not be issued. No work may proceed beyond that point until additional permits are issued or work will be stopped.

"Foundation Only" is defined as concrete work for footings, piles and slabs on grade up to finish floor elevation.

Includes:

- (a) Rebar dowels above slab to tie in columns or walls.
- (b) Retaining walls (concrete or masonry) to support slabs-on-grade on uneven ground.
- (c) Retaining walls for basements.
- (d) Bolts or plates cast in slabs.

May Include:

- (a) Columns above finished grade.
- (b) Walls above finish grade.
- (c) Any elevated slabs, such as slabs over basements.
- (d) Any construction above surrounding ground level.

Prior to issuance of the "foundation only" permit, the agreement for all required special inspections must be signed by the owner or his representative, the Quality Assurance Agency identified and written verification of their scope of work provided to the Building Official.

(2) Building Permits

(a) Structural Permits

Structural Permits may be obtained for a total building, i.e., tower, low-rise, and separate building on the same site. The structural permit may be issued for a partial as follows:

(1) Towers

This must be issued in total. Only one structural permit will be issued for a high-rise tower.

(2) Low-Rise

Large area buildings may be broken down to a maximum of three areas and separate permits issued.

Prior to issuance of a structural only permit, the contract for all required special inspections must be signed by the owner or his representative, the Special Inspector identified and approved with written verification of their scope of work provided to Mills County, Iowa.

(b) Architectural Permits

Architectural permits may be obtained for the total building, i.e., tower, low-rise and separate buildings on the same site. Architectural permits may be issued for partial work only if it matches the areas that structural permits have been issued for.

(c) Plumbing, Mechanical and Electrical Permits

These permits may only be issued for the areas that a structural permit has been issued. These sub-permits cannot be issued for areas that are not permitted if partial structural permits are issued.

(d) On-Site Plumbing and Electrical

A permit for on-site plumbing or electrical underground may be obtained. These permits can only be issued after a foundation permit is issued.

c. Phased Assistance

Mills County, Iowa offers, at the option of the Owner, Developer, Engineer, Architect, or Contractor to assist with preliminary plan reviews prior to submission of application for areas of concerns or questions.

24.1.61 Design Professional in Responsible Charge

When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the

registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

24.1.62 Structural Observations

Where structural observation is required by the adopted Codes, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

24.1.63 Infrastructure

Prior to the issuance of a building permit, the applicant must establish to the satisfaction of the Building Official that the site is adequately serviced by infrastructure to accommodate the proposed structure and use. The primary elements that will be reviewed in making this determination will be: street and sidewalk, sanitary and storm sewer, and water.

24.1.64 Infrastructure – Sanitary

The applicant shall establish that the building site has direct access to sanitary sewer, or that the site will be adequately serviced by a properly permitted septic system.

24.1.65 Infrastructure – Water

The applicant shall establish that the building site has direct access to a public water supply, or that the site will be serviced by a well. In either case, the water supply shall be adequate to satisfy not only the needs of the structure, but also sufficient to provide fire protection, where required.

24.1.66 Temporary Structures and Uses

The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 calendar days. The Building Official is authorized to grant extensions for demonstrated cause.

24.1.67 Conformance

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the adopted Codes as necessary to ensure public health, safety and general welfare.

24.1.68 Temporary Power

The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of occupancy has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the Electrical Code.

24.1.69 Termination of Permit Approval

The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

24.1.70 Payment of Fees

A permit shall not be valid until the fees prescribed by law have been paid to Mills County, Iowa, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

a. Schedule of Permit Fees

On building, electrical, mechanical, plumbing, and other related applications, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees prior to the permit being issued. These fees shall be set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors.

b. Building Permit Fees

There shall be building permit fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. There shall be a permit issuance fee for applications. There shall be a supplemental permit issuance fee that may be used only when additional work is needed on the project.

c. Plumbing Permit Fees

There shall be plumbing permit fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. There shall be a permit issuance fee for applications. There shall be a supplemental permit issuance fee that may be used only when additional work is needed on the project.

d. Mechanical Permit Fees

There shall be mechanical permit fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. There shall be a permit issuance fee for applications. There shall be a supplemental permit issuance fee that may be used only when additional work is needed on the project.

e. Electrical Permit Fees

There shall be electrical permit fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. There shall be a permit issuance fee for applications. There shall be a supplemental permit issuance fee that may be used only when additional work is needed on the project.

24.1.71 Building Permit Valuations

The applicant for a permit shall provide an estimated construction value. Construction valuations shall include total value of work including materials and labor for which the permit is being issued such as electrical, gas, mechanical, plumbing equipment and permanent systems. The determination of value or valuation for new construction per square foot under any of the provisions of the adopted Codes shall be as currently published in the International Code Council "Building Safety" Journal. For residential one and two-family, the square foot construction cost shall be seventy-six percent (76%) of the table valuation at the time of adoption of this Ordinance. If, in the opinion of the Building Official, the valuation is underestimated on the application for remodeling and/or renovation, the Building Official shall require the applicant to show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

24.1.72 Investigative Fees

Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing or utility system before obtaining the necessary permits shall be subject to an investigative fee established in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said fee shall be in addition to the required permit fees. A person also may be subject to a county infraction punishable by a civil penalty as provided in Chapter 5 – Violations and Penalties of the Mills County Code of Ordinances.

24.1.73 Related Fees

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

24.1.74 Refunds

The Building Official may authorize refunding of any fee paid which was erroneously paid or collected. The Building Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with the adopted Codes. The Building Official shall not authorize refunding of any fee paid except on written application filed by the person who paid for the permit not later than 180 calendar days after the date of the fee payment.

24.1.75 Plan Review Fee

When plan review is required a fee of sixty-five percent (65%) of the permit fee will be required based on the commercial and industrial permits fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. Twenty-five percent (25%) of the permit fee will be required based on the Schedule of Fees adopted by resolution by the Board of Supervisors for all other permits. A standard plan review deposit fee will be required to be paid at the time of submittal of the permit application and shall be based on the applicants estimated construction valuation required to be listed on the permit application.

When additional plan review is required because of a permit holder's requested changes, additions, or revisions to approved plans, there shall be a plan review fee paid in the amount set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors.

24.1.76 Inspections

Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the adopted Codes or of other Ordinances of Mills County, Iowa. Inspections presuming to give authority to violate or cancel the provisions of the adopted Codes or of other Ordinances of Mills County, Iowa shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor Mills County, Iowa shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

If the project requires or the contractor requests inspections outside of the normal working hours, there will be an additional fee assessed as outlined in the Schedule of Fees adopted by resolution by the Board of Supervisors with a minimum charge of two (2) hours.

If the project requires a field inspection and there is no permit fee specifically indicated for the inspection, then there will be an inspection fee as outlined in the Schedule of

Fees adopted by resolution by the Board of Supervisors with a minimum charge of one (1) hour.

24.1.77 Preliminary Inspection

Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

24.1.78 Required Inspection

The Building Official, upon notification, shall make the inspections set forth in the following sections:

a. Footing and Foundation Inspection

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with American Standards Testing Materials (ASTM) Section C 94, the concrete need not be on the job.

b. Concrete Slab and Under-Floor Inspection

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub-floor.

c. Lowest Floor Elevation

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required by the Federal Emergency Management Agency shall be submitted to the Building Official.

d. Frame Inspections

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

e. Fire-Resistant Penetrations

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

f. Other Inspections

In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the adopted Codes and other laws that are enforced by the department of building safety.

g. Special Inspections

For special inspections, see Chapter 17 of the International Building Code.

h. Re-Inspections

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This provision is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the approved plans are not readily available to the Building Official, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official. To obtain a re-inspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the re-inspection fee in accordance with the Schedule of Fees adopted by resolution by the Board of Supervisors. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

i. Final Inspection

The final inspection shall be made after all work required by the building permit is completed.

24.1.79 Inspection Agencies

The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

24.1.80 Inspection Requests

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Division in reasonable advance notice of when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by the adopted Codes.

24.1.81 Approval Required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his/her agent wherein the same fails to comply with the adopted Codes. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

24.1.82 Inspection Stickers

It shall be unlawful to move or remove an inspection sticker/tag from one property/piece of equipment to another property/piece of equipment for the purpose of showing inspection approval falsely.

24.1.83 Use and Occupancy

No new building or structure or portion thereof shall be used or occupied until the Building Official has issued a Certificate of Occupancy for the use therefore as provided herein.

No existing building or structure or portion thereof shall have a change in the occupancy classification use until the building or structure or portion thereof complies with the provisions for the new classification use as provided for in the Building Code.

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of the adopted Codes or of other Ordinances of Mills County, Iowa.

24.1.84 Certificate Issued

After the Building Official inspects the building or structure and observes no violations of the provisions of the adopted Codes or other laws that are enforced by the Office of Building and Safety Department, the Building Official shall issue a Certificate of Occupancy that contains the following:

- a. The Building Permit number.

- b. The address of the structure.
- c. The name and address of the owner.
- d. A description of that portion of the structure for which the certificate is issued.
- e. A statement that the described portion of the structure has been inspected for compliance with the requirements of the adopted Codes for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- f. The name of the Building Official.
- g. The edition of the adopted Codes under which the permit was issued.
- h. The use and occupancy.
- i. The type of construction.
- j. The design occupant load.
- k. If an automatic sprinkler system is provided, whether the sprinkler system is required.
- l. Any special stipulations and conditions of the building permit.

24.1.85 Temporary Occupancy

The Building Official is authorized to issue a temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary Certificate of Occupancy is valid.

24.1.86 Revocation

The Building Official is authorized to, in writing, suspend or revoke a Certificate of Occupancy or completion issued under the provisions of the adopted Codes wherever the Certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of the adopted Codes.

24.1.87 Certificate Fee

If the need arises, the fee for inspection and a Certificate of Occupancy for a change in Group Occupancy/Use (if not a part of a current active building permit) shall be as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors.

24.1.88 Connection of Service Utilities

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the adopted Codes for which a permit is required, until released by the Building Official.

24.1.89 Temporary Connection

The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

24.1.90 Authority to Disconnect Service Utilities

The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the adopted Codes and other referenced codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

24.1.91 Appeal Board

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official or designee relative to the application and interpretation of the adopted Codes, there shall be and is hereby created the Appeal Board.

The Building Official or designee shall be an ex-officio member of and shall act as Secretary to said Appeal Board but shall have no vote on any matter before the Appeal Board. The Board Secretary shall record the names and addresses of all persons examined and licensed by the Board, the results of the exam and the kinds of licenses issued to each applicant, if any, and the date of issuance.

The Appeal Board shall act in an advisory capacity to the Mills County Supervisors in regard to the adopted Codes, construction, development requirements and related matters of interest to Mills County, Iowa. The Building Official or his designee shall provide such assistance as requested by the Appeal Board.

24.1.92 Appeal Board Application

An a written notice of appeal shall be based on a claim that the true intent of the adopted Codes or the rules legally adopted there under have been incorrectly interpreted, the provisions of the adopted Codes do not fully apply or an equally good or better form of construction is proposed by the appellant.

24.1.93 Appeal Board Procedures

The Appeal Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. The Appeal Board shall meet at such times as the Board deems as necessary. The members of the Appeal Board shall each vote on a Chair and a Vice-Chair of the Board to be appointed for a term not to exceed two (2) years. For all business purposes, a quorum is required and is defined as any three (3) Appeal Board Members.

24.1.94 Appeal Board Authority

The Appeal Board shall have no authority relative to interpretation of the administrative provision of the adopted Codes. The Appeal Board shall have no authority to waive requirements of the adopted Codes.

24.1.95 Appeal Board Membership

The Appeal Board shall consist of members to be appointed by the Mills County Supervisors. The members of the Appeal Board shall be chosen from the residents of the State of Iowa at large with reference to their fitness for such office. The Appeal Board shall consist of members who are qualified by experience and training to pass on matters pertaining to construction and who are not employees of Mills County, Iowa. The Appeals Board shall consist of seven voting members as citizens at large; as follows:

- a. One member being registered with the State of Iowa as a General Contactor;
- b. One member being licensed with the State of Iowa as a Plumbing Contactor;
- c. One member being licensed with the State of Iowa as a Mechanical Contactor;
- d. One member being licensed with the State of Iowa as a Electrical Contractor;
- e. One member being licensed with the State of Iowa as a Professional Engineer;
- f. One member being licensed with the State of Iowa as a Registered Architect; and
- g. One member having ownership, operation, or involvement in the building, construction or development business within the State shall also qualify to serve as a citizen at large member on the Appeal Board.

24.1.96 Appeal Board Compensation

The Appeal Board shall serve without pay.

24.1.97 Appeal Board Term of Service

The term of service for the members of the Appeal Board shall be rotating with one (1) member's term expiring each year. The members of the Appeal Board shall serve until appointment of their successors.

24.1.98 Appeal Board Removal and Vacancies

Members may be removed for cause by the Mills County Supervisors. Vacancies shall be filled for an unexpired term in the same manner as appointments. A vacancy occurs when a member resigns, dies, moves from Mills County, Iowa, or has unexcused (as determined by the Appeal Board) absences from three (3) or more of the Appeal Board meetings within any twelve (12) month period.

24.1.99 Appeal Board Policies

- a. Any individual or group aggrieved by a decision of the Building Official may appeal that decision within thirty (30) days by filing a written notice and an administrative filing fee with the Building Official.
- b. Within ten (10) days after the appeal is filed, the Appeal Board shall schedule a hearing on the appeal. The hearing shall be held with thirty (30) days after the filing of the appeal, unless the parties agree otherwise.
- c. Hearings shall be conducted in an informal manner. Formal rules of evidence shall not apply. At the hearing, all parties shall have the opportunity to present evidence and cross-examine witnesses.
- d. The Appeal Board may establish additional written rules of procedure for the conduct of hearings and its business.
- e. The Appeal Board may continue the hearing to a specified time and date if the Appeal Board determines that additional evidence is necessary to decide the issue.
- f. At the conclusion of the hearing, or within ten (10) days after the hearing, the Appeal Board shall make written findings and either sustain, modify, or reverse the order of the Building Official. The written findings and decision shall be mailed to the appellant at the appellant's last known address. The Board Secretary shall maintain the written findings and decision as a public record.

24.1.100 Appeals Boards Administrative Fee

There shall be an administrative fee for filing an appeal with the Appeal Board as found in the Schedule of Fees adopted by resolution by the Board of Supervisors.

24.1.101 Unlawful Acts

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the adopted Codes, or cause same to be done, in conflict with or in violation of any of the provisions of the adopted Codes.

24.1.102 Notice of Violation

The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the adopted Codes, or in violation of a permit or certificate issued under the provisions of the adopted Codes. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

24.1.103 Prosecution of Violation

If the notice of violation is not complied with promptly, the Building Official is authorized to request the Mills County Attorney institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the adopted Codes or of the order or direction made pursuant thereto.

24.1.104 Violation Penalties

Any person who violates any provision of this Chapter shall be deemed guilty of committing a county infraction punishable by a civil penalty as provided in Chapter 5 – Violations and Penalties of the Mills County Code of Ordinances.

24.1.105 Stop Work Order Authority

Whenever the Building Official or designee finds any work regulated by the adopted Codes being performed in a manner either contrary to the provisions of the adopted Codes or dangerous or unsafe, the Building Official or designee is authorized to issue a stop work order.

24.1.106 Issuance of a Stop Work Order

The stop work order shall be in writing and shall be given to the owner of the property involved, 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.

24.1.107 Unlawful Continuance

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to county infraction punishable by a civil penalty as provided in Chapter 5 – Violations and Penalties of the Mills County Code of Ordinances.

24.1.108 Unsafe Structures and Equipment Conditions

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this Section. A vacant structure that is not secured against entry shall be deemed unsafe.

24.1.109 Record of Unsafe Conditions

The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

24.1.110 Notice of Unsafe Conditions

If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this Section, the Building Official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within such period of time as specified therein, to either commence the required repairs or improvements, or demolition and removal, of the building or structure, or portions thereof; and all such work shall be completed within the period of time designated therein, unless otherwise stipulated by the Building Official. If necessary, such notice shall also require the building, structure, or portions thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.

24.1.111 Method of Service

Such notice shall be deemed properly served if a copy thereof is:

- a.** Delivered to the record owner by personal service;
- b.** Sent by United States certified or registered mail addressed to the record owner at the last known address with the return receipt requested;
 - (1)** The period of time allowed for compliance with said notice served by United States certified or registered mail shall commence as of the date of receipt of said notice, as evidenced by said return receipt.
 - (2)** If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- c.** In the event said record owner cannot be found, service may be accomplished by publication once each week, for three (3) consecutive weeks in a newspaper of general circulation within Mills County, Iowa. The period of time allowed for compliance with said notice shall commence as of the date of last publication of said notice; or
- d.** Delivered in any other manner as prescribed by local law.

Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

24.1.112 Restoration

The structure or equipment determined to be unsafe by the Building Official may be permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the adopted Codes.

24.1.113 Vacation

The Building Official shall, if necessary, also require the building, structure, or portions thereof, to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.

24.1.114 Public Nuisances

The Building Official may declare all such unsafe buildings, structures or appendages to be public nuisances which shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures.

As an alternative, the Building Official, or other employee or official of Mills County, Iowa, as designated by the Mills County Board of Supervisors, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

24.1.115 Climatic and Geographic Design Criteria

This table shall be amended by adding the following information:

- | | |
|--|--|
| a. Ground Snow Load: | 30 pounds per square foot |
| b. Wind Speed: | 90 mph for a 3 second gust with Exposure C |
| c. Seismic Design Category: | B |
| d. Weathering Probability for Concrete: | Severe |
| e. Frost Line Depth: | 42 inches below finished grade |
| f. Termites: | Moderate to Heavy |
| g. Decay: | Slight to Moderate |
| h. Winter Design Temperature: | -5 degrees |
| i. Flood Hazards: | Map revised date of February 4, 2005 |

SECTION 2 BUILDING CODE

24.2.1 Adoption By Reference

State of Iowa Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.3(103A) “General Provisions” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.2.2 Title

This Ordinance shall be known and may be cited and referred to as “Building Code of Mills County, Iowa”.

24.2.3 Purpose

The Building Code shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all commercial, industrial, and multi-family residences.

24.2.4 Administrative Provisions

The administrative provisions for the Building Code shall be as provided for in Section 24.1 of this Chapter.

24.2.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.2.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 3 RESIDENTIAL BUILDING CODE

24.3.1 Adoption by Reference

State of Iowa Residential Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.8 (103A) “Residential Construction Requirements” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.3.2 Title

This Ordinance shall be known and may be cited and referred to as “Residential Building Code of Mills County, Iowa”.

24.3.3 Purpose

This Residential Code shall regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with a separate means of egress and their accessory structures.

24.3.4 Administrative Provisions

The administrative provisions for the Residential Building Code shall be as provided for in Section 24.1 of this Chapter.

24.3.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.3.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 4 PLUMBING CODE

24.4.1 Adoption by Reference

State of Iowa Plumbing Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.6 (103A) “Plumbing Requirements” and in Iowa Administrative Code 641—25.1 (135) “Adoption” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.4.2 Title

This Ordinance shall be known and may be cited and referred to as “Plumbing Code of Mills County, Iowa”.

24.4.3 Purpose

This Plumbing Code shall regulate the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a gas, water, sanitary sewage, storm water system and all aspects of a medical gas system.

24.4.4 Administrative Provisions

The administrative provisions for the Plumbing Code shall be as provided for in Section 24.1 of this Chapter.

24.4.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.4.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 5 MECHANICAL CODE

24.5.1 Adoption by Reference

State of Iowa Mechanical Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.4 (103A) “Mechanical Requirements” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.5.2 Title

This Ordinance shall be known and may be cited and referred to as “Mechanical Code of Mills County, Iowa”.

24.5.3 Purpose

This Mechanical Code shall regulate the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, boilers, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

24.5.4 Administrative Provisions

The administrative provisions for the Mechanical Code shall be as provided for in Section 24.1 of this Chapter.

24.5.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.5.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 6 ELECTRICAL CODE

24.6.1 Adoption by Reference

State of Iowa Electrical Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.5 (103A) “Electrical Requirements” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.6.2 Title

This Ordinance shall be known and may be cited and referred to as “Electrical Code of Mills County, Iowa”.

24.6.3 Purpose

This Electrical Code shall regulate the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

24.6.4 Administrative Provisions

The administrative provisions for the Electrical Code shall be as provided for in Section 24.1 of this Chapter.

24.6.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.6.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 7 FUEL GAS CODE

24.7.1 Adoption by Reference

International Fuel Gas Code, 2006 edition, as adopted and amended, including Appendix Chapters:

- a. “A” - Sizing and capacities of gas piping (IFGS);
- b. “B” - Sizing of venting systems serving appliances equipped with draft hoods, Category I appliances and appliances listed for use and type B vents;
- c. “C” - Exit terminals of mechanical draft and direct vents venting systems;
- d. “D” - Recommended procedure for safety inspection of an existing appliance installation as approved and published by the International Code Council, including the recognized Chapter 8 “Referenced Standards”, all as modified or amended in the International Fuel Gas Code referenced herein;

is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter. A copy of said Fuel Gas Code is on file in the office of the Building Department of Mills County, Iowa.

24.7.2 Title

This Ordinance shall be known and may be cited and referred to as “Fuel Gas Code of Mills County, Iowa”.

24.7.3 Purpose

This Fuel Gas Code shall regulate and govern fuel gas systems as well as gas-fired appliances. Furthermore, the Fuel Gas Code shall regulate the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and related accessories. The Fuel Gas Code also shall provide for the issuance of permits and collection of fees.

24.7.4 Administrative Provisions

The administrative provisions for the Fuel Gas Code shall be as provided for in Section 24.1 of this Chapter.

24.7.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.7.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 8

ENERGY CONSERVATION CODE

24.8.1 Adoption by Reference

State of Iowa Energy Conservation Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661— Chapter 303, “State Building Code—Requirements For Energy Conservation in Construction” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.8.2 Title

This Ordinance shall be known and may be cited and referred to as “Energy Conservation Code of Mills County, Iowa”.

24.8.3 Purpose and Scope

This Energy Conservation Code shall apply to the design and construction of buildings which provide facilities or shelter intended primarily for human occupancy or use. All residential construction is covered, as is all nonresidential construction of public buildings or of any building with more than 100,000 cubic feet of enclosed space.

The Energy Conservation Code scope shall establish thermal and lighting efficiency standards for the design of new buildings and structures or portions thereof and additions to existing buildings which provide facilities or shelter intended primarily for human occupancy or use by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating, electrical distribution and illuminating systems and equipment for the efficient use of energy.

24.8.4 Administrative Provisions

The administrative provisions for the Energy Conservation Code shall be as provided for in Section 24.1 of this Chapter.

24.8.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.8.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 9 EXISTING BUILDING CODE

24.9.1 Adoption by Reference

State of Iowa Existing Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.7 (103A) “Existing Buildings” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.9.2 Title

This Ordinance shall be known and may be cited and referred to as “Existing Building Code of Mills County, Iowa”.

24.9.3 Purpose

This Existing Building Code shall regulate the repair, alteration, change of occupancy, addition, and relocation of existing buildings, structures, and facilities.

24.9.4 Administrative Provisions

The administrative provisions for the Existing Building Code shall be as provided for in Section 24.1 of this Chapter.

24.9.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.9.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 10 HISTORIC BUILDING CODE

24.10.1 Adoption by Reference

State of Iowa Historic Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—350.1 (103A) “Scope and Definition” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.10.2 Title

This Ordinance shall be known and may be cited and referred to as “Historic Building Code of Mills County, Iowa”.

24.10.3 Purpose

The Historic Building Code shall regulate the rehabilitation, preservation, restoration, and relocation of historic buildings.

24.10.4 Administrative Provisions

The administrative provisions for the Historic Building Code shall be as provided for in Section 24.1 of this Chapter.

24.10.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.10.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 11 PROPERTY MAINTENANCE CODE

24.11.1 Adoption by Reference

International Property Maintenance Code, 2006 edition, as approved and published by the International Code Council, including the recognized Chapter 8 “Referenced Standards” all as modified or amended therein, is adopted by reference with the additions, insertions, deletions, and changes stated in the following subsections of this Section, subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter. Said additions, insertions, deletions and changes are as follows:

a. Section 302.4 deleted--Weed.

This section is to be deleted in its entirety.

b. Section 302.8 deleted--Motor vehicles.

This section is to be deleted in its entirety.

c. Section 304.14 amended--Insect Screens.

(1) Section 304.14 shall be amended as follows:

During the period from April 1st to October 31st, every door, window and other outside opening required for ventilation of habitable room, food preparation area, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch (16 mesh per 22 mm) and every swinging door shall have a self-closing device in good working condition.

(2) Exceptions:

Screen doors shall not be required where other approved means, such as air curtains, air conditioning, or insect repellent fans, are employed.

d. Section 602.3 amended--Heat Supply.

(1) Section 602.3 shall be amended as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall

supply heat to maintain a temperature of not less than sixty-five degrees Fahrenheit (65°F) in all habitable rooms, bathrooms and toilet rooms.

(2) Exceptions #1:

When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required providing that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Mechanical Code as adopted in Section 24.5 of this Chapter.

(3) Exceptions #2:

In areas where the average monthly temperature is above thirty degrees Fahrenheit (30°F), every owner and operator shall maintain a minimum temperature of sixty-five degrees Fahrenheit (65°F).

e. Section 602.4 amended--Occupiable Work Spaces.

(1) Section 602.4 shall be amended as follows:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than sixty-five degrees Fahrenheit (65°F) during the period the spaces are occupied by people.

(2) Exceptions #1:

Processing, storage and operation areas that require cooling or special temperature conditions.

(3) Exceptions #2:

Areas in which persons are primarily engaged in vigorous physical activities.

A copy of said Fuel Gas Code is on file in the office of the Building Department of Mills County, Iowa.

24.11.2 Title

This Ordinance shall be known and may be cited and referred to as “Property Maintenance Code of Mills County, Iowa”.

24.11.3 Purpose

The Property Maintenance Code shall regulate and govern the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupancy and use as well as regulate the demolition of such existing structures in Mills County, Iowa. Furthermore, the Property Maintenance Code shall provide for the issuance of permits and collection of fees along with each and all of the regulations, provisions, penalties, conditions and terms of said Code.

24.11.4 Administrative Provisions

The administrative provisions for the Property Maintenance Code shall be as provided for in Section 24.1 of this Chapter.

24.11.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.11.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 12 DEMOLITION OF BUILDINGS AND STRUCTURES CODE

24.12.1 Title

This Ordinance shall be known and may be cited and referred to as “Demolition of Building and Structures Code of Mills County, Iowa”.

24.12.2 Purpose

The purpose of the Demolition of Building and Structures Code is to establish the minimum requirements to safeguard the public health, safety, general welfare of life and property from hazards attributed to the demolition environment. The provision of this Chapter shall regulate the demolition of every building or structure or any appurtenances connected or attached to such building or structure.

24.12.3 Administrative Provisions

The administrative provisions for the Demolition of Building and Structures Code shall be as provided for in Section 24.1 of this Chapter.

24.12.4 Permit Required

Any owner or authorized agent who intends to demolish any building or structure shall first make application to the Building Official and obtain the required demolition permit.

24.12.5 Time

The demolition permit is valid for six (6) months after issuance. The allowable time from commencement of the demolition to finishing filling and leveling the lot grade shall be accomplished within ten (10) calendar days, unless time is extended in writing by the Building Official.

24.12.6 Filling of Open Ground Cavities

Any open ground basement, or cellar, or similar cavities remaining after demolition of any building or structure or any portion thereof and removal of all debris from same shall be inspected first then filled to ground or grade level with clean fill. The requirement for removal of all of the footing/foundation may be waived in writing by the Building Official.

24.12.7 Fencing

The building or structure shall be entirely fenced, and surrounded, and protected by a strong and suitable barricade at least six feet (6’) in height, and in a sound and proper

condition that will maintain all rubbish and debris, from start to finish of the project for the health, safety, and protection of the public.

24.12.8 Utilities

All utilities shall be properly terminated at the property line. A required inspection shall be made of all utility terminations.

24.12.9 Rebuilding Upon Existing Condition

In the event a building or structure has been removed from the premises upon which same has been situated and there remains a foundation, basement, pit, depression, or excavation site of such removal and the construction of a new building or structure thereon is contemplated, the Building Division at the request of the owner thereof shall have the right, at the discretion of the Building Official to permit the owner to maintain the foundation, basement, pit, depression, or excavation for a period not to exceed one

(1) month from the date of such removal, provided same is maintained in safe and sanitary condition, is kept clean of all rubbish and debris, is surrounded and protected by a strong and suitable barricade at least six feet (6') in height, and in a sound and proper condition, and that the owner shall convene and agree, in writing, for their self and on behalf of his or her heir, executors, administrators, successors and assigns, to cause same to be properly filled at the conclusion of the one (1) month period in the event the construction of the building or structure has not been commenced by the end of the said period.

24.12.10 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.12.11 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 13

FACTORY BUILT STRUCTURES CODE

24.13.1 Title

This Ordinance shall be known and may be cited and referred to as “Factory Built Structures Code of Mills County, Iowa”.

24.13.2 Purpose

The purpose of the Factory Built Structures Code is to provide minimum regulations of factory-built structures to safeguard life, health, property, and public welfare.

24.13.3 Definitions

As used in this Chapter:

- a.** Factory-Built Structure: Any habitable structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. Factory-built structure includes the terms "mobile home", "manufactured home" and "modular home".
- b.** Home: A mobile home, a manufactured home or a modular home.
- c.** Manufactured Home: A factory-built structure built under authority of United States Code Section 5403, required by federal law to display a seal from the United States Department of Housing and Urban Development (H.U.D.), and constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, manufactured home park or land-leased community, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, manufactured home park or land-leased community, the home is to be assessed and taxed as real estate.
- d.** Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one (1) or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in the State of Iowa. A “mobile home” is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, manufactured home park or land-leased community, the home is to be assessed and taxed as real estate.

- e. **Modular Home:** A factory-built home on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. If a modular home is placed in a mobile home park, manufactured home park or land-leased community, the home is subject to the annual tax as required by Iowa Code Section 435.22, as amended. If a modular home is placed outside a mobile home park, manufactured home park or land-leased community, the home is shall be considered real property and is to be assessed and taxed as real estate.
- f. **Federally Mandated Standards:** United States Department of Housing and Urban Development regulations for factory-built structures that were manufactured on or after June 15, 1976.
- g. **Type I Factory-Built Structures:** A unit that was manufactured in accordance with federally mandated standards that desires to move from one lawful location within the State of Iowa to any new location or park lot for permanent or temporary set-down.
- h. **Type II Factory-Built Structures:** A unit that was manufactured in accordance with federally mandated standards that desires to move from one lawful location outside of the State of Iowa to any new location or park lot for permanent or temporary set-down.
- i. **Type III Factory-Built Structures:** A unit that was not manufactured in compliance with federally mandated standards that desires to move from one lawful location within the State of Iowa to any new location or park lot for permanent or temporary set-down.
- j. **Type IV Factory-Built Structures:** A unit that was not manufactured in compliance with federally mandated standards that desires to move from one lawful location outside the State of Iowa to any new location or park lot for permanent or temporary set-down.
- k. **Authorized Representative:** The Building Official, Development Director, Public Health Official or their respective designee. The term "authorized representative" shall also include any peace officer in his/her official capacity.

24.13.4 Administrative Provisions

The administrative provisions for the Factory Built Structures Code shall be as provided for in Section 24.1 of this Chapter.

24.13.5 Application Required

- a.** The owner or agent of Type I, II, or III factory-built structure that was manufactured in accordance with federally mandated standards may move a unit from one lawful location as required, for permanent or temporary set-down within the limits of Mills County, Iowa once an application is made and a sit-down permit is approved and acquired.
- b.** The owner or agent of Type IV structure that was not constructed to be in compliance with federally mandated standards and is currently located in a location/park lot outside of the State of Iowa shall be denied an application for a set-down permit and shall not move that unit to any new location/park for permanent or temporary set-down within the limits of Mills County, Iowa.

24.13.6 Permits Issued

The Building Official will issue a set-down permit only to Type I, II, and/or III factory-built structures. This set-down permit shall be valid for one (1) year from date of issuance to install, construct the footing and foundation system, and anchor the permitted unit and notify the Building Official for the required inspections. Also required are permits for plumbing, mechanical, and electrical work. Permits will also be required for any decks, stairs, guardrails, utility and/or right-of-way work.

24.13.7 Installation, Support and Anchorage

All factory-built structures installed within the limits of Mills County, Iowa shall be placed upon a support system and anchored complying with the manufacturer's design specifications in accordance with the State of Iowa Administrative Code 661—Chapter 16, “State Building Code—Factory-Built Structures”, as amended, and Iowa Code Section 335.30, as amended.

24.13.8 Plumbing

Factory-built structures shall have plumbing fixtures installed in accordance with the Plumbing Code as adopted in Section 24.4 of this Chapter. The connections to the water and sewer shall be tested by the owner or plumbing contractor and inspected for code compliance by a duly authorized representative of Mills County, Iowa before the unit is given authorized service. Any new plumbing work or alterations shall be in accordance with the Plumbing Code as adopted in Section 24.4 of this Chapter, and a plumbing permit will be required. The plumbing hookup work may be performed by a mobile home dealer or an employee or a mobile home dealer if within a mobile home park; otherwise, outside of a mobile home park, the plumbing work shall be performed by a plumbing contractor, or the plumbing work may be performed by the homeowner, if knowledgeable. The plumbing hookup permit fee shall be assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Ordinance.

24.13.9 Mechanical

Factory-built structures shall have mechanical equipment installed in accordance with the Mechanical Code as adopted in Section 24.5 of this Chapter. The gas lines shall be air tested by the owner, mobile home dealer or employee of a mobile dealer, or a plumbing contractor, and inspected for code compliance by a duly authorized representative of Mills County, Iowa before the unit is given authorized service by the gas company. No copper gas lines will be allowed or permitted. Any new mechanical work or alterations shall be in accordance with the Mechanical Code as adopted in Section 24.5 of this Chapter, and a mechanical permit will be required. The mechanical hookup work may be performed by a mobile home dealer or employee of a mobile dealer if within a mobile home park; otherwise, outside of a mobile home park, the mechanical work shall be performed by a mechanical contractor, or the mechanical work may be performed by the homeowner, if knowledgeable. The mechanical hookup permit fee shall be assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Ordinance.

24.13.10 Electrical

Factory-built structure's electrical service installation to the service pedestal shall be inspected for compliance with the adopted edition of the National Electrical Code Article 550 by a duly authorized representative of Mills County, Iowa before energized by the power company. Any new electrical work or alterations shall be in accordance with the National Electrical Code Article 550 as adopted in Section 24.6 of this Chapter, and an electrical permit will be required. The electrical hookup work may be performed by a mobile home dealer or employee of a mobile dealer if within a mobile home park; otherwise, outside of a mobile home park, the electrical work shall be performed by an electrical contractor, or the electrical work may be performed by the homeowner, if knowledgeable. The electrical hookup permit fee shall be assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Ordinance.

24.13.11 Utility

Factory-built structures shall have water service and sanitary sewer service lateral installed in accordance with the Plumbing Code as adopted in Section 24.4 of this Chapter. The water and sanitary sewer shall be inspected for code compliance by a duly authorized representative of Mills County, Iowa before the unit is given authorization for water or sanitary sewer service by the utility provider. Any new utility work or alterations shall be in accordance with the Plumbing Code as adopted in Section 24.4 of this Chapter, and a utility permit will be required. The utility hookup work may be performed by a mobile home dealer or an employee of a mobile home dealer if within a mobile home park; otherwise, outside of a mobile home park, the plumbing work shall be performed by a plumbing contractor, or the utility work

may be performed by the homeowner, if knowledgeable. The utility hookup permit fee permit fee shall be assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Ordinance.

24.13.12 Noncompliance

If a factory-built structure that does not have a valid set-down permit is moved to any location or lot within the Mills County limits for permanent or temporary set-down upon private property, then the owner and/or mover shall be subject to a violation as per Section 24.13.17 of the Mills County Code of Ordinances and that non-conforming unit shall conform with the Mills County Code of Ordinances and/or be moved out of the limits of Mills County, Iowa, within five (5) calendar days after issuance of a notice and order and/or the first county infraction.

24.13.13 Additions

All door enclosure additions to factory-built structures shall be comparable or similar exterior construction, the plans of which shall be subject to the approval of the Building Official, or his/her designee, prior to such construction, and shall not exceed thirty-six square feet (36 sq. ft.) of floor area. Said enclosure shall not be attached to the main factory-built structure, but shall be abutted thereto. Any other attached accessories such as awnings, carports and patio covers, shall be standard accessory items, manufactured by a recognized factory-built structure manufacturer and shall comply with all other applicable provisions of this adopted Code.

24.13.14 Unsafe and Deemed Nuisance

Any factory-built structure deemed by a duly authorized representative of this County to be lacking in maintenance, dilapidated, damaged by storm, fire or otherwise, or in such a condition as to constitute a hazard to the health, safety or welfare of the inhabitants thereof or the surrounding neighbors shall constitute a nuisance.

24.13.15 Enforcement and Penalties

Any factory-built structure in violation of the provisions of this Chapter shall be deemed a nuisance. Any person violating the provisions of this Section shall be deemed to be keeping, allowing or maintaining a nuisance in violation of Mills County Code of Ordinances. The provisions as set forth by the Mills County Code of Ordinances regarding penalties, additional relief, abatement, emergency and liability shall apply to violations of the provisions of this Section.

24.13.16 Appeals

In order to determine the suitability of alternate materials and types of installations and to provide for reasonable interpretations of the provisions of this Section, the

Building Official shall render decisions upon these pertinent matters. The Board of Appeals shall hear matters from those persons who disagree with the Building Official's interpretations of this Chapter. The Board of Appeals shall not be able to grant exceptions for set-down to those structures that are not Type I, II, or III factory-built structures. The Building Official shall act as Secretary to the Board, shall receive any appeals of this Chapter, and shall forward appeals on to the Board.

24.13.17 Fee Schedule

When a factory-built structure is set-down, there shall be a permit fee assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Section. The fees shall be doubled if a factory-built structure or unit is moved, or relocated and set-down without a permit.

24.13.18 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.