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CHAPTER 10.01
BUILDING AND CONSTRUCTION ADMINISTRATIVE PROVISIONS

- 10.01.001 **TITLE:** The provisions contained in this chapter shall be known as the “*Building & Construction Administrative Provisions*” for the Building Division of the Planning and Development Department of the County of Pottawattamie, Iowa.
- 10.01.002 **STATUTORY AUTHORIZATION:** The Legislature of the State of Iowa has in Chapter 331, Code of Iowa, as amended, delegated the power to counties to adopt, administer and enforce the state building code shall be exercised in accordance with Chapter 103A. The power to adopt by ordinance, administer, and enforce a county building code, is subject to the following restrictions:
- .01 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 section 414.23, to the extent that the city has adopted a building code within the two-mile limit.
 - .02 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, as defined and specified in the Pottawattamie County, Iowa, Zoning Ordinance.
- 10.01.003 **JURISDICTION:** The provisions of this Ordinance shall apply to all of the unincorporated territory of Pottawattamie County, Iowa.
- 10.01.004 **CREATION OF ENFORCEMENT AGENCY:** There is hereby created in Pottawattamie County, the Building Division, which shall be under the jurisdiction of the Office of Planning and Development, with administrative authority as delegated by the Development Director through the Building Official.
- 10.01.005 **APPOINTMENT:** The Development Director is hereby appointed as the Building Official. (Ordinance#2015-02/08-14-15)

10.01.006 DEPUTIES: In accordance with the prescribed procedures of the County, the Building Official shall have the authority to appoint a deputy Building Official, 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. (Ordinance#2015-02/08-14-15)

10.01.007 SCOPE AND INTENT: The purpose of the Building Division 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 Division 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 from fire and other emergency responders during emergency operations.

10.01.008 DUTIES AND POWERS OF THE BUILDING OFFICIAL: The Building Official is hereby authorized and directed to enforce the provisions of the Codes adopted under Title 10. 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.

10.01.009 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.

10.01.010 NOTICES AND ORDERS: The Building Official shall issue all necessary notices or orders to ensure compliance with the adopted Codes.

10.01.020 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.

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

10.01.040 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.

- 10.01.050 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 years as retention of public records.
- 10.01.060 LIABILITY: The Building Official, members of the Appeal Board, or Building Division employees charged with the enforcement of the adopted Codes, while acting for the County 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 the County 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.
- 10.01.070 APPROVED MATERIALS AND EQUIPMENT: Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.
- 10.01.080 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.
- 10.01.090 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.
- 10.01.100 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.

- 10.01.110 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.
- 10.01.120 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 Pottawattamie 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.
- 10.01.130 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.
- 10.01.140 CODES: The Building Division 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.
- .01 BUILDING CODE: The provisions of the Building Code as found in Chapter 10.02 of the County 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.
 - .02 RESIDENTIAL BUILDING CODE: The provisions of the Residential Building Code as found in Chapter 10.03 of the County 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 stories in height with a separate means of egress and their accessory structures.
 - .03 PLUMBING CODE: The provisions of the Plumbing Code as found in Chapter 10.04 of the County 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. The provisions of Chapter 5.50, Onsite Wastewater Treatment and Disposal Systems Code shall apply to private

sewage disposal systems. The provisions of Chapter 5.60, Private Water Wells Code shall apply to all private water wells.

- .04 MECHANICAL CODE: The provisions of the Mechanical Code as found in Chapter 10.05 of the County 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.
 - .05 ELECTRICAL CODE: The provisions of the Electrical Code as found in Chapter 10.06 of the County Code shall regulate the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
 - .06 FUEL GAS CODE: The provisions of the Fuel Gas Code as found in Chapter 10.07 of the County Code shall regulate the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and related accessories.
 - .07 ENERGY CONSERVATION CODE: The provisions of the Energy Conservation Code as found in Chapter 10.08 of the County Code shall regulate all matters governing the design and construction of buildings for energy efficiency.
 - .08 EXISTING BUILDING CODE: The provisions of the Existing Building Code as found in Chapter 10.09 of the County Code shall regulate the repair, alteration, change of occupancy, addition and relocation of existing buildings.
 - .09 HISTORIC BUILDING CODE: The provisions of the Historic Building Code as found in Chapter 10.10 of the County Code shall regulate the rehabilitation, preservation, restoration, and relocation of historic buildings.
 - .10 PROPERTY MAINTENANCE CODE: The provisions of the Property Maintenance Code as found in Chapter 10.11 of the County Code 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.
 - .11 DEMOLITION OF BUILDINGS & STRUCTURES: The provisions of the Demolition of Building & Structures as found in Chapter 10.13 of the County Code 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.
 - .12 FACTORY BUILT STRUCTURES. The provisions of the Factory Built Structures as found in Chapter 10.14 of the County Code shall provide minimum regulations of factory-built structures to safeguard life, health, property, and public welfare.
- 10.01.150 OTHER LAWS: The provisions of the local codes as adopted by the County of Pottawattamie shall not be deemed to nullify any provisions of the state or federal law.

- 10.01.160 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.
- 10.01.170 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.
- 10.01.180 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.
- 10.01.190 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 is 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 calendar years, then the legal occupancy of the structure's Occupancy shall become "Utility".
- 10.01.200 APPLICATION FOR PERMIT: To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Division for that purpose. Such application shall:
- .01 Identify and describe the work to be covered by the permit for which application is made.
 - .02 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.
 - .03 Indicate the use and occupancy for which the proposed work is intended.
 - .04 Be accompanied by construction documents and other information as the Building Official may require.
 - .05 State the valuation of the proposed work.
 - .06 Be signed by the applicant, or the applicant's authorized agent.
 - .07 Give such other data and information as required by the Building Official.
- 10.01.210 ACTION ON APPLICATION: The Building Official or designee shall examine or cause to be examined 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.

10.01.220 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 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

10.01.230 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 building 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.

10.01.240 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 the County. Permits shall not be required for the following:

.01 BUILDING:

- A. 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 200 square feet (18.58 m²). (Ordinance #2010-02/July 2, 2010)
- B. Fences, except those required as swimming pool barriers.
- C. Oil derricks.
- D. Retaining walls that are not over 4 feet (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.
- E. 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.
- F. Sidewalks, driveways, and patios. (Ordinance#2015-02/08-14-15)
- G. Decks not exceeding 200sqft in area, that are not more than 30 inches (762 mm) above adjacent grade at any point, are not attached to a dwelling and do not serve the exit door required by International Residential Building Code currently adopted, and not over any basement or story below and are not part of an accessible route; provided however that zoning permits shall be required. (Ordinance#2015-02/08-14-15)
- H. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

- I. Temporary motion picture, television and theater stage sets and scenery (for no more than fifteen calendar days)
 - J. Prefabricated swimming pools accessory to one and two-single family dwellings that are less than 24 inches (610mm) deep or do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
 - K. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 - L. Swings and other playground equipment.
 - M. Awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
 - N. Non-fixed and movable fixtures, cases, racks and counters
 - O. Partitions that are not higher than 5 feet 9 inches.
 - P. Residing, door and window replacement on existing structures. (Ordinance#2015-02/08-14-15)
- .02 ELECTRICAL:
- A. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - B. 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.
 - C. 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.
- .03 GAS:
- A. Portable heating appliance.
 - B. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- .04 MECHANICAL:
- A. Portable heating appliance.
 - B. Portable ventilation equipment.
 - C. Portable cooling unit.
 - D. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the adopted Codes.
 - E. Replacement of any part that does not alter its approval or make it unsafe.
 - F. Portable evaporative cooler.
 - G. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
- .05 PLUMBING:
- A. 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.

B. 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.

10.01.250 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.

10.01.260 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.

10.01.270 PUBLIC SERVICE AGENCIES: A permit shall not be required for the 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.

10.01.280 HOMEOWNERS, PERMIT REQUIRED:

.01 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 the Codes of the County of Pottawattamie.

.02 In consideration of the County of Pottawattamie granting said permit to the homeowner, the homeowner agrees to release, hold harmless, indemnify, and defend the County of Pottawattamie, 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 the County 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.

10.01.290 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/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.

10.01.300 Reserved

10.01.310 PERMIT ISSUED TO: 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.

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.

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.

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.

10.01.320 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 the County. Permits presuming to give authority to violate or cancel the provisions of the adopted Codes or other ordinances of the County 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 the County.

10.01.330 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 180 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 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

10.01.340 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.

10.01.350 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.

10.01.360 SUBMITTAL DOCUMENTS: Plans, engineering calculations, diagrams and other data shall be submitted in 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 State of Iowa Administrative Code and the Pottawattamie County, Iowa, Code.

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 \$9,000.00 valuation) and does not impact the life-safety functions of the building.

- 10.01.370 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.
- 10.01.380 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.
- 10.01.390 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 other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
- 10.01.400 EXTERIOR WALL ENVELOPE: Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the adopted Codes. The construction documents shall provide details of the exterior wall 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 wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

- 10.01.410 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.
- 10.01.420 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.

10.01.430 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 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.

10.01.440 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.

10.01.450 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.

10.01.460 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.

10.01.470 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.

10.01.480 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.

10.01.490 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.

10.01.500 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. At this meeting the Owner, Developer, Engineer, or Architect shall:

- .01 Outline the overall scope of the work to be performed;
- .02 Declare the intent to process the project by the "Partial Permit" procedure; and
- .03 Provide a written schedule of:
 - A. Construction milestone dates; and
 - B. Plan element submittal dates.

At this meeting, the County shall identify the following requirements:

- .01 Procedures for plan change submittals;
- .02 Inspection procedures by County staff;
- .03 Inspection and testing procedures by the Quality Assurance Agency;
- .04 Limits placed on the project by using the "Partial Permit" process; and
- .05 Fees and fee schedules.

NO ACTUAL CONSTRUCTION MAY BEGIN AT THIS POINT IN TIME.

10.01.510 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:

- .01 PHASED PLANS, CALCULATIONS AND OTHER SUPPORTIVE DATA:
 - A. 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;
 - B. Soils report;
 - C. The front sheet of the Architectural plans shall provide the basic design information about the total project. This information should include:
 - Type of construction
 - Occupancy classification
 - Occupant loads
 - Area of structures
 - Number of stories and height
 - Number of rooms
 - Sprinklered or Non-Sprinklered
 - Reference codes under which it is designed

- Land use zone
- D. Typical floor plan of each floor showing all uses;
- E. Master exit plan must be provided for the completed project;
- F. Complete structural calculations for the entire project;
- G. Complete structural plans for the full major component requested for permit;
- H. High Rise Life Safety Package shall be submitted; and
- I. Complete plumbing, mechanical and electrical plans for the work that must be constructed within the foundation or structural proposal.

.02 **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 50% of 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 Division 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.

A. 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" 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.

C. Building Permits

- a. 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:
 - Towers: This must be issued in total. Only one structural permit will be issued for a high-rise tower.
 - 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 the County.
- b. 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.

.03 PHASED ASSISTANCE: The County 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.

10.01.520 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.

10.01.530 STRUCTURAL OBSERVATIONS: Where structural observation is required by the code, 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.

10.01.540 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.

- 10.01.550 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.
- 10.01.560 Reserved
- 10.01.570 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.
- 10.01.580 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.
- 10.01.590 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.
- 10.01.600 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*.
- 10.01.610 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.
- 10.01.620 PAYMENT OF FEES: A permit shall not be valid until the fees prescribed by law have been paid to the County, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
- .01 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 as described in the Schedule of Fees.
- .02 BUILDING PERMIT FEES: There shall be permit fees as found in the Schedule of Fees for the building code as found in County Code Chapter 10.02 and Chapter 10.03. 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.

- .03 PLUMBING PERMIT FEES: There shall be permit fees as found in the Schedule of Fees for the plumbing code as found in County Code Chapter 10.04. 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.
- .04 MECHANICAL PERMIT FEES: There shall be permit fees as found in the Schedule of Fees for the mechanical code as found in County Code Chapter 10.05. 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.
- .05 ELECTRICAL PERMIT FEES: There shall be permit fees as found in the Schedule of Fees for the electrical code as found in County Code Chapter 10.06. 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.

10.01.630 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 set and amended by resolution of the Board of Supervisors. If, in the opinion of the Building Official, the valuation is underestimated on the application for remodeling, the Building Official shall require the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

10.01.640 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 that shall be in addition to the required permit fees and/or subject to a Citation of County Infraction.

10.01.650 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.

10.01.660 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 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with the Code. 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.

10.01.670 PLAN REVIEW FEE: When plan review is required a fee of 65% of the permit fee will be required based on the adopted fee schedule for commercial and industrials permits and 25% of the permit fee will be required based on the adopted fee schedule 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 current schedule of fees as adopted by the County Board of Supervisors.

10.01.680 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 the County. Inspections presuming to give authority to violate or cancel the provisions of the adopted Codes or of other ordinances of the County 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 the County 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 with a minimum charge of two 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 with a minimum charge of one hour.

10.01.690 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.

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

.01 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 ASTM C 94, the concrete need not be on the job.

.02 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.

.03 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.

- .04 **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.
 - .05 **FIRE-RESISTANT PENETRATIONS.** Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
 - .06 **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.
 - .07 **SPECIAL INSPECTIONS.** For special inspections, see Chapter 17 of the International Building Code.
 - .08 **REINSPECTIONS.** A reinspection fee may be assessed for each inspection or reinspection 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 reinspection 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 reinspection. Reinspection 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 reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with the Schedule of Fees. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
 - .09 **FINAL INSPECTION.** The final inspection shall be made after all work required by the building permit is completed.
- 10.01.710 **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.
- 10.01.720 **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.
- 10.01.730 **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 or 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.

10.01.740 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.

10.01.750 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 code 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 the County.

10.01.760 CERTIFICATE ISSUED: After the Building Official inspects the building or structure and finds no violations of the provisions of the adopted Codes or other laws that are enforced by the Office of Planning and Development, the Building Official shall issue a certificate of occupancy that contains the following:

- .01 The building permit number.
- .02 The address of the structure.
- .03 The name and address of the owner.
- .04 A description of that portion of the structure for which the certificate is issued.
- .05 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.
- .06 The name of the Building Official.
- .07 The edition of the code under which the permit was issued.
- .08 The use and occupancy.
- .09 The type of construction.
- .10 The design occupant load.
- .11 If an automatic sprinkler system is provided, whether the sprinkler system is required.
- .12 Any special stipulations and conditions of the building permit.

10.01.770 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.

10.01.780 REVOCAION: 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.

- 10.01.790 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 current schedule of fees adopted by the county.
- 10.01.800 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.
- 10.01.810 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.
- 10.01.820 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 the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 10.01.800 or Section 10.01.810. 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.
- 10.01.830 APPEAL BOARD: The Boards of Appeals shall be referred to as the Appeal Board. (Ordinance #2014-02, October 10, 2014)

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 Appeal Board shall be appointed by the County Board of Supervisors.

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 Appeal Board consisting of members who are qualified by experience and training to pass on matters pertaining to construction and who are not employees of the County.

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. (Ordinance #2014-02, October 10, 2014)

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

- 10.01.840 APPEAL BOARD APPLICATION: An application for 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.

- 10.01.850 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 years. For all business purposes, a quorum is required and is defined as any three (3) Appeal Board members.
- 10.01.860 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.
- 10.01.870 APPEAL BOARD MEMBERSHIP: The Appeal Board shall consist of five (5) members to be appointed by the County Supervisors. The members of the Appeal Board shall be chosen from the residents of the State of Iowa three (3) of which are general or home building contractors and two (2) members of the general public with a good understanding of building construction, with preference given to architects and engineers. The Appeal Board shall consist of members who are qualified by experience and training to pass on matters pertaining to construction. (Ordinance #2014-02, October 10, 2014)
- 10.01.880 APPEAL BOARD COMPENSATION. The Appeal Board shall serve without pay.
- 10.01.890 APPEAL BOARD TERM OF SERVICE. The term of service for the members of the Appeal Board shall be rotating with one member's term expiring each year and reappointments or replacements for those individuals serving a five (5) year term. The members of the Appeal Board shall serve until their successors are appointed. (Ordinance #2014-02, October 10, 2014)
- 10.01.900 APPEAL BOARD REMOVAL AND VACANCIES. Members may be removed for cause by the 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 for the county, or has unexcused (as determined by the Appeal Board) absences from three or more of the Appeal Board meetings within any twelve-month period.
- 10.01.910 APPEAL BOARD POLICIES.
- .01 Any individual or group aggrieved by a decision of the Building Official may appeal that decision within thirty days by filing a written notice and an administrative filing fee with the Building Official.
 - .02 Within ten days after the appeal is filed, the Appeal Board shall schedule a hearing on the appeal. The hearing shall be held with thirty days after the filing of the appeal, unless the parties agree otherwise.
 - .03 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.
 - .04 The Appeal Board may establish additional written rules of procedure for the conduct of hearings and their business.

- .05 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.
- .06 At the conclusion of the hearing, or within ten 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 secretary of the Appeal Board shall maintain the written findings and decision as a public record.

- 10.01.920 APPEALS BOARDS ADMINISTRATIVE FEE. There shall be an administrative fee for filing an appeal with the Appeal Board as found in Schedule of Fees.
- 10.01.930 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.
- 10.01.940 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.
- 10.01.950 PROSECUTION OF VIOLATION. If the notice of violation is not complied with promptly, the Building Official is authorized to request the County Attorney to 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.
- 10.01.960 VIOLATION PENALTIES. The penalty for violating the provisions of this Chapter shall be as set forth in Chapter 1.75.
- 10.01.970 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.
- 10.01.980 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.
- 10.01.990 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 penalties as prescribed by law.
- 10.01.1000 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.

10.01.1010 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.

10.01.1020 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. Proper service of said notice shall be by personal service or by United States certified mail, with a return receipt requested, on the record owner of the property particularly described therein, if a resident of the County. If not a resident of the County, service may be made on said owner by United States certified mail, with a return receipt requested; provided, however, that the period of time allowed for compliance with said notice shall commence as of the date of receipt of said notice, as evidenced by said return receipt. In the event said record owner cannot be found, service may be accomplished by publication once each week, for three consecutive weeks in a newspaper of general circulation within the County, in which event the period of time allowed for compliance with said notice shall commence as of the date of last publication of said notice.

10.01.1030 METHOD OF SERVICE. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. 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. 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.

10.01.1040 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 Codes.

10.01.1050 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.

10.01.1060 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 the County as designated by the County Board of Supervisors, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

10.01.1070 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

This table shall be amended by adding the following information:

.01	Ground Snow Load:	30 pounds per square foot
.02	Wind Speed:	90 mph for a 3 second gust with Exposure C
.03	Seismic Design Category:	B
.04	Weathering Probability for Concrete:	Severe
.05	Frost Line Depth:	42 inches below finished grade
.06	Termites:	Moderate to Heavy
.07	Decay:	Slight to Moderate
.08	Winter Design Temperature:	-5 degrees
.09	Flood Hazards:	Map revised date of February 4, 2005

CHAPTER 10.02
BUILDING CODE

- 10.02.010 ADOPTION BY REFERENCE: State of Iowa Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code in Chapters 301 Section 661-301.3(103A) is adopted by reference subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter.
- 10.02.020 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Building Code".
- 10.02.030 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.
- 10.02.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Building Code shall be as provided for in Chapter 10.01 of the County Code.
- 10.02.050 FEE SCHEDULE. The fee schedule as set forth in Chapter 1.50 of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.02.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.03
RESIDENTIAL BUILDING CODE

- 10.03.010 ADOPTION BY REFERENCE: State of Iowa Residential Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code in Chapter 301 Section 661-301.8(103A) is adopted by reference subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter.
- 10.03.020 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Residential Building Code".
- 10.03.030 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 stories in height with a separate means of egress and their accessory structures.
- 10.03.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Residential Building Code shall be as provided for in Chapter 10.01 of the County Code.
- 10.03.050 FEE SCHEDULE. The fee schedule as set forth in Chapter 1.50 of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.03.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

**CHAPTER 10.04
PLUMBING CODE**

- 10.04.010 ADOPTION BY REFERENCE: State of Iowa Plumbing Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code Title 661 Chapter 301 Section 661-301.6(103A) and in Title 641 Chapter 25 Section 641-25.1(135) is adopted by reference subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter.
- 10.04.020 TITLE: This Ordinance shall be known and may be cited and referred to as “Pottawattamie County, Iowa, Plumbing Code”.
- 10.04.030 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. The provisions of the Chapter 5.50, Onsite Wastewater Treatment and Disposal Systems Code shall apply to private sewage disposal systems.
- 10.04.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Plumbing Code shall be as provided for in [Chapter 10.01](#) of the County Code.
- 10.04.050 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.04.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.05
MECHANICAL CODE

- 10.05.010 ADOPTION BY REFERENCE: State of Iowa Mechanical Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code in Chapter 301 Section 661-301.4 (103A) is adopted by reference subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter.
- 10.05.020 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Mechanical Code".
- 10.05.030 PURPOSE: This Mechanical Code shall regulate to 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.
- 10.05.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Mechanical Code shall be as provided for in [Chapter 10.01](#) of the County Code.
- 10.05.050 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.05.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.06
ELECTRICAL CODE

- 10.06.010 ADOPTION BY REFERENCE: State of Iowa Electrical Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code in Chapter 301 Section 661-301.5(103A) is adopted by reference subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter.
- 10.06.020 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Electrical Code".
- 10.06.030 PURPOSE: This Electrical Code shall regulate the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
- 10.06.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Electrical Code shall be as provided for in [Chapter 10.01](#) of the County Code.
- 10.06.050 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.06.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.07
FUEL GAS CODE

- 10.07.010 ADOPTION BY REFERENCE: International Fuel Gas Code, 2012 edition, including Appendix Chapters
“A” - Sizing and capacities of gas piping (IFGS);
“B” - Sizing of venting systems serving appliances equipped with draft hoods, Category I appliances and appliances listed for use and type B vents;
“C” - Exit terminals of mechanical draft and direct vents venting systems;
“D” - Recommended procedure for safety inspection of an existing appliance installation as approved and published by the International Code Council, including the recognized code Referenced Standards contained in Chapter 8 all as modified or amended in the International Fuel Gas Code referenced herein;

be and the same are adopted as the Fuel Gas Code of Pottawattamie County, Iowa; for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and terms of said Fuel Gas Code on file in the office of the Planning and Development Department of Pottawattamie County, Iowa, are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the addition, insertions, deletions and changes, if any, prescribed in the following sections of this chapter. (Ordinance#2015-02/08-14-15)

- 10.07.020 TITLE: This Ordinance shall be known and may be cited and referred to as “Pottawattamie County, Iowa, Fuel Gas Code”.
- 10.07.030 PURPOSE: This Fuel Gas Code shall regulate the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and related accessories.
- 10.07.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Fuel Gas Code shall be as provided for in [Chapter 10.01](#) of the County Code.
- 10.07.050 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.07.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.08
ENERGY CONSERVATION CODE

- 10.08.010 ADOPTION BY REFERENCE: State of Iowa Energy Conservation Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code in Chapter 303 Section 661-303(103A) is adopted by reference subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter.
- 10.08.020 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Energy Conservation Code".
- 10.08.030 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.
- 10.08.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Energy Conservation Code shall be as provided for in [Chapter 10.01](#) of the County Code.
- 10.08.050 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.08.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.09
EXISTING BUILDING CODE

- 10.09.010 ADOPTION BY REFERENCE: State of Iowa Existing Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code in Chapter 301 Section 661-301.7(103A) is adopted by reference subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter.
- 10.09.020 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Existing Building Code".
- 10.09.030 PURPOSE: This Existing Building Code shall regulate the repair, alteration, change of occupancy, addition, and relocation of existing buildings, structures, and facilities.
- 10.09.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Existing Building Code shall be as provided for in [Chapter 10.01](#) of the County Code.
- 10.09.050 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.09.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.10
HISTORIC BUILDING CODE

- 10.10.010 ADOPTION BY REFERENCE: State of Iowa Historic Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code in Chapter 350 Section 661-350.1(103A) is adopted by reference subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter.
- 10.10.020 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Historic Building Code".
- 10.10.030 PURPOSE: The Historic Building Code shall regulate the rehabilitation, preservation, restoration, and relocation of historic buildings.
- 10.10.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Historic Building Code shall be as provided for in [Chapter 10.01](#) of the County Code.
- 10.10.050 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.10.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.11
PROPERTY MAINTENANCE CODE

10.11.010 ADOPTION BY REFERENCE: International Property Maintenance Code, 2012 edition, as approved and published by the International Code Council, including the recognized code Referenced Standards contained in Chapter 8 all as modified or amended therein; be and the same are adopted by reference as the Property Maintenance Code of Pottawattamie County, Iowa; and made part hereof, as if fully set out in this chapter, with the additions, insertions, deletions, and changes in the following sections of this chapter, subject to additions and amendments hereinafter set forth in this Chapter after the effective date of the ordinance codified in this Chapter. Said additions, insertions, deletions and changes are as follows:

.01 Section 302.4 amended--Weed.

All premises and exterior property shall be maintained free from noxious weeds or plant growth in excess of Pottawattamie County Jurisdictional Height of eighteen (18) inches. Noxious weeds shall be defined by Board of Supervisors annually in the noxious weed resolution.

The following will be exceptions to Section 302.4

- (1) Vegetable Garden. Purposefully planted vegetable gardens shall be permitted to exceed eighteen (18) inches in height if they are maintained free from weeds.
- (2) Flower Garden. Purposefully planted flower gardens shall be permitted to exceed eighteen (18) inches in height if they are maintained free from weeds.
- (3) Weeds and other growth shall be permitted to exceed eighteen (18) inches in height upon those properties which development has never occurred, which due to terrain and the natural growth of tree are not amenable to weed control by any practical means, and which are not located in such proximity to developed areas that uncontrolled weed growth thereon will not constitute a nuisance or hazard to developed areas.

This section shall not be construed so as to permit the growing of noxious weeds as defined annually by Pottawattamie County Board of Supervisors Resolution.

(Ordinance#2015-02/08-14-15)

.02 Section 302.8 deleted--Motor vehicles. This section is to be deleted in its entirety.

.03 Section 304.14 amended--Insect Screens. 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 16 mesh per inch (16 mesh per 22 mm) and every swinging door shall have a self-closing device in good working condition.

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

.04 Section 602.3 amended--Heat Supply. 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 65 degrees F. in all habitable rooms, bathrooms and toilet rooms.

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 [Chapter 10.05](#) of the County Code.

Exceptions #2: In areas where the average monthly temperature is above 30 degrees F. a minimum temperature of 65 degrees F. shall be maintained.

.05 Section 602.4 amended--Occupiable Work Spaces. 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 65 degrees F. during the period the spaces are occupied.

Exceptions #1: Processing, storage and operation areas that require cooling or special temperature conditions.

Exceptions #2: Areas in which persons are primarily engaged in vigorous physical activities.

10.11.020 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Property Maintenance Code".

10.11.030 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, and the demolition of such existing structures in Pottawattamie County; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of the Property Maintenance Code.

10.11.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Property Maintenance Code shall be as provided for in [Chapter 10.01](#) of the County Code.

10.11.050 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.

10.11.060 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.13
DEMOLITION OF BUILDINGS AND STRUCTURES CODE

- 10.13.010 TITLE: This Ordinance shall be known and may be cited and referred to as “Pottawattamie County, Iowa, Demolition of Building & Structures Code”.
- 10.13.020 PURPOSE: The purpose of the Demolition of Building & 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.
- 10.13.030 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Historic Building Code shall be as provided for in [Chapter 10.01](#) of the County Code.
- 10.13.040 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.
- 10.13.050 TIME. The demolition permit is valid for six 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.
- 10.13.060 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.
- 10.13.070 FENCING. The building or structure shall be entirely fenced, and surrounded, and protected by a strong and suitable barricade at least six (6) feet 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.
- 10.13.080 UTILITIES. All utilities shall be properly terminated at the property line. A required inspection shall be made of all utility terminations.
- 10.13.090 REBUILDING UPON EXISTING CONDITION. In the event a building or structure has been removed from the premises upon which same has been situated and the 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 (6) feet in height, and in a sound and proper condition, and that the owner shall consent 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.

10.13.100 FEE SCHEDULE. The fee schedule as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.

10.13.110 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.14
FACTORY BUILT STRUCTURES CODE

- 10.14.010 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Factory Built Structures Code".
- 10.14.020 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.
- 10.14.030 DEFINITIONS. As used in this chapter:
- .01 "Factory-built structure" means 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".
 - .02 "Home" means a mobile home, a manufactured home or a modular home.
 - .03 "Manufactured home" means a factory-built structure built under authority of U.S.C. Section 5403, required by federal law to display a seal from the U.S. Department of 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.
 - .04 "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its 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 or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle the State of Iowa. A mobile home 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.
 - .05 "Modular home" means a factory-built 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 Section 435.22 of the State of Iowa Code. 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.

- .06 "Federally mandated standards" means United States Department of Housing and Urban Development regulations for factory-built structures that were manufactured on or after June 15, 1976.
- .07 "Type I factory-built structures" is 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.
- .08 "Type II factory-built structures" is 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.
- .09 "Type III factory-built structures" is 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.
- .10 "Type IV factory-built structures" is 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.
- .11 "Authorized representative" means 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.

10.14.040 ADMINISTRATIVE PROVISIONS. The administrative provisions for the Factory Built Structures Code shall be as provided for in [Chapter 10.01](#) of the County Code.

10.14.050 APPLICATION REQUIRED.

- .01 The owner or agent of Type I, II, or III of 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 County limits once an application is made and a sit-down permit is approved and acquired.
- .02 The owner or agent of Type IV structure that was not constructed to be in compliance with federally mandated standards and is currently located/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 County limits.

- 10.14.060 PERMITS ISSUED. The Building Division will issue a set-down permit only to Type I, II, and /or III factory-built structures that comply with [Section 10.14.050](#) of this Chapter of County Code. 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 Division 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.
- 10.14.070 INSTALLATION, SUPPORT & ANCHORAGE. All factory-built structures installed within the County limits 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 Section 661-16 and Code of Iowa, Section 335.30.
- 10.14.080 PLUMBING. Factory-built structures that are subject to Section [10.14.050](#) shall have plumbing fixtures installed in accordance with the Plumbing Code as adopted in [Chapter 10.04](#) of the County Code. The connections to the water and sewer shall be tested by the owner or plumbing contractor and inspected for code compliance by a County Inspector before the unit is given authorized service. Any new plumbing work or alterations shall be in accordance with the Plumbing Code as adopted in [Chapter 10.04](#) of the County Code, 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 fee schedule, as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.
- 10.14.090 MECHANICAL. Factory-built structures that are subject to [Section 10.14.050](#) shall have mechanical equipment installed in accordance with the Mechanical Code as adopted in [Chapter 10.05](#) of the County Code. 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 County Inspector 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 [Chapter 10.05](#) of the County Code, 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 fee schedule, as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.

10.14.100 ELECTRICAL. Factory-built structure's electrical service installation to the service pedestal that are subject to [Section 10.14.050](#) shall be inspected for compliance with the adopted edition of the National Electrical Code Article 550 by a County Inspector 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 Chapter 10.06 of the County Code, 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 a electrical contractor. The electrical hookup permit fee shall be assessed in the amount as set forth in the fee schedule, as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance. (Ordinance#2015-02/08-14-15)

10.14.110 UTILITY. Factory-built structures that are subject to [Section 10.14.050](#) shall have water service and sanitary sewer service lateral installed in accordance with the Plumbing Code as adopted in Chapter 10.04 of the County Code. The water and sanitary sewer shall be inspected for code compliance by a County Inspector before the unit is given authorized 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 Chapter 10.04 of the County Code, and a utility permit will be required. The utility 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 utility work may be performed by the homeowner, if knowledgeable. The utility hookup permit fee shall be assessed in the amount as set forth in the fee schedule, as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance.

10.14.120 NONCOMPLIANCE.

.01 A factory-built structure that does not comply with one of the three types of factory built structures required in [Section 10.14.050](#) shall not be installed, set-down, be parked temporarily or moved onto private property within the County limits.

.02 If a factory-built structure that does not have a valid set-down permit is moved to any location or lot within the 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 10.13.180 of the County Code and that non-conforming unit shall conform with the County Code and/or be moved out of the County limits within five (5) calendar days

after issuance of a notice and order and/or the first infraction.

- 10.14.130 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 (36) square feet 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 code.
- 10.14.140 UNSAFE & 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.
- 10.14.150 Reserved.
- 10.14.160 ENFORCEMENT & 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 Pottawattamie County, Iowa, code. The provisions of [Chapter 1.75](#) of the County Code regarding penalties, additional relief, abatement, emergency and liability shall apply to violations of the provisions of this section.
- 10.14.170 APPEALS. In order to determine the suitability if alternate materials and types of installations and to provide for reasonable interpretations of the provisions of this Chapter, the Building Official shall render decisions upon their 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.
- 10.14.180 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 fee schedule, as set forth in [Chapter 1.50](#) of the County Code is hereby established for matters pertaining to this Ordinance. The fees shall be doubled if a factory-built structure or unit is moved, or relocated and set-down without a permit.

10.14.190 PAYMENT OF FEES. All fees mentioned above shall be made payable to the County Treasurer, accompany the application and be deposited in the rural services fund of Pottawattamie County, Iowa.

CHAPTER 10.15 GRADING AND EXCAVATION

- 10.15.010 TITLE: This Ordinance shall be known and may be cited and referred to as "Pottawattamie County, Iowa, Grading and Excavation Code". (Ordinance#2015-06/12-18-15)
- 10.15.020 PURPOSE: The purpose of the Grading and *Excavation* Code is to protect and safeguard human life, *property* and the public welfare and to protect environmentally sensitive areas by regulating grading on private and public *property*. (Ordinance#2015-06/12-18-15)
- 10.15.030 SCOPE: The Grading and Excavation Code sets forth rules and regulations to control *excavation*, grading and *earthwork* construction, including *fills* and embankments; establishes the administrative procedure for issuance of permits; and provides for *approval* of plans, specifications, and inspection of grading. (Ordinance#2015-06/12-18-15)
- 10.15.040 ADMINISTRATIVE PROVISIONS: The administrative provisions for the Grading and Excavation Code shall be as provided for in Chapter 10.01 of the County Code. (Ordinance#2015-06/12-18-15)
- 10.15.050 ULTIMATE RESPONSIBILITY: The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend nor imply that compliance by any *person* will ensure that there will be no *erosion* or sedimentation from a *land disturbing activity*, or contamination, pollution, or other unauthorized discharge of pollutants. This Chapter does not relieve any *person* of the responsibility to obtain a state NPDES general permit no. 2 and adhering to the requirements therein, nor does it relieve any *person* from the responsibility of following any other applicable local, state, or federal regulation. (Ordinance#2015-06/12-18-15)
- 10.15.050 DEFINITIONS: As used in this chapter, the following definitions shall apply. Terms not defined shall have the meanings customarily assigned them in Webster's New Collegiate Dictionary, as amended. (Ordinance#2015-06/12-18-15)
- .01 Approval: In the opinion of the Building Official, the proposed work or completed work conforms to this chapter. (Ordinance#2015-06/12-18-15)
- .02 As graded: The extent of surface conditions on completion of grading. (Ordinance#2015-06/12-18-15)
- .03 Bedrock: In-place solid rock. (Ordinance#2015-06/12-18-15)

- .04 Bench: A relatively level step excavated into *earth* material on which *fill* is to be placed. (Ordinance#2015-06/12-18-15)
- .05 Borrow: *Earth* material acquired from an off-site location for use in grading a *site*. (Ordinance#2015-06/12-18-15)
- .06 Civil Engineer: A professional engineer registered in the state of Iowa to practice in the field of *civil engineering*. (Ordinance#2015-06/12-18-15)
- .07 Civil Engineering: The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of humankind. (Ordinance#2015-06/12-18-15)
- .08 Compaction: The densification of a *fill* by mechanical means. (Ordinance#2015-06/12-18-15)
- .09 *Cut*: The portion of land surface or area from which *earth* material has been removed or will be removed by *excavation*. (Ordinance#2015-06/12-18-15)
- .10 Earth: Any rock, natural soil or *fill* and/or any combination thereof. (Ordinance#2015-06/12-18-15)
- .11 Engineered Grading: Grading of five thousand (5,000) cubic yards or more and requires the services of a *civil engineer* to prepare and certify a grading plan and to inspect and certify the work completed. (Ordinance#2015-06/12-18-15)
- .12 EPA: The United States Environmental Protection Agency. (Ordinance#2015-06/12-18-15)
- .13 Erosion: The wearing away of *earth* material as a result of the movement of wind, water, ice, gravity or any combination thereof. (Ordinance#2015-06/12-18-15)
- .14 Erosion and Sediment Control: The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity or any combination of thereof. (Ordinance#2015-06/12-18-15)
- .15 Excavation: The mechanical removal of *earth* material. (Ordinance#2015-06/12-18-15)
- .16 Existing Grade: The *grade* prior to grading. (Ordinance#2015-06/12-18-15)
- .17 Fill: A deposit of *earth* material placed by mechanical, human-made or other artificial means. (Ordinance#2015-06/12-18-15)

- .18 Finished Grade: The final *grade* of the *site* which conforms to the approved plan. (Ordinance#2015-06/12-18-15)
- .19 Geologic Factors: Factors pertaining to rocks or rock formations as they might affect the stability of slopes. (Ordinance#2015-06/12-18-15)
- .20 Grade: The vertical elevation of the ground surface. (Ordinance#2015-06/12-18-15)
- .21 Grading: Any excavating or *filling* or a combination thereof and includes *compaction*. (Ordinance#2015-06/12-18-15)
- .22 IDNR: Iowa Department of Natural Resources. (Ordinance#2015-06/12-18-15)
- .22 Land Disturbing Activity: Any manmade change of the land surface including removing vegetation cover, excavating, *filling*, and grading but not including agricultural land uses such as planting, growing, cultivating, and harvesting crops. (Ordinance#2015-06/12-18-15)
- .24 NPDES Permit: An *IDNR* or *EPA* permit issued under the National Pollutant Discharge Elimination System pursuant to Section 402 of the Clean Water Act for a discharge into waters of the state. (Ordinance#2015-06/12-18-15)
- .25 Owner: Any *person*, entity, business, firm, corporation, organization, association, partnership, venture or any combination thereof and any agent, fiduciary or representative thereof, who owns or purports to own land or real *property* located within the unincorporated area of Pottawattamie County, Iowa. (Ordinance#2015-06/12-18-15)
- .26 Person: Individual *persons*, user, operator, *responsible party*, entity, business, firm, corporation, association, partnership, venture or any combination thereof and any agent, representative or fiduciary thereof. (Ordinance#2015-06/12-18-15)
- .27 Property: Land and real *property*, whether public or private, and includes any and all interests in real *property*, whether legal, equitable or any combination thereof. (Ordinance#2015-06/12-18-15)
- .28 Public Way: Any area dedicated to the public, including but not limited to street right of way, sidewalks, alleys and utility easements. (Ordinance#2015-06/12-18-15)

- .29 Regular Grading: Grading involving less than five thousand (5,000) cubic yards which does not require the services of a *civil engineer*. (Ordinance#2015-06/12-18-15)
- .30 Responsible Party: Any user, possessor, operator, permittee or *person* who operates, possesses, occupies, manages or owns real *property* located within the unincorporated area of Pottawattamie County, Iowa. *Responsible party* shall also include the *person* responsible for assuring compliance with this chapter if notice of violation or noncompliance has been issued to that *person* by the Building Official. (Ordinance#2015-06/12-18-15)
- .31 Rough Grade: The stage at which the *grade* approximately conforms to the approved plan. (Ordinance#2015-06/12-18-15)
- .32 Site: Any lot or parcel of land or contiguous combination thereof under the same ownership, where grading is performed or permitted. (Ordinance#2015-06/12-18-15)
- .33 Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. (Ordinance#2015-06/12-18-15)
- .34 Soil: Naturally occurring superficial deposits overlaying *bedrock*. (Ordinance#2015-06/12-18-15)
- .35 Steep Slope: *Property* on which the natural terrain is at a slope of 14% (seven horizontal to one vertical) or steeper. (Ordinance#2015-06/12-18-15)
- .36 Stormwater Pollution Prevention Plan (SWPPP): A document required for a NPDES General Permit No. 2 and in various *excavation* events in the County that describes the best management practices and activities to be implemented by a *person* or business to identify sources of pollution or contamination at a *site* and the actions to eliminate or reduce pollution discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable. (Ordinance#2015-06/12-18-15)
- .37 Terrace: A relatively level step constructed in the face of a graded slope surface of drainage and maintenance purposes. (Ordinance#2015-06/12-18-15)

10.15.060 GRADING PERMIT REQUIRED: No *person, owner* or *responsible party* shall do any grading without first having obtained a grading permit from the Building Official. All areas that will not be considered exempted work are as follows: (Ordinance#2015-06/12-18-15)

- .01 *Property* on which the natural terrain is at a slope of 14% (seven horizontal to one vertical) or steeper and having a vertical height exceeding ten (10) feet; or (Ordinance#2015-06/12-18-15)
- .02 Flood hazard areas subject to Flood Plain Management Ordinance, of this Code; or(Ordinance#2015-06/12-18-15)
- .03 Wetlands, as defined in the Code of Federal Regulations (33 CFR 328.3), as amended, and regulated by the U.S. Army Corps of Engineers; or (Ordinance#2015-06/12-18-15)
- .04 *Property* traversed by a drainage way (i.e. stream, creek, intermittent stream, etc.) as shown in blue on the U.S. Geological Survey Quadrangle Maps, 1983, as updated. (Ordinance#2015-06/12-18-15)

10.15.070 GRADING PERMIT EXEMPTED WORK: A grading permit is not required for the following: (Ordinance#2015-06/12-18-15)

- .01 An *excavation* below *finished grade* for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any *fill* made with the material from such *excavation* or exempt any *excavation* having an unsupported height greater than five feet after the completion of such structure. (Ordinance#2015-06/12-18-15)
- .02 A *fill* less than one (1) foot in depth and placed on natural terrain with a slope flatter than 14% (one unit vertical and seven units horizontal), or less than three (3) feet in depth, not intended to support structures, that does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course. (Ordinance#2015-06/12-18-15)
- .03 Quarry processing or stockpiling of rock, sand, gravel, aggregate controlled by other regulations provided by any other laws or ordinances of the County. (Ordinance#2015-06/12-18-15)
- .04 Rubble dump or land reclamation controlled by other regulations provided by any other laws or ordinances of the County. (Ordinance#2015-06/12-18-15)
- .05 Refuse disposal *sites* controlled by other regulations provided by any other laws or ordinances of the County. (Ordinance#2015-06/12-18-15)

- .06 Exploratory *excavations* under the direction of soil engineers or engineering geologists. (Ordinance#2015-06/12-18-15)
- .07 Cemetery graves. (Ordinance#2015-06/12-18-15)
- .08 *Excavations* for wells, onsite wastewater treatment and disposal system (septic system), or utilities. (Ordinance#2015-06/12-18-15)
- .09 Agricultural discing, plowing, and planting of crops, grading to construct or repair *terraces*, ponds, pastures and fence lines, provided that the land has been exclusively used to raise crops or agricultural animals within one (1) year of the grading and clearing on an operating farm. (Ordinance#2015-06/12-18-15)
- .10 The construction, reconstruction, repair, or maintenance of public infrastructure by the State, or other governmental subdivisions of the State. (Ordinance#2016-04/07-26-16)

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization, for any work to be done in any manner in violation of the provisions of this Chapter or any other laws or ordinances of the County. (Ordinance#2015-06/12-18-15)

10.15.080 GRADING PERMIT REQUIREMENTS: (Ordinance#2015-06/12-18-15)

- .01 Permits Required: As provided in Section 10.15.060 of this Chapter, no *person* shall do any grading without first obtaining permit from the Building Official. A separate permit shall be required for each *site* and may cover both *excavations* and *fills*. (Ordinance#2015-06/12-18-15)
- .02 Application for Permit. The provisions of the Building Code, as amended, are applicable to grading and shall state an estimate of the cubic yards of *earth* material to be graded and area in the amount of acres of *land disturbing activity*. (Ordinance#2015-06/12-18-15)
- .03 Plans and Specifications. Each application for a grading permit, whether *regular grading* or *engineered grading*, shall be accompanied by two (2) sets of plans and specifications. Supporting data consisting of a soils report and geology report shall be submitted when required by the Building Official. When *engineered grading* is required pursuant to subsection .04 of this section, the plans and specifications shall be prepared and signed by a *civil engineer*. (Ordinance#2015-06/12-18-15)

.04 Grading Designations. (Ordinance#2015-06/12-18-15)

- (1) *Engineered Grading*. All grading of five thousand (5,000) cubic yards or more shall be performed in accordance with the approved grading plan prepared by a *civil engineer* and shall be designated as "*engineered grading*." (Ordinance#2015-06/12-18-15)
- (2) *Regular Grading*. Grading involving less than five thousand (5,000) cubic yards shall be designated "*regular grading*" unless the permittee, with the *approval* of the Building Official, chooses to have the grading performed as "*engineered grading*" or the Building Official requires "*engineered grading*" pursuant to .06 of this section. (Ordinance#2015-06/12-18-15)

.05 Information on Plans and Specifications. (Ordinance#2015-06/12-18-15)

- (1) Plans shall be drawn to scale upon stable, reproducible media and shall be of sufficient clarity to indicate the nature and extent of the work proposed. The plans shall also show, in detail, that the grading activities will conform to the provisions of the Building Code, as amended, and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the proposed grading work, the name and address of the *person* by whom they were prepared and the name and address of the *property owner* or of the *responsible party* for the *property*. (Ordinance#2015-06/12-18-15)
- (2) The plans shall include the following information: (Ordinance#2015-06/12-18-15)
 - (A) General vicinity of the proposed *site*. (Ordinance#2015-06/12-18-15)
 - (B) Names and addresses of adjacent *property owners*. (Ordinance#2015-06/12-18-15)
 - (C) *Property* boundaries and accurate topographic map of the existing terrain with contour intervals of five feet or less and details of area drainage. (Ordinance#2015-06/12-18-15)
 - (D) Limiting dimensions, elevations of finish contours to be achieved by the grading and proposed drainage channels and related construction. (Ordinance#2015-06/12-18-15)
 - (E) Detailed plans of all surface and subsurface drainage devices, including walls, cribbing, dams and other protective devices to be constructed with, or as part of, the proposed

grading work, together with a map showing the drainage areas and the estimated runoff for a five-year return and a one hundred (100) year flood event of the area served by any drains to be installed. (Ordinance#2015-06/12-18-15)

- (F) Location of any buildings or structures on the *property* where the proposed grading is to be performed, together with any buildings or structures on *property* adjacent to the proposed grading to the extent the buildings or structures are within fifty (50) feet of the proposed grading. In addition, location of any *property* which may be substantially and materially affected by the proposed grading shall also be noted and shown on the plans. (Ordinance#2015-06/12-18-15)
- (G) Existing trees that are to be retained pursuant to Section 10.15.130 of this chapter. Specifications shall contain information covering construction and material requirements. (Ordinance#2015-06/12-18-15)
- (H) Plans and proposed methods for the prevention and control of soil *erosion* for the proposed work. See Subsection .13 of this Section. (Ordinance#2015-06/12-18-15)

.06 *Engineered Grading* Requirements. (Ordinance#2015-06/12-18-15)

- (1) For *engineered grading*, it shall be the responsibility of the *civil engineer* to design the grading plan using sound engineering practices and to incorporate all recommendations from the soils and geology reports into the grading plan. The *civil engineer* shall also be responsible for the professional inspection during the grading process and final *approval* of the grading when completed. This responsibility includes, but need not be limited to, inspection and *approval* as to the establishment of line, *grade* and drainage of the *grading* area. The *civil engineer* is the coordinating agent between any *responsible party* doing the actual *grading* work and the Building Official. Further, the *civil engineer* shall be responsible for the preparation of revised plans and the submission of an updated *grading* plan upon completion of the work. Finally, the *civil engineer* shall submit a statement of compliance pursuant to Section 10.15.170.01 of this chapter. (Ordinance#2015-06/12-18-15)
- (2) Soils and geology reports shall be required as specified in subsections .08 and .09 of this section. During *grading*, the *civil engineer* shall submit all necessary reports, *compaction* data and soils and geology recommendations to the Building Official. (Ordinance#2015-06/12-18-15)

(3) The *civil engineer's* inspection and *approval* concerning the adequacy and preparation of ground for the proposed *grading* operations shall include, but need not be limited to, the adequacy of the ground to receive *fill*, testing for required *compaction*, stability of all finish slopes, the design of buttress *fills*, where required, the stability of *cut* slopes with respect to geological matters and the need for subdrains or other ground water drainage devices. (Ordinance#2015-06/12-18-15)

(4) The Building Official shall review the *grading* project at the various stages of the work in order to monitor compliance with the approved plans. (Ordinance#2015-06/12-18-15)

.07 *Regular Grading* Requirements. (Ordinance#2015-06/12-18-15)

(1) The Building Official may require inspection and testing by an approved testing agency of any proposed or approved *grading* operation. Any such required inspection or testing shall be carried out at the Building Official's direction. (Ordinance#2015-06/12-18-15)

(2) When the Building Official has cause to believe that *geologic factors* may be involved in the proposed or *regular grading* activities, the *grading* operation will be required to conform to "*engineered grading*" requirements as defined in this chapter. (Ordinance#2015-06/12-18-15)

.08 *Soils Report*. (Ordinance#2015-06/12-18-15)

(1) The soils report required by Subsection 10.15.080.03 of this Section shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for *grading* procedures and design criteria for corrective measures, including buttress *fills*, if needed. (Ordinance#2015-06/12-18-15)

(2) Recommendations included in the report shall be incorporated in the *grading* plans or specifications unless the Building Official has waived all or some of the recommendations or has approved revised recommendations. (Ordinance#2015-06/12-18-15)

.09 *Geology Report*. (Ordinance#2015-06/12-18-15)

(1) The geology report required by Subsection 10.15.080.03 of this Section shall include an adequate description of the geology of the *site* and conclusions and recommendations regarding the effect of geologic conditions on the proposed development. (Ordinance#2015-06/12-18-15)

(2) Recommendations included in the report shall be incorporated in the *grading* plans or specifications unless the Building Official has waived all or some of the recommendations or has approved revised recommendations. (Ordinance#2015-06/12-18-15)

.10 Issuance. The provisions of the Building Code, as amended, are applicable to *grading* permits. The Building Official may require that the *grading* operations and project designs be modified if delays occur which result from weather-generated problems not considered at the time the permit was issued. (Ordinance#2015-06/12-18-15)

.11 Fees. All fees associated with each required permit shall be paid to the County as established by the Board. The fee schedule shall be as per Chapter 1.75 of the County Code. (Ordinance#2015-06/12-18-15)

.12 Certificate of Insurance. A *grading* contractor shall furnish to the Building Official a certificate of insurance, evidencing: (Ordinance#2015-06/12-18-15)

.01 Commercial general liability insurance coverage or its equivalent in the minimum amount of one million dollars (\$1,000,000.00) per occurrence for bodily injury, including death or damage to *property* of others, arising out of work performed or responsibilities assumed under the license. The aggregate limit shall be no less than one million dollars (\$1,000,000.00). In addition, the *grading* contractor shall furnish a certificate of insurance evidencing worker's compensation insurance sufficient to satisfy the laws of the state of Iowa; employer's liability insurance in the minimum amount of one hundred thousand dollars (\$100,000.00); and auto liability insurance in the minimum amount of one million dollars (\$1,000,000.00). (Ordinance#2015-06/12-18-15)

These limits may be provided by any combination of primary and excess policies. The insurance company shall endeavor to provide thirty (30) days' notice of cancellation or nonrenewal to the Building Official. (Ordinance#2015-06/12-18-15)

- .13 *Erosion and Stormwater Pollution Prevention Plan.* All applicants doing *grading* of: (Ordinance#2015-06/12-18-15)
- (a) 1,000 (one thousand) square foot or more on areas where the slope is between 30% and 75%, or (Ordinance#2015-06/12-18-15)
 - (b) 5,000 (five thousand) square foot or more on areas where the slope is between 14% and 30%, or(Ordinance#2015-06/12-18-15)
 - (c) one (1) acre or more, up to 14% slope, (Ordinance#2015-06/12-18-15)

shall submit a *Stormwater Pollution Prevention Plan.* Plan submittal shall be completed in similar fashion to *grading* plan submittal and contain the following in detail: (Ordinance#2015-06/12-18-15)

- .01 Location and dimension of all proposed land development and land disturbing activities. (Ordinance#2015-06/12-18-15)
- .02 Location and dimensions of all temporary soil or dirt stockpiles. (Ordinance#2015-06/12-18-15)
- .03 Schedule of anticipated starting and completion date of each land development or *land disturbing activity*, including the installation of best management practices; provision for maintenance of best management practices during construction; and description of vegetation and other materials to be used to stabilize the *site*, including a schedule for installation and maintenance. (Ordinance#2015-06/12-18-15)
- .04 *Erosion* control measures shall be designed, installed, and maintained in conformance with the standards found in Chapter 7 of the Iowa Statewide Urban Design Standards Manual (www.iowasudas.org), the Iowa Construction *Site Erosion Control* Manual (www.ctre.iastate.edu/erosion/manuals/const_erosion.pdf) or Loess Hills Stormwater Best Management Practices Guidance Manual. (Ordinance#2015-06/12-18-15)
- .05 The Plan for parcels where one (1) acre or more of *land disturbing activity* takes place shall be prepared by a *civil engineer*, a licensed landscape architect, or a licensed professional in *erosion and sediment control*, credentialed in a manner acceptable to the Building Official. (Ordinance#2015-06/12-18-15)

.14 *NPDES PERMIT*: All *persons* required by law or administrative rule to obtain the State of Iowa NPDES General Permit No. 2 from the *IDNR* and all *person* with an active state General Permit No. 2 shall obtain a County *Grading* Permit in addition to and not in lieu of a State NPDES General Permit No. 2. An applicant in possession of a State NPDES General Permit No. 2 issued by *IDNR* shall submit to the Building Official with the *Grading* Permit application, copies of the following: (Ordinance#2015-06/12-18-15)

.01 The applicant's authorizations issued pursuant to the applicant's State NPDES General Permit No. 2; and(Ordinance#2015-06/12-18-15)

.02 The applicant's *Stormwater Pollution Prevention Plan* prepared in accordance with this Chapter. (Ordinance#2015-06/12-18-15)

.15 INDEMNIFY COUNTY: The application form signed by the applicant for a *Grading* Permit shall include the following statement: (Ordinance#2015-06/12-18-15)

The undersigned Applicant hereby agrees to defend, indemnify and hold the County, its officers and employees harmless from any and all claims, damages or suits of any kind arising directly or indirectly out of any act of commission or omission by the Applicant, or any employee, agent, assign, contractor or subcontractor of the Applicant with the Applicant's State NPDES General Permit No. 2 or County Grading Permit. (Ordinance#2015-06/12-18-15)

10.15.090 ASSURANCE OF PERFORMANCE: (Ordinance#2015-06/12-18-15)

.01 When an *engineered grading* permit is issued, the Building Official shall require for each *site* a cash escrow, certificate of deposit, performance bonds or an irrevocable letter of credit in order to assure that the work will be completed in accordance with the approved plans and specifications and to assure all hazardous conditions are eliminated. Said cash escrows, certificate of deposit, performance bonds or letters of credit shall be in an amount equal to one hundred ten (110) percent of the *grading* project, but in no event shall the required amount be less than ten thousand dollars (\$10,000.00) or exceed one hundred thousand dollars (\$100,000.00) or the cash equivalent for each *site* at the rate of ten cents per cubic yard applied for on the permit application. (Ordinance#2015-06/12-18-15)

.02 It is the intent of this section that cash escrow, certificate of deposit, performance bonds or irrevocable letters of credit shall not be

deemed as a substitution for performance of the work, but that such instruments shall stand solely as security to assure compliance with the *grading* requirements herein. (Ordinance#2015-06/12-18-15)

10.15.100 *CUTS*: (Ordinance#2015-06/12-18-15)

- .01 Compliance Required. Unless otherwise recommended in the approved engineering, soils and/or geology report, *cuts* shall conform to the provisions of this section. (Ordinance#2015-06/12-18-15)
- .02 Slope. The slope of *cut* surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 28% (the ratio of three and five-tenths horizontal to one vertical) unless the *owner* or *responsible party* furnishes a soils or a geology report or both, stating that an investigation of the *site* reveals that a *cut* at a steeper slope will nonetheless be stable and will not create a hazard to life or to *property*. *Earth* material vertical *benching* will not be an acceptable slope method unless engineered walls confining *earth* materials are proposed and engineered sealed plans are provided. (Ordinance#2015-06/12-18-15)
- .03 Drainage and Terracing. Drainage and terracing shall be provided as required by Section 10.15.140 of this chapter. (Ordinance#2015-06/12-18-15)

10.15.110 *FILLS*(Ordinance#2015-06/12-18-15)

- .01 Compliance Required. Unless otherwise recommended in the approved engineering, soils and/or geology report, *fills* shall conform to the provisions of this section. (Ordinance#2015-06/12-18-15)
- .02 *Fill* Location. *Fill* slopes shall not be constructed on natural slopes steeper than 28% (three and five-tenths horizontal to one vertical), except where the *civil engineer* determines the slope to be stable. (Ordinance#2015-06/12-18-15)
- .03 Preparation of Ground. The ground surface shall be prepared to receive *fill* by removing vegetation, noncomplying *fill*, topsoil and other unsuitable materials and by scarifying the surface to provide a bond with the new *fill*. (Ordinance#2015-06/12-18-15)

Where slopes are steeper than 20% (five horizontal to one vertical) and the height of the *fill* location is greater than ten (10) feet, the ground surface shall be prepared by *benching* into material deemed competent for such *benching* by a *civil engineer*. (Ordinance#2015-06/12-18-15)

The *bench* under the top of *fill* on a slope steeper than 20% (five horizontal to one vertical) shall be at least ten (10) feet wide. The area beyond the top of *fill* shall either be slope for sheet overflow or a paved drain provided. (Ordinance#2015-06/12-18-15)

When *fill* is to be placed over a *cut*, the *bench* under the top of *fill* shall be at least ten (10) feet wide. However, in such event, the *cut* shall be approved by a *civil engineer* as a suitable foundation for *fill*. (Ordinance#2015-06/12-18-15)

- .04 *Fill Material*. Vegetative materials shall not be permitted in *fills* except in the top one foot of *fill*. Except as permitted by the Building Official, no rock or similar irreducible material shall be placed within two (2) feet of the *finished grade*. Where an excessive amount of irreducible material is found, it may be placed in the *fill* in horizontal layers not exceeding four (4) feet in thickness. Each layer shall be leveled and smoothed by choking the surface of the irreducible material with soil or fine fragments of rock. (Ordinance#2015-06/12-18-15)
- .05 *Compaction*. All *fills* on slopes of 14% (seven horizontal to one vertical) or steeper shall be compacted to a minimum of ninety (90) percent of maximum density as determined by Building Code standards or equivalent ASTM standards, as amended. In-place density shall be determined in accordance with Building Code standards or equivalent ASTM standards, as amended. (Ordinance#2015-06/12-18-15)
- .06 *Slope*. The slope of *fill* surfaces shall be no steeper than is safe for the intended use. *Fill* slopes shall be no steeper than 28% (three and five-tenths horizontal to one vertical) unless the *owner* or *responsible party* furnishes a soils or a geology report or both, stating that the *sites* have been investigated and that based on their best information, knowledge and belief, *fill* at a slope steeper than 28% (three and five-tenths horizontal to one vertical) will nonetheless be stable and will not create a hazard to life or *property*. *Earth* material vertical *benching* will not be an acceptable slope method unless engineered walls covering *earth* face are proposed and engineered sealed plans are provided. (Ordinance#2015-06/12-18-15)
- .07 *Drainage and Terracing*. Drainage and terracing shall be provided for all *fills*. Areas above *fill* slopes and all *terrace* surfaces shall be graded and finished, as required by Section 10.15.140 of this Chapter. (Ordinance#2015-06/12-18-15)

10.15.120 SETBACKS: (Ordinance#2015-06/12-18-15)

- .01 General Requirements. *Cut* and *fill* slopes shall be set back from *site* boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the *site* boundary. Setback dimensions shall be the height divided by two (2) with a maximum of twenty (20) feet. (Ordinance#2015-06/12-18-15)
- .02 Top of *Cut* Slope. The top of *cut* slope shall be made no closer to a *site* boundary line than one-fifth (1/5) of the vertical height of *cut*, with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for any required interceptor drains. (Ordinance#2015-06/12-18-15)
- .03 Toe of *Fill* Slope. The toe of *fill* slope shall be made no closer to the *site* boundary line than one-half the height of slope, with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a *fill* slope is to be located near the *site* boundary and the adjacent off-*site property* is already developed, special precautions may be required if, in the opinion of the Building Official, such precautions are necessary to protect the adjoining *property* from damage These precautions may include, but are not limited to, the following: (Ordinance#2015-06/12-18-15)
 - (1) Additional setbacks. (Ordinance#2015-06/12-18-15)
 - (2) Provision for retaining walls or slough walls. (Ordinance#2015-06/12-18-15)
 - (3) Mechanical or chemical treatment of the *fill* slope surface to minimize *erosion*. (Ordinance#2015-06/12-18-15)
 - (3) Provisions for the control of surface waters. (Ordinance#2015-06/12-18-15)
- .04 Modification of Slope Location. The Building Official may approve alternate setbacks. The Building Official may also require an investigation and recommendation by a *civil engineer* if, in the opinion of the Building Official, such investigation is reasonably necessary to demonstrate the *grading* has complied with the intent of this section. (Ordinance#2015-06/12-18-15)

10.15.130 TREE PROTECTION: Trees that are to be retained shall be protected from injury during any *grading* work. Woodland and tree protection measures shall be shown on the *grading* plan. (Ordinance#2015-06/12-18-15)

10.15.140 DRAINAGE AND TERRACING: (Ordinance#2015-06/12-18-15)

.01 Compliance Required. Unless otherwise indicated on the approved *grading* plan, drainage facilities and terracing shall conform to the provisions of this section for *cut* or *fill* slopes steeper than 14% (seven horizontal to one vertical). (Ordinance#2015-06/12-18-15)

.02 *Terrace*. (Ordinance#2015-06/12-18-15)

(1) In order to control surface drainage and debris, *terraces* at least six (6) feet in width shall be established at not more than thirty (30) foot vertical intervals on all *cut* or *fill* slopes. Where only one (1) *terrace* is required, it shall be established at mid-height. For *cut* or *fill* slopes greater than sixty (60) feet and up to one hundred twenty (120) feet in vertical height, one *terrace* at approximately mid-height shall be twelve (12) feet in width. *Terrace* widths and spacing for *cut* and *fill* slopes greater than one hundred twenty (120) feet in height shall be designed by the *civil engineer* and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance. (Ordinance#2015-06/12-18-15)

(2) Swales or ditches on *terraces* shall have a minimum gradient of three (3) percent and must be stabilized with an approved *erosion-free* channel. Said swales or ditches shall also have a minimum depth at the deepest point of one (1) foot and a minimum width of five (5) feet unless a *civil engineer* can demonstrate a smaller channel is appropriate. (Ordinance#2015-06/12-18-15)

(3) The capacity of a swale or ditch shall be adequate to convey the one hundred (100) year flood event for the tributary area. (Ordinance#2015-06/12-18-15)

(4) *Terraces* are not to be installed as vertical *benching*. *Terrace* and fore slope and back slope shall be no steeper than 28% (the ratio of three and five-tenths horizontal to one vertical)

unless the *owner* or *responsible party* furnishes a soils or geology report or both, stating an investigation of the *site* reveals that a *cut* or *fill* at a steeper slope will nonetheless be stable and will not create a hazard to life or to *property*. *Earth* material vertical *benching* will not be acceptable slope method for terracing. (Ordinance#2015-06/12-18-15)

.03 Subsurface Drainage. *Cut* and *fill* slopes shall be provided with subsurface drainage, where such drainage is reasonably necessary to achieve stability. (Ordinance#2015-06/12-18-15)

.04 Disposal. (Ordinance#2015-06/12-18-15)

(1) All drainage facilities shall be designed to carry waters to the nearest approved drainage way. *Erosion* in the area of discharge shall be prevented by installing non-erosive down drains or other devices, as needed. (Ordinance#2015-06/12-18-15)

(2) Building pads shall have a drainage gradient of two (2) percent from the building pad toward approved drainage facilities, unless waived by the Building Official. (Ordinance#2015-06/12-18-15)

(3) The gradient from the building pad may be one (1) percent if all of the following conditions exist throughout the permit area: (Ordinance#2015-06/12-18-15)

(A) Proposed *fills* are no greater than ten (10) feet in maximum depth. (Ordinance#2015-06/12-18-15)

(B) Proposed finish *cuts* or *fill* slope faces have a vertical height no greater than ten (10) feet. (Ordinance#2015-06/12-18-15)

(C) Existing slope faces which have a slope face steeper than 10% (ten (10) horizontal to one vertical) shall have a vertical height no greater than ten (10) feet. (Ordinance#2015-06/12-18-15)

.05 Interceptor Drains. Interceptor drains shall be installed along the top of all *cut* slopes where the tributary drainage has been channelized and there is a potential for continued *erosion*. (Ordinance#2015-06/12-18-15)

10.15.160 GRADING INSPECTION: (Ordinance#2015-06/12-18-15)

- .01 General Requirements. All *grading* operations for which a permit is required shall be subject to inspection by the Building Official. When required by the Building Official, special inspection of *grading* operations and special testing shall be performed in accordance with the provisions of the Building Code, as amended. (Ordinance#2015-06/12-18-15)
- .02 Notification of Noncompliance. If, in the course of fulfilling their responsibilities under this Chapter, the *civil engineer* or the testing agency finds that the *grading* work is not being done in conformance with this Chapter or does not conform to the approved *grading* plans, the discrepancies shall be reported to the *owner* of the *property*. If the discrepancies continue, the *civil engineer* or the testing agency is responsible for reporting said discrepancies to the Building Official. (Ordinance#2015-06/12-18-15)
- .03 Transfer of Responsibility for *Approval*. If the *civil engineer* or the testing agency of record is changed during the course of any *grading* work, the work shall be stopped until the replacement has agreed to accept responsibility for the work and the work is within the competence of the testing agency and/or the *civil engineer*. (Ordinance#2015-06/12-18-15)

10.15.170 COMPLETION OF WORK: (Ordinance#2015-06/12-18-15)

- .01 Final Reports. Upon completion of the rough *grading* work and at final completion of the *grading* work, the Building Official shall require the following reports, drawings and supplements thereto to be filed in the Building Official's office: (Ordinance#2015-06/12-18-15)
 - (1) Certification from the *civil engineer* that the *grading* work was completed in substantial compliance with the final approved *grading* plan, as updated or revised. (Ordinance#2015-06/12-18-15)
 - (2) An updated or revised *grading* plan prepared by the *civil engineer*, showing all revisions approved by the Building Official. This plan shall include ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities installed. (Ordinance#2015-06/12-18-15)

.02 Notification of Completion. The *owner, responsible party* or *person* requesting the permit shall notify the Building Official when the *grading* operation is ready for final inspection. Final *approval* shall not be given until all required reports have been submitted and until all *grading* work has been completed in accordance with the final approved *grading* plans, including installation of all drainage facilities and their protective devices and all *erosion* control measures. Upon granting final *approval*, the Building Official shall authorize the release of any escrows to the depositor and issue a certificate of compliance. (Ordinance#2015-06/12-18-15)

10.15.180 HAZARDS: Whenever the Building Official determines that any existing *excavation*, embankment of *fill* on private *property* has become a hazard to human life, endangers *property* or adversely affects the safety, use or stability of a *public way* or drainage channel, the *property owner* or the *responsible party* for the affected *property* shall, after receipt of notice, in writing, from the Building Official, take corrective action to repair or eliminate such *excavation, fill* or embankment so as to eliminate the hazard or dangerous conditions. Said repairs or corrective actions shall, in all respects, be in compliance with the requirements of the Building Code, as amended, and shall be satisfactorily completed within the time period specified in the notice. Failure to take corrective actions shall be deemed a public offense and shall be subject to the remedies set out in applicable state and local law for abatement of nuisances. (Ordinance#2015-06/12-18-15)

10.15.190 COMPLIANCE: In all cases, the ultimate responsibility for compliance with this Chapter shall rest with the *owner* of the *property*, notwithstanding the participation of any other *responsible party*. (Ordinance#2015-06/12-18-15)