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Memo

To: Hiawatha City Council

From: Patrick Parsley

CC: Kim Downs: City Administrator
John Bender: City Engineer
Marty Recker: Water Department Superintendant
Jim Fisher: Assistant Building Official

Date: 7/30/2018

Re: Adoption of the Iowa State Plumbing Code and Iowa State Mechanical Code

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Report: As you may recall, the City was contacted by an attorney representing plumber's organizations in Iowa regarding our plumbing code. The claim stated Hiawatha is not in compliance with state statutes regarding the plumbing and mechanical codes adopted and enforced.

Hiawatha's Attorney letter explaining the City responsibility when adopting a Plumbing Code and Mechanical Code is attached. In summary; until 2014 each city was allowed to regulate plumbing and mechanical systems as part of home rule allowances. In 2014 the State passed two statutes removing this authority from local jurisdictions.

In light of our attorney's interpretation staff is recommending Hiawatha continue to regulate plumbing and mechanical systems and is recommending corresponding amendments to our Building Code, (Chapter 155), Plumbing Code (Chapter 156) and Mechanical Code (Chapter 158) to comply with the respective state statutes.

Chapter 155: Building Code

155.03: The changes to 155.03 are limited to administrative provisions which recognize the plumbing and mechanical codes adopted by the City of Hiawatha. The changes will reference the State Plumbing Code and the State Mechanical Code. However our code will retain references to the 2018 model codes instead of the 2015 model codes adopted by the State. This is allowed since newer codes are generally considered more restrictive. This will also eliminate the need to re-adopt when the State moves to the new versions next year.

155.24-155.27: These items reference the International Plumbing Code (IPC) and are no longer necessary because we do not adopt the IPC. These items will be addressed in the specific code; mechanical or plumbing, in which they are located.

Memo

Chapter 156 Plumbing Code:

156.01-05: The changes to these sections are the administrative reference to the new code. This recognizes the components of the State Plumbing code and the new fuel gas code. This section also references Hiawatha's adoption of the 2018 Uniform Plumbing Code (UPC) instead of the 2015 UPC. Adopting the newer version may be construed as more restrictive which is allowed. The main purpose however is eliminating the need to adopt a new plumbing code when the State catches up.

156.06-09: The changes to these sections include enforcement procedures and processes retained by local authority. This section coordinates the other chapters of the Hiawatha Code of Ordinances for permits, enforcement action and appeals.

156.10-12: These sections deal with specific amendments coordinating with Hiawatha Water Department Rules. The requirements are more restrictive than the plumbing code and the Water Department retains authority in order to maintain and protect the Hiawatha water system.

Adoption of this section also eliminates the drinking fountain exception for Hiawatha. A drinking fountain will now be required for all occupancies greater than 30 people. When a drinking fountain is required 50% of the fountains may be replaced with "bottle filling stations" instead of "water dispensing equipment". This will be an increase in expenses with fewer options.

156.13-16: These sections dealt directly with the IPC. The items have been converted for inclusion in the State Plumbing code in sections 156.10-12. The only significant change is the required vent pipe size in unheated attics. This will be an added expense for plumbing because the minimum vent in this situation will be 3 inches instead of 2 inches in diameter.

156.18: This section recognizes Hiawatha Code Chapter 97. These are the sub-soil drain connections to French drains along our streets specific to city code.

156.19: The State code is a code cycle behind. To avoid a re-adoption process next year when the State becomes current, we are adjusting the references to the 2018 UPC. This does not affect Hiawatha's State Code adoption.

Chapter 158 Mechanical Code:

Changes incorporated in this Chapter recognize the State Mechanical Code. Since this is the same model code Hiawatha adopted previously there are only a few changes to clarify the administrative provisions. The State does not adopt the administrative provisions. Hiawatha adopts the provisions and amends them to match our City Code chapters; Chapter 4 for violations, Chapter 159 for appeals and our resolution adopting our fee schedule.

The new language also recognizes the adoption of the 2018 IMC instead of the 2015 IMC. This will eliminate the need to revise our adoption when the State catches up.

Memo

Summary:

The City of Hiawatha is aligning Plumbing and Mechanical codes with the State of Iowa as mandated. The only areas of non-compliance are issues coordinating with our Water Utility Rules and the adoption of the newest version of the UPC and IMC which we had already completed. Since newer versions may be construed as "more restrictive" the City will be in compliance with the statutes for adopting plumbing and mechanical codes as a local jurisdiction.

Generally the cost of construction will increase due to this adoption as noted below.

1. No air admittance valves will be allowed in the plumbing vent system.
2. More drinking fountains will be required.
3. Bottle fillers will replace water dispensers. (Bottle fillers are defined as a plumbing fixture connected and supplied by the available water system.)
4. All vent piping in attics will be up sized one inch in diameter from 2" to 3". This will also affect framing since the upsize is to occur within the insulated wall envelope.
5. Additional costs for code books and training. The plumbing code book used to consist of the latest International Plumbing Code. The new code includes
    a. State plumbing code
    b. Uniform Plumbing Code
    c. A new Fuel Gas Code
    d. Sections of the International Plumbing Code.

We are recommending adoption of the new codes for uniformity purposes in the I-380 Corridor and to be in compliance with State Law.

Aside:

155.05: At this time staff is also including an administrative change in the Building code for allowing some small residential decks to be built without a permit. This was intended to be included with the adoption of the 2018 codes but was overlooked during the rewrite. Adopting this exception in 155.05 we retain the exception as enforced prior to adoption of the 2018 codes. This is not related to the plumbing code changes

MEMORANDUM

TO: **Community Development Director and City Administrator**

FROM: **City Attorney**

RE: **Hiawatha Building Codes 155.01, 156.01, 156.05, 156.04 and 158.04 and Iowa Code § 105.4.**

Date: **June 15, 2018**

Following our meeting with attorney Daniel Manning and his clients on June 7, 2018 at the Hiawatha City Hall, we discussed having some research done on the issues discussed at the meeting as well as the letter from Mr. Manning on behalf of the Iowa Chapter of International Association of Plumbing and Mechanical Officials, Plumbing, Heating & Cooling Contractors of Iowa, United Association of Plumbers and Pipefitters Local 25, United Association of Plumbers and Pipefitters Local 33, United Association of Plumbers and Pipefitters Local 125 asserting some of Hiawatha's ordinances, specifically 155.01, 156.01, 156.05, 156.04 and 158.04 are in violation of Iowa Code § 105. Mr. Manning states that the Iowa legislature intended to preempt local regulation in the area of plumbing and mechanical codes and therefore Iowa home rule applies and some of Hiawatha's ordinances are not in compliance with Iowa Code § 105.4.

Iowa Code § 105.4 states in relevant part:

> 1. a. The board shall establish by rule a plumbing installation code governing the installation of plumbing in this state. Consistent with fire safety rules and standards promulgated by the state fire marshal, the board shall adopt the most current version of the uniform plumbing code and the international mechanical code, as the state plumbing code and the state mechanical code, to govern the installation of plumbing and mechanical systems in this state. The board shall adopt the current version of each code within six months of its being released. . . The state plumbing code and the state mechanical code shall be applicable to all buildings and structures owned by the state or an agency of the state and in each local jurisdiction.
> b. Except as provided in paragraph "c", a local jurisdiction is not required to adopt by ordinance the state plumbing code or the state mechanical code. However, a local jurisdiction that adopts by ordinance the state plumbing code or the state mechanical code may adopt standards that are more restrictive. A local jurisdiction that adopts standards that are more restrictive than the state plumbing code or the state mechanical code shall promptly provide copies of those standards to the board. . .
> c. A local jurisdiction with a population of more than fifteen thousand that has not adopted by ordinance the state plumbing code and state mechanical code shall have until December 31, 2016, to do so. Cities that have adopted a plumbing code

> or mechanical code as of April 26, 2013, shall have until December 31, 2016, to adopt the state plumbing code or the state mechanical code in lieu thereof.

Iowa Code Ann. § 105.4 (West)

Further, Iowa Code 105.17 states:

> The provisions of this chapter regarding the licensing of plumbing, mechanical, HVAC-refrigeration, sheet metal, and hydronic professionals and contractors shall supersede and preempt all plumbing, mechanical, HVAC-refrigeration, sheet metal, hydronic, and contracting licensing provisions of all governmental subdivisions.

Currently, Hiawatha's Ordinance 155.01 adopts the *International Building Code*, 2015 Edition and the *International Residential Code*, 2015 Edition as the Building Code of the City. Ordinance 156.01 adopts the 2015 International Plumbing Code. The Uniform Plumbing Code then is only adopted as a secondary equivalent, while the International Plumbing Code is the primary plumbing code for the City. Ordinance 156.05 adopts the UPC as an "approved equivalent for design professionals only." Ordinances 156.04 and 158.04 adopt the International Fuel Gas Code. The Ordinances listed above are those which are allegedly non-compliant with the laws of the State of Iowa.

Regarding preemption/home rule under Iowa law, "the legislature retains unfettered power to prohibit a municipality from exercising police powers, even over matter traditionally though to involve local affairs. Conversely, as long as an exercise of police power over local affairs is not 'inconsistent with the laws of the general assembly,' municipalities may act without express legislative approval or authorization." *City of Davenport v. Seymour*, 755 N.W.2d 533, 538 (Iowa 2008) (citing Iowa Const. art. III, § 38A). The general thrust of the preemption doctrine is the context of local affairs is that municipalities <u>cannot</u> act if the legislature has directed otherwise. *Id.*

There are two types of preemption: express and implied. Express preemption occurs when the general assembly has specifically prohibited local action in an area. *E.g., Chelsea Theater Corp. v. City of Burlington,* 258 N.W.2d 372, 373 (Iowa 1977) (holding state has expressly proscribed local regulation of obscene materials). "Obviously, any local law that regulates in an area the legislature has specifically stated cannot be the subject of local action is irreconcilable with state law." *Goodell v. Humboldt County*, 575 N.W.2d 486, 492 (Iowa 1998). Although a local authority <u>shall not</u> set standards and requirements which are <u>lower or less stringent</u>, they may set standards and requirements which are <u>higher or more stringent</u> than those imposed by state law. *See* Iowa Code § 331.301(6).

The language in Iowa Code 105.4 which triggers the preemption of Hiawatha's ordinances, states, "[c]ities that have adopted a plumbing code or mechanical code as of April 26, 2013, <u>shall</u> have until December 31, 2016, to adopt the state plumbing code or the state mechanical code in lieu thereof." It is this language that directly implicates the Hiawatha City code relating to the plumbing and building code. Iowa Code § 105.4(c). The specificity of this requirement appears

clear because in Iowa Code 105.4(b), it states that except as provided in subsection (c), "a local jurisdiction is not required to adopt by ordinance the state plumbing code or the state mechanical code." Subsection (c) is the portion requiring cities to adopt the state plumbing code.

As noted above, and consistent with Iowa law, the code specifically permits, "a local jurisdiction that adopts by ordinance the state plumbing code or the state mechanical code may adopt standards that are more restrictive." If the local jurisdiction does adopt more restrictive standards, the City "shall promptly provide copies of those standards to the board." Iowa Code § 105.4(b). Portions of the International Plumbing Code may be more restrictive than those of the Uniform Plumbing Code.

Issues that may arise due to the inconsistency in the Hiawatha City Ordinances and the state plumbing code include litigation and the necessity of providing the board with proof that the standards adopted by Hiawatha are more restrictive than those promulgated in the UPC.

CONCLUSION

As we learned from our June 7th meeting, it appears Hiawatha is the only city that received Mr. Manning's letter. Based upon our review of Iowa case law, statutes and Hiawatha City Ordinances, it seems plausible that if Hiawatha does not adopt the UPC, Hiawatha is at risk of being the test case for getting sued in an effort to force compliance. I am of the opinion the legislature has spoken on this issue. If the City decides to fight any litigation to continue to utilize the International Plumbing Code as opposed to the UPC, it is possible the case could rise through the court system only to be told this is a legislative issue which the Court will not rule on. If Hiawatha, or other similarly situated cities, wish to fight this issue, such efforts may be better suited to lobby the legislature to get the Iowa Code changed.

Please let me know of any questions. Thank you.

Respectfully,

Mark J. Parmenter

DRAFT

RESOLUTION NO. 18-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO AMEND HIAWATHA CODE OF ORDINANCES CHAPTER 155 BUILDING CODE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, September 5, 2018 at 5:30 P.M. to consider amending Hiawatha Code of Ordinances Chapter 155 Building Code to adopt the State Plumbing and Mechanical Codes and exempt small decks from permit requirements.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 15th day of August, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 155 BUILDING CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 155 Building Code of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

CHAPTER 155

BUILDING CODE

155.01 International Building Code Adopted

155.02 Amendments to the Building Code

155.03 Referenced Codes~~Energy~~

155.04 Scope and Administration

155.05 Work Exempt from Permit

155.06 Repealed

155.07 Schedule of Permit Fees

155.08 Valuation

155.09 Reinspection Fees

155.10 Board of Appeals

155.11 Repealed

155.12 Design Criteria

155.13 Repealed

155.14 Opening Protection

155.15 Fire Protection of Floors

155.16 Glazing Adjacent to Doors

155.17 Repeal of Section (Window Sills)

155.18 Automatic Fire Sprinkler Systems

155.19 Slab on Grade Foundations

155.20 Swimming Pools and Spas

155.21 Repealed

155.22 Swimming Pool Drainage Systems

155.23 Repealed

155.24 Repealed Sewer Depth

155.25 RepealedException (Backwater Valve)

155.26 RepealedSubsurface Landscape Irrigation Systems

155.27 RepealedFrost Closure

155.28 Repealed

155.29 Foundation Drainage Systems

155.30 Code On File

155.31 Condominium Conversions

155.32 Exterior Storage Containers Prohibited

155.01 INTERNATIONAL BUILDING CODE ADOPTED. Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Building Code of the City that certain Building Code

known as the *International Building Code*, 2018 *Edition including appendix N: Replicable Buildings*, and *International Residential Code, 2018 Edition Chapters 1 through 10*, including Appendix F: Passive Radon Gas Controls Methods and Appendix Q: Tiny Houses. This Chapter shall also adopt referenced 2018 Codes listed in Sections 101.4.1 through 101.4.7 as prepared and edited by the International Code Council, Inc., and the provisions of said Building Code shall be controlling in the construction of buildings and other structures and in all matters covered by said Building Code within the corporate limits of the City and shall be known as the Hiawatha Building Code.

155.02 AMENDMENTS TO THE BUILDING CODE. Certain sections and portions of sections of the *International Building Code and International Residential Code* are hereby amended, deleted, modified or added to as more specifically set forth in the following sections of this Chapter.

155.03 Referenced Codes: Certain sections of IBC Section -101.4 shall be amended as follows;

IBC 101.4.1 Gas. The provision of the Iowa State Plumbing Code adopted in Iowa Administrative Code 641—25 shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code.

IBC 101.4.2 Mechanical. The provisions of the Hiawatha Mechanical Code as adopted in Hiawatha Code of Ordinances Chapter 158 shall apply to the installation , alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerator and other energy-related systems.

IBC 101.4.3 Plumbing. The provisions of the Hiawatha Plumbing Code as adopted in Hiawatha Code of Ordinances Chapter 156 shall apply to the installation , alteration, repair and replacement of plumbing systems including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

~~**Energy: IBCSection**~~ **104.4.6 Energy**. This section of the International Building Code is amended by adding the following.

> EXCEPTION: Buildings complying with the Iowa Energy Code as adopted by Iowa Administrative Code 661—303.1(103A) **Scope and applicability of energy conservation requirements:**

155.04 Scope and Administration: The International Residential Code is hereby amended by Deleting Chapter one and replacing it as follows:

> **101** The scope, application and administration of the International Residential code shall be in accordance with Chapter one of the International Building Code as adopted and amended herein

155.05 WORK EXEMPT FROM PERMIT. The Hiawatha Building Code is hereby amended by replacing Item 2 and adding Item 14 in~~from~~ Section 105.2 of the *International Building Code* as follows.

2. The replacement of up to two (2) windows, and/or one (1) exterior door within a one-year period when replaced with windows or doors of similar size, style and material, and no structural change is required for the framing of the rough opening for said windows or door.

14. Decks accessory to one and two family dwellings meeting all of the following limits:

a. Less than 200 square feet in area and,
b. Less than 30 inches above grade at all points and,
c. Not attached to the main structure.

155.06 Repealed

155.07 SCHEDULE OF PERMIT FEES. The Hiawatha Building Code is hereby amended by repealing Section 109.2 of the *International Building Code* and by replacing said section with a new section as follows:

109.2 SCHEDULE OF PERMIT FEES. On buildings, structures or alterations requiring a permit, a fee for each permit shall be paid as set forth in Table 1-A SCHEDULE OF FEES as adopted by resolution.

155.08 VALUATION. The Hiawatha Building Code is hereby amended by adding a new Section 109.3.1 to the *International Building Code* as follows:

109.3.1 VALUATION. Valuation for the purpose of establishing permit fees for new construction, additions or alterations to existing buildings shall be determined by the Building Official from the HIAWATHA VALUATION SHEET as adopted by resolution of the City of Hiawatha City Council.

155.09 REINSPECTION FEES. The Hiawatha Building Code is hereby amended by adding a new Section 109.7 to the *International Building Code* as follows:

109.7 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 section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with 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 inspection card is not posted or otherwise available on the work site, the property and building address are not properly posted, the

approved plans are not readily available to the inspector, 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.

155.10 BOARD OF APPEALS. Section 113 of the International Building Code shall be replaced as follows:

113. Board of Appeals: Any appeals arising from any act of the administrative authority in the determination of the suitability of alternate materials and methods of installation or construction and provide reasonable interpretations, and of variances from the Hiawatha Building Code shall be heard by the Board of Appeals (hereinafter "Board") as set forth in Chapter 159 of this Code of Ordinances.

155.11 Repealed

155.12 DESIGN CRITERIA. The Hiawatha Building Code is hereby amended by inserting climate and geographical design criteria into Table R301.2 (1) of the *International Residential Code*, as follows:

Ground Snow Load	Wind Speed MPH	Seismic Design Category	Subject to Damage From:				Winter Design Temp	Ice Shield Under Layment Required	Flood Hazards		Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay			NFIP Adoption	FIRM Maps		
30 PSF	115	A	Severe	42"	Moderate-Heavy	Slight-Moderate	-5 F	Yes	1982	4/5/10	1784	48.9

155.13 Repealed

155.14 OPENING PROTECTION. The Hiawatha Building Code is hereby amended by repealing Section R302.5.1 of the *International Residential Code,* and by replacing said section with a new Section R302.5.1 as follows:

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches thick, or 20-minute fire-rated doors.

155.15 FIRE PROTECTION OF FLOORS. The Hiawatha Building Code is hereby amended by repealing Section R302.13 of the *International Residential Code* and leaving said section blank.

155.16 GLAZING ADJACENT TO DOORS. The Hiawatha Building Code is hereby amended by repealing Sections R308.4.2 of the *International Residential Code,* and by replacing said section with a new Section R308.4.2 as follows:

R308.4.2 Glazing adjacent to doors. Glazing in an individual fixed or operable panel adjacent to a door where the nearest vertical edge of the glazing is within a 24 inch arc of either vertical edge of the door in a closed position and where the bottom exposed edge of the glazing is less than 60 inches above the floor or walking surface shall be considered to be a hazardous location.

Exceptions:

1. Decorative glazing.

2. Where there is an intervening wall or other permanent barrier between the door and the glazing.

3. Where access through the door is to a closet or storage area 3 feet or less in depth. Glazing in this application shall comply with Section R308.4.3.

4. Glazing that is adjacent to the fixed panel of patio doors.

155.17 REPEAL OF SECTION (WINDOW SILLS). The Hiawatha Building Code is hereby amended by repealing Section 1015.8 of the *International Building Code*, and Section 312.2.1 of the *International Residential Code*, and leaving said section blank.

155.18 AUTOMATIC FIRE SPRINKLER SYSTEMS. The Hiawatha Building Code is hereby amended by repealing Section R313 of the *International Residential Code*, and by replacing said section with a new section as follows:

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed throughout all attached townhouse dwelling units when any of the following conditions exist:

1. The townhouses are constructed in a group of more than four attached units.

2. Any individual townhouse dwelling unit of a structure with four or fewer attached townhouses has a floor area greater than 4000 square feet on any one story or greater than 8000 square feet of total floor area for all stories, excluding non-habitable areas separated from the rest of the building by a minimum of one-hour fire-resistive construction and containing smoke or heat detection interconnected with the dwelling unit smoke detectors.

3. The floor area of the structure, excluding the basement, exceeds 10,000 square feet regardless of fire separations creating separate buildings, fire areas or occupancies.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13D or Section P2904.

R313.2 One-and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one-and two-family dwellings when the following conditions exist:

1. The one-or two-family dwelling has a floor area greater than 4000 square feet on any one story or greater than 8000 square feet of total floor area for all stories, excluding non-habitable areas separated from the rest of the building by a minimum of one-hour fire-resistive construction and containing smoke or heat detection interconnected with the dwelling unit smoke detectors.

2. The floor area of the structure, excluding the basement, exceeds 10,000 square feet regardless of fire separations creating separate buildings, fire areas or occupancies.

Exception: Two family homes separated as required for a townhouse shall have automatic fire sprinkler requirements as for townhouses.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing one-and two-family dwellings that do not have an automatic residential fire sprinkler system installed.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems for one-and two-family dwellings shall be designed and installed in accordance with NFPA 13D or Section P2904.

155.19 SLAB ON GRADE FOUNDATIONS. The Hiawatha Building Code is hereby amended by deleting exceptions #1 and #2 in Section R403.1.4.1 of the *International Residential Code*, and replacing them with exception #1 as follows: Exception #3 to remain unchanged.

Exception:

1. Protection of freestanding accessory structures with an eave height of 10 feet or less shall not be required.

155.20 SWIMMING POOLS AND SPAS. The Hiawatha Building Code is hereby amended by repealing Section 3109 of the *International Building Code* and by replacing said section with a new Section 3109 as follows:

SECTION 3109

SWIMMING POOLS AND SPAS

3109.1 General. The design and construction of pools and spas shall comply with the *International Swimming Pool and Spa Code, 2018 Edition* as amended herein.

155.21 Repealed

155.22 SWIMMING POOL DRAINAGE SYSTEMS. Section 320.1 of the International Swimming Pool and Spa Code shall be amended as follows:

320.1 Backwash water and Draining water: Backwash water and draining water shall be discharged to the sanitary or storm sewer, or in an approved disposal system on the premise, or shall be disposed of by other means approved by the state or local authority. Direct connection shall not be made between the end of the backwash line and the disposal system. Drains shall discharge through an air gap. The site plan for a proposed swimming pool shall indicate where pool drainage is to be directed in such a manner that:

1. Swimming pool drainage water shall be directed away from any structure foundation.

2. Ponding of surface water shall be avoided.

3. Swimming pool drainage water shall be de-chlorinated before being directed to available drainage tile or storm sewer systems. If the swimming pool water is not de-chlorinated, it must be directed to the sanitary sewer at a controlled flow rate approved by the City. Please Note: Discharge of chlorinated water to the storm water system would be a violation of the EPA Storm Water Discharge Regulations and could result in a Municipal Infraction for an illicit discharge.

4. Surface water shall not be discharged to any adjacent private property except upon drainage easements or established waterways shall not be altered so that upstream water flow is adversely affected.

5. Water flow shall be controlled to avoid excessive volume or velocity which could cause soil erosion or create other possible hazards.

6. Final graded lots shall comply with the grading plan and any terms of the memorandum of agreement for the approved subdivision.

155.23 Repealed

~~**155.24 SEWER DEPTH.** The Hiawatha Building Code is hereby amended by repealing Section P2603.5.1 of the *International Residential Code* and leaving said section blank.~~

~~**155.25 EXCEPTION (BACKWATER VALVE).** The Hiawatha Building Code is hereby amended by adding a new exception to Section P3008.1 of the *International Residential Code* as follows:~~

> ~~EXCEPTION: The requirements of this Section shall apply only at locations determined necessary by the City Engineer based on local conditions.~~

~~**155.26 SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS.** The Hiawatha Building Code is hereby amended by deleting Section P3009.1 from the *International Residential Code* and inserting in lieu thereof the following:~~

> ~~**P3009.1** Scope. The provisions of this Section shall be optional and for information only of the materials, design, construction and installation of subsurface landscape irrigation systems connected to nonpotable water from on-site water reuse systems.~~

~~**155.27 FROST CLOSURE.** The Hiawatha Building Code is hereby amended by deleting Section P3103.2 from the *International Residential Code* and inserting in lieu thereof the following:~~

> ~~**P3103.2 Frost Closure.** Where the 97.5 percent value for outside design temperature is 0°F or less, every vent extension through a roof or wall shall be not less than 3 inches in diameter. Any increase in the size of the vent shall be made inside the structure at a point not less than 1 foot below the roof or inside the wall.~~

155.28 Repealed

155.29 FOUNDATION DRAINAGE SYSTEMS. The Hiawatha Building Code is hereby amended by adding a new Section 1805.4.4 of the *International Building Code* ~~and by adding new Sections R405.3 and P3302.2 to the *International Residential Code*, respectively, as follows:~~

> **1805.4.4/~~R405.3 & P3302.2~~ DRAINAGE DISCHARGES.** Sub-soil foundation drains shall also discharge in accordance with Hiawatha Code Section 97.02

155.30 CODE ON FILE. An official copy of the Hiawatha Building Code hereby adopted, including a certificate by the Clerk as to its adoption and the effective date thereof, shall be on file in the Office of the Clerk in City Hall and shall be kept there on file, and copies shall be available for public inspection. Copies of this chapter shall be available in the Building Department Office. A copy of the Hiawatha Building Code hereby adopted shall also be placed in the collection of the Hiawatha Public Library for public reference.

155.31 CONDOMINIUM CONVERSIONS. For the purposes of condominium conversion, structures built prior to April 25, 2000 and thereafter converted to a horizontal property regime (condominium) are

not required to be updated to comply with the building code in effect at the time of the conversion, except the following building code provisions shall be complied with:

- Fire Protection Systems
- Means of Egress
- Structural and Life-Safety concerns specifically noted

The Building Official may waive compliance with any or all of the above exceptions where he determines compliance to be unduly burdensome or not practical or reasonable given the nature of the structure.

155.32 EXTERIOR STORAGE CONTAINERS PROHIBITED. (Repealed by Ordinance No. 856 – Jun. 16 Supp.)

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 5th day of September, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 5th day of September, 2018, and was posted as Ordinance No. ____ on the ____ day of September, 2018.

_____
Kelly Kornegor, City Clerk