

COMBINED CONSTRUCTION CODE BOARD OF APPEALS & REVIEW MEETING

CITY OF DAVENPORT, IOWA

Monday, September 30, 2024; 2:00 PM

City Hall | 226 West 4th Street | Council Chambers

- I. Roll Call
- II. Approval of Minutes
- III. Reports & Communications
- IV. Old Business
- V. New Business
 1. Adoption of 2021 International Building Codes and Local Amendments
- VI. Adjourn

City of Davenport

Department: Public Works
Contact Info: Jake Ralfs | 563-327-5172

Action / Date
9/30/2024

Subject:
Adoption of 2021 International Building Codes and Local Amendments

Recommendation:
Forward to City Council with a recommendation of approval as presented.

Background:
Davenport is looking to move from the 2015 to 2021 Versions of the International Residential Code, International Building Code and International Existing Building Codes. Some City staff recommended local amendments are included along with a 3rd party review concerning contractor requirements and administrative items. One public meeting has occurred with no concerns from attendees.

Attachments:
1. Chapter 15 Buildings and Construction

Title 15

BUILDINGS AND CONSTRUCTION

Chapter 15.04		15.08.315.	Fees.
CONSTRUCTION CODE ENFORCEMENT		15.08.320.	Inspections.
15.04.010.	Clerk to file official copies.	15.08.325.	(Reserved)
Chapter 15.08		15.08.330.	Connection approval.
CONSTRUCTION CODE ENFORCEMENT		15.08.335.	Certificate of occupancy.
ADMINISTRATIVE REGULATIONS		15.08.340.	Violations — Penalty.
SUBCHAPTER I		Chapter 15.12	
TITLE, PURPOSE AND SCOPE		INTERNATIONAL BUILDING CODE AND	
		INTERNATIONAL RESIDENTIAL CODE	
		FOR ONE- AND TWO-FAMILY	
		DWELLINGS	
15.08.100.	Title.	15.12.010.	Adoption by reference.
15.08.110.	Purpose.	15.12.020.	The International Building
15.08.120.	Definitions.		Code.
15.08.130.	General application.	15.12.030.	The International Residential
15.08.140.	(Reserved)		Code.
15.08.150.	Conflicting provisions.	15.12.032.	The International Existing
15.08.160.	Alternate materials and		Building Code.
	methods of construction.	15.12.034.	(Reserved)
15.08.170.	Modifications.	15.12.036.	Scope and application.
15.08.180.	Tests.	15.12.040.	Additions, deletions and
15.08.190.	(Reserved)		amendments to the
SUBCHAPTER II		15.12.042.	International Building Code.
ORGANIZATION AND ENFORCEMENT			Chapter 18 International
15.08.200.	Authority for creation of	15.12.044.	Building Code Modified.
	enforcement agency.		Elevator Hoistway Opening
15.08.205.	Powers and duties of building	15.12.046.	Protection.
	official.		Chapter 33 International
15.08.210.	(Reserved)	15.12.050.	Building Code Modified.
15.08.215.	Combined code board of		Additions, deletions and
	appeals - Powers and duty.	15.12.052.	amendments to the
15.08.220.	through 15.08.295 (Reserved)		International Residential Code.
SUBCHAPTER III		15.12.054.	Chapter International
PERMITS AND INSPECTIONS			Residential Code modified.
15.08.300.	Permits.	Chapter 15.16	
15.08.305.	Application for permit.	ELECTRICAL CODE	
15.08.310.	Permit issuance.		

BUILDINGS AND CONSTRUCTION

	Chapter 15.39 (RESERVED)	15.44.110.	Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas.
15.39.010.	(Reserved)		
	Chapter 15.40 (RESERVED)	15.44.120.	Nonconforming uses.
15.40.010.	(Reserved)	15.44.130.	Development permit.
	Chapter 15.44 FLOOD DAMAGE PREVENTION	15.44.140.	Permit procedures.
		15.44.150.	Variance procedures.
		15.44.160.	Administration.
		15.44.170.	Duties and responsibilities of the Administrator.
15.44.010.	Statutory authorization.	15.44.180.	Compliance.
15.44.020.	Findings of fact.	15.44.190.	Violation — Penalty.
15.44.030.	Statement of purpose.	15.44.200.	Interpretation.
15.44.040.	Objectives.	15.44.210.	Abrogation and greater restrictions.
15.44.050.	Lands to which this chapter applies.	15.44.220.	Warning and disclaimer of liability.
15.44.060.	Basis for establishing the areas of special flood hazard.	15.44.230.	Amendments.
15.44.070.	Definitions.		
15.44.080.	General standards for flood hazard reduction.		Chapter 15.48 (RESERVED)
15.44.090.	Flood hazard reduction — Floodways.	15.48.010.	(Reserved)
15.44.100.	Standards for areas of shallow flooding (AO zones).		

City of Davenport, IA

15.04.010

BUILDINGS AND CONSTRUCTION

15.04.010

Chapter 15.04
CONSTRUCTION CODE ENFORCEMENT

Construction Rules and Regulations for the City of Davenport Generally

15.04.010. Clerk to file official copies. [Ord. 90-382, § 1; Ord. 81-A § 2 (part), 1981]

The City Clerk is directed to keep on file the official copies of the codes and standards hereinafter referred to, along with supplements and amendments as may be adopted.

**Chapter 15.08
CONSTRUCTION CODE ENFORCEMENT ADMINISTRATIVE REGULATIONS¹**

**SUBCHAPTER I
TITLE, PURPOSE AND SCOPE**

15.08.100. Title. [Ord. 2002-180 § 1 (part)]

These regulations shall be known as the Building Code Enforcement Administrative Regulations, may be cited as such and will be referred to herein as "the administrative code."

15.08.110. Purpose. [Ord. 2002-180 § 1 (part)]

The purpose of the administrative code is to provide for the administration and enforcement of certain technical codes adopted by Title 15 of the Davenport Municipal Code. This code replaces the administrative chapters of the technical codes comprising the construction rules and regulations for the City of Davenport and as defined herein.

Administration and enforcement is a function of the building inspection division of the public works department of the City of Davenport.

The Davenport Administrative Code has been adopted and is used in conjunction with other City of Davenport codes and should not be construed to include all regulations pertaining to buildings and development. The administrative code shall be applied to the technical codes of the City and nothing in this chapter shall be interpreted as prohibiting or limiting enforcement by the building official or any other agencies the following codes and ordinances:

The zoning ordinance of the City of Davenport, Iowa.

Subdivisions ordinance.

Uniform Fire Code as adopted and amended.

Flood damage prevention ordinance.

Erosion control ordinance.

Iowa State Building Code as specifically referenced by Chapter 15.12 of the Davenport Municipal Code.

Where no conflicting standards are set out in this code, reference publications providing guidelines for the enforcement of the technical codes, including the Uniform Code For Building Conservation, published by the **International Conference of Building Officials** and The Fire Code, as adopted by the jurisdiction may be used by the building official to establish the scope and intent of the technical codes.

Compliance with the regulations of other agencies shall be required, including, but not limited to, the Scott County Board of Health and Iowa State Fire Marshal.

15.08.120. Definitions. [Ord. 2002-180 § 1 (part)]

For the purpose of the administrative code, certain terms, phrases, words and their derivatives shall be

1. Editor's Note: Prior Ordinances Codified Herein Include Portions Of Ordinances Nos. 81-A, 82-292, 82-798, 85-390, 90-383, 95-614 And 97-486.

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construed as specified in this section. Where such terms are not defined herein, they shall have their meanings derived from the definitions contained in Chapter 2 of the International Building Code and the International Residential Code promulgated by the International Code Council as adopted by the Chapter 15.12 of the Davenport Municipal Code. Where terms are not defined in this section, or by Chapter 2 of the International Building Code, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- A. ALTER or ALTERATION – Is any change or modification in construction or occupancy to any building or structure including, but not limited to, changes in structural and nonstructural building components and systems; changes or modifications to any building or structure consisting of repair or reconstruction for the purposes of renewal or maintenance; changes or modifications or additions to any exterior or interior portion of any building or structure.
- B. BUILDING CODE – Is the International Building Code and International Residential Code and appendices as adopted by the Davenport Municipal Code, Chapter 15.12.
- C. BUILDING OFFICIAL OR CHIEF BUILDING OFFICIAL, OR HIS DULY AUTHORIZED REPRESENTATIVE – Is the officer designated by the appointing authority and charged with the administration and enforcement of the administrative code and the technical codes.
- D. BUILDING SERVICE EQUIPMENT or SERVICE EQUIPMENT – Refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire fighting and transportation facilities for the occupancy of a building or structure for its designated use.
- E. BUILDING INSPECTOR, ELECTRICAL INSPECTOR, MECHANICAL INSPECTOR, PLUMBING INSPECTOR, PLANS REVIEWER – Shall be the person providing expertise for the building official in the designated technical code.
- F. ELECTRICAL CODE or NATIONAL ELECTRICAL CODE – Is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by the Davenport Municipal Code, Chapter 15.16.
- G. JURISDICTION – As used in the administrative code, is the City of Davenport, which administers these regulations within its sphere of authority.
- H. MAY – As used in the administrative code, is permissive for compliance.
- I. MECHANICAL CODE or UNIFORM MECHANICAL CODE – Is the Uniform Mechanical Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the Davenport Municipal Code, Chapter 15.24.
- J. PLUMBING CODE or UNIFORM PLUMBING CODE – Is the plumbing code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the Davenport Municipal Code, Chapter 15.28.
- K. SHALL – As used in the administrative code, is mandatory.
- L. TECHNICAL CODES – Refer to construction rules and regulations adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition,

use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined. Such technical codes consist of the Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code, International Residential Code and the International Building Code, defined herein and as adopted and amended by the Davenport Municipal Code, Title 15.

15.08.130. General application. [Ord. 2002-180 § 1 (part)]

The provisions of the administrative code shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate the construction, alteration, moving, demolition, repair, use and occupancy of any building or structure and any building service equipment within this jurisdiction.

EXCEPTION: Work located in a public way, public utility towers and poles providing basic services, flood control structures, docks, marine vessels and marine structures.

15.08.140. (Reserved)

(See Chapter 34 IBC Existing Buildings)

15.08.150. Conflicting provisions. [Ord. 2002-180 § 1 (part)]

Wherever conflicting provisions or requirements occur between the administrative code, the technical code, or any codes or laws, the most restrictive shall govern.

15.08.160. Alternate materials and methods of construction. [Ord. 2002-180 § 1 (part)]

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the technical codes, provided any alternate has been approved and its use authorized by the building official.

The building official may approve any alternate, provided he finds the proposed design is satisfactory and complies with the provisions of the technical codes, and the material, method or work offered is at least the equivalent of that prescribed in the technical codes. The building official shall require that sufficient evidence or proof be submitted to substantiate any claims which may be made regarding the use of an alternate material or method.

15.08.170. Modifications. [Ord. 2002-180 § 1 (part)]

Whenever there are practical difficulties involved in carrying out the provisions of the technical codes or the administrative code, the building official may grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the technical code impractical; the modification is in conformity with the intent and purpose of the technical code; and such modification does not lessen health, life, and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

15.08.180. Tests. [Ord. 2002-180 § 1 (part)]

Whenever there is insufficient evidence of compliance with any of the provisions of the technical codes, or evidence that materials or construction are unsafe or do not conform to the requirements of the technical codes, the building official may require tests or investigations as evidence of compliance and/or structural

stability.

Test and investigation methods shall be as specified by the technical codes or by other recognized test and design standards. In the absence of recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests and investigations shall be made by an approved agency or qualified individual including, but not limited to, an engineer or architect licensed in the state of Iowa. Reports of such tests and investigations shall be submitted to the building official for review.

15.08.190. (Reserved)

SUBCHAPTER II
ORGANIZATION AND ENFORCEMENT

15.08.200. Authority for creation of enforcement agency. [Ord. 2002-180 § 1 (part)]

- A. Authority. There is established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official.
- B. General. Whenever the term or title administrative authority, building official, chief inspector, code enforcement officer, or other similar designation is used herein, or in any of the technical codes, it shall be construed to mean the building official designated by the appointing authority of this jurisdiction.

15.08.205. Powers and duties of building official. [Ord. 2002-180 § 1 (part)]

- A. General. The building official is hereby authorized and directed to enforce all the provisions of the administrative code and the referenced technical codes. For such purposes, he shall have the powers and duties of a law enforcement officer as provided for in the Code of Iowa. See Section 15.08.205, subsection H. regarding liability.
- B. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint related technical officers, inspectors and other employees as shall be authorized from time to time. He may deputize such inspectors or employees as may be necessary to carry out code enforcement duties.
- C. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of the administrative code and the technical codes, or whenever the building official or his authorized representative has probable cause to believe there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by such codes; provided, that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of entry. Should entry be refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
- D. Stop Orders. Whenever any work is being done contrary to the provisions of the administrative code and the technical codes, the building official may order the work stopped by notice, in writing, served on any persons engaged in the doing, or causing such work to be done, or by posting such notice on the premises, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.
- E. Occupancy Violations. Whenever any building or structure or building service equipment therein regulated by the administrative code and the technical codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.
- F. Authority to Disconnect Utilities. The building official, or his authorized representative, shall have the authority to disconnect any utility service or energy supplied to the building, structure, or building

service equipment therein regulated by the administrative code, or the technical codes, where necessary, to eliminate an immediate hazard to life or property and in order to insure satisfactory compliance with the administrative code and the technical codes. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the decision to disconnect. Such notification shall be given 24 hours prior to taking such action.

- G. Connection After Order to Disconnect. No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected, or ordered to be disconnected, by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.
- H. Liability. The building official, or his authorized representative charged with the enforcement of the administrative code and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employee because of such act or omission performed by him in the enforcement of any provision of such codes shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings including the provision of surety for any and all damage claims secured in such proceedings.

The administrative code and the technical codes shall not be construed to relieve from, or lessen the responsibility of, any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspection authorized by such codes or approvals issued under such codes.

- I. Cooperation of Other Officials. The building official may request, and shall receive so far as is required in the discharge of his duties, the assistance and cooperation of other officials of this jurisdiction including, but not limited to, the Scott County Board of Health, Scott County Sheriff's Department and the Davenport Police Department.
- J. Miscellaneous Duties. Subject to the policy directives of the City Council and the Mayor, the building official shall:
1. Supervise and direct all employees engaged in the enforcement of the technical codes.
 2. Administer and enforce the building code, mechanical code, plumbing code, electrical code and may enforce all code provisions relating to construction, enumerated in Section 15.08.110 of this code.
 3. Submit a report to the City Council as of July 1st of each year covering the work of the office of construction code enforcement during the preceding fiscal year.
 4. Have and exercise all powers and duties assigned to him by statute or ordinance and such other authority as may be granted by the City Council.

15.08.210. (Reserved)

15.08.215. Combined code board of appeals - Powers and duty. [Ord. 2017-93 § 8²; Ord. 2002-180

2. Editor's Note: This ordinance also provided for the repeal of former Sections 15.08.220 through 15.08.235, which provided for a

§ 1 (part)]

- A. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the technical codes, there shall be, and is created, a combined construction code board of appeals and review, consisting of seven members. The Mayor shall strive to appoint one member who is a: State of Iowa electrical contractor or journeyman, State of Iowa licensed plumbing contractor or journeyman, State of Iowa licensed mechanical (HARV) contractor or journeyman, City of Davenport licensed Class A commercial building contractor, City of Davenport licensed Class B residential new construction contractor, architect, and **professional engineer, at least one of whom is** a resident of Davenport. The board shall be appointed to staggered three-year terms by the Mayor with the concurrence of the City Council. The board may adopt reasonable rules and regulations for conducting their meetings, investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. A simple majority of the board shall constitute a quorum to transact the business of the board. A simple majority of the members present by voice vote shall be required on action by the board. **[12-9-2020 by Ord. No. 2020-495]**

1. The transition rule to start the staggered terms is as follows:

Board Member	Name	Term Expires
1	Horace Peeples	10/31/2021
2	Frank Ehrecke	10/31/2021
3	Steve Duncan	10/31/2022
4	Gary Tomlinson	10/31/2022
5	Darrin Guffy	10/31/2023
6	Andrew Dasso	10/31/2023
7	Tim Koehler	10/31/2023

- B. Any person, firm or corporation, or any officer, department, board or bureau aggrieved by any order, requirement, decision or determination made by the building official on all matters pertaining to buildings or structures or occupancy included in the various technical codes shall have the right to appeal to the board within 10 days of the building official's order, decision or determination.
- C. An appeal is considered filed upon the submittal of a written notice as specified below and payment of a filing fee of \$100 to the finance department of the City within 10 days of the building officials written or verbal order, decision or determination. Such appeal shall set forth the order appealed from and the reason why the appellant believes it to be incorrect. The board shall hear the appeal and render a decision without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- D. The board after hearing the appeal may reverse, affirm, modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner the board may decide is fitting and proper and consistent with the intent and purpose of the applicable code. To that end, the board shall have all the power of the officer from which the appeal is taken. A vote of five members of the board shall be necessary to reverse, modify or amend an order, requirement, decision or

separate board of appeals and review for the mechanical code, plumbing code, electrical code and building code, all adopted by Ord. 2002-180.

determination of the official or to decide any matter wholly or partly, in appellant's, favor.

- E. Nothing in this subchapter shall be presumed to grant authority relative to the interpretation of the administrative code.

15.08.220. through 15.08.295 (Reserved)

SUBCHAPTER III
PERMITS AND INSPECTIONS

15.08.300. Permits. [Ord. 2002-180 § 1 (part)]

- A. Permits Required. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, sign or structure or make any installation, alteration, repair, or replacement to any building service equipment regulated by the administrative code and the technical codes, except as specified in subsection B of this section, or cause the same to be done without first obtaining a separate, appropriate permit for each building, structure, sign or building service equipment from the building official.
- B. Exempted Work. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of the administrative code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.
1. Building Permits. A building permit will not be required for the following:
 - a. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet and is located on the property in compliance with zoning regulations, building code setback requirements and/or trailer court regulations;
 - b. Fences on residential property not over six feet high;
 - c. Oil derricks;
 - d. Movable cases, counters and partitions not over five feet nine inches high;
 - e. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids; any wood or landscape timber walls;
 - f. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one;
 - g. Platforms, decks, walks and driveways on private property not more than 30 inches above grade and not over any basement or story below and not attached to any structure;
 - h. Painting, papering, carpet, resilient flooring and similar finish work;
 - ~~i. Temporary motion picture, television and theater stage sets and scenery;~~
 - j.i. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches;
 - k.j. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches in depth and not over 5,000 gallons, provided such swimming pools shall meet the fencing and enclosure requirements contained elsewhere in the technical codes. **[9-9-2020 by Ord. No. 2020-375]**

Unless otherwise exempted by the administrative code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

2. Plumbing Permits. A plumbing permit will not be required for the following:
 - a. The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in the administrative code.
 - b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
 - c. The installation of portable type spa equipment not connected to the building plumbing or drainage system.
 - d. The installation of swimming pools not connected to the building plumbing or drainage system. This permit exemption shall not apply to mechanical equipment normally regulated by the technical codes.
 - e. Lawn sprinkler systems except that the riser connection and backflow device necessary to provide water to such system shall be installed only by permit as required by the administrative code.
3. Electrical Permits. An electrical permit will not be required for the following:
 - a. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the electrical code;
 - b. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location;
 - c. Temporary decorative lighting;
 - d. Repair or replacement of current-carrying parts of any switch, contractor or control device;
 - e. Reinstallation of attachment plug receptacles, but not the outlets thereof;
 - f. Repair or replacement of any overcurrent device of the required capacity in the same location;
 - g. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;
 - h. Taping joints;
 - i. Removal of electrical wiring;
 - j. Temporary wiring for experimental purposes in suitable experimental laboratories;
 - k. The wiring for temporary theater, motion picture or television stage sets;

- l. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy;
 - m. Low-energy power, control and signal circuits of Classes II and III as defined in Article 720, 725 and 800 of the National Electrical Code.
 - n. A permit shall not be required for the installation, alteration or repair of electrical wiring apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by the public or private utility in the exercise of its function as a serving utility.
4. Mechanical Permits. A mechanical permit will not be required for the following:
- a. Any portable heating appliance;
 - b. Any portable ventilating equipment;
 - c. Any portable cooling unit;
 - d. Any portable evaporative cooler;
 - e. Any closed system of steam, hot or chilled water piping within any heating or cooling equipment regulated by the mechanical code;
 - f. Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes;
 - g. Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes;
 - h. Any unit refrigerating system as defined in the mechanical code.
- C. Separate Permits. Separate permits are required for each of the four classes of work (new construction and remodeling or repair) as follows:

Type of Work	Permit Required
General construction new or repair	Building permit
Electrical construction	Electrical permit
Heating construction, air conditioning, fireplaces, heating stoves, boiler process piping, other mechanical installation	Mechanical permit
Plumbing, drainage, piping construction	Plumbing permit
<u>Sprinkler and fire alarms</u>	<u>Building permit</u>

- D. Special Permits. Special permits are required for miscellaneous items as follows:

Type of Work	Permit Required
Moving building	Moving permit
Signs (see sign ordinance)	Sign permit
Temporary structures	Temporary permit
Demolition or wrecking	Wrecking permit
<u>Temporary motion picture, television and</u>	<u>Temporary permit</u>

City of Davenport, IA

15.08.300

BUILDINGS AND CONSTRUCTION

15.08.305

[theater stage sets and scenery](#)

15.08.305. Application for permit. [Ord. 2002-180 § 1 (part)]

- A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall, if deemed appropriate by the building official:
1. Identify and describe the work to be covered by the permit for which application is made;
 2. Describe the land on which the proposed work is to be done by legal description, land survey and street address or similar description that will readily identify and definitely locate the proposed building or work;
 3. Indicate the use or occupancy for which the proposed work is intended;
 4. Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection B of this section;
 5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building;
 6. Be signed by the applicant, or his authorized agent, who may be required to submit evidence to indicate such authority;
 7. Submit a plot plan showing dimensions of property and locations of proposed (and existing) improvements and such other information as may be necessary for checking compliance of proposed improvements with the requirements of the building code and zoning ordinance. Support this with an approved certificate of survey, executed by a land surveyor registered under the laws of the state of Iowa;
 8. A list of all contractors and subcontractors on the form provided for same. The building official may issue a permit subject to submission of this list at some specific later date;
 9. Contain a tentative schedule for required inspections on the form provided. Contractor (applicant) shall advise the building official at least one day in advance of any revisions to the inspection schedule. Contractor (applicant) shall post a copy of the inspection schedule and revisions to it at the job site with the posted building permit;
 10. Give such other data and information as may be required by the building official.
- B. Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such. Plans and other data, when so designed, shall bear the seal of the licensed architect or engineer at the direction of 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 this code and relevant laws, ordinances, rules and regulations as determined by the building official. The engineer or architect responsible for the structural design work shall include in the construction documents any special inspections and other structural inspections required by the engineer or architect. In addition, the design professional listed on the permit application shall define the expected frequency of site visits for the evaluation of construction progress and compliance with design intent. No permit for Construction shall be issued in the City of Davenport without a defined schedule of site observations by the Architect of Record and/or Engineer of Record. If the Architect of Record or Engineer of Record delegates this duty to another Iowa-licensed design professional, the Architect of Record or Engineer of Record shall ensure that the delegate has an adequate understanding of the design intent.

Note, although the duty of an on-site evaluation can be delegated, the responsibility thereof remains with the Architect of Record and/or Engineer of Record.

EXCEPTION: The building official may waive the submission of plans, calculations, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with the administrative code and the technical codes.

- C. Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon

substantial paper, or cloth, and 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 technical codes and all relevant laws, ordinances, rules and regulations.

D. Erosion Control Plans.

1. At the direction of the City engineer, before any person, firm or corporation is issued a building permit they must submit to and have approved by the building official plans to control soil erosion which conform to the regulations pursuant to the Davenport Municipal Code.

15.08.310. Permit issuance. [Ord. 2002-180 § 1 (part)]

- A. Issuance. The application, plans and specifications, and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the administrative code and the technical codes and other pertinent laws and ordinances and that the fees specified in Section 15.08.315 of the administrative code have been paid, he shall issue a permit therefor to the applicant.

When the building official issues the permit where plans are required, such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work shall be done in accordance with the approved plans and the technical codes.

The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

- B. Retention of Plans. One set of approved plans and specifications shall be kept on the site of the building work at all times during which the work authorized thereby is in progress. One set of approved plans, specifications and computations shall be retained by the building official until final approval of the work.
- C. Validity of Permit. The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the administrative code or the technical codes, or of any other ordinance of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of these codes shall be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in the plans, specifications and other data, or from halting building operations being carried on when in violation of these codes or of any other ordinances of this jurisdiction.

- D. Expiration. Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes

have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year. Prior to re-issue of the permit, the Building Official or their agent shall have the authority to inspect the work location and may require modifications to the site conditions.

Any permittee may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

- E. Suspension or Revocation. The building official may suspend or revoke a permit if issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of these codes.
- F. Continuance of Work. Subsequent to the issuance of a valid permit, no person, firm or corporation shall cease the activity necessary to bring the construction, repair or alteration of any building or structure or building service equipment to a condition allowing the final approval of the building official. Activity shall continue in a reasonable manner until final completion of such work and in no case shall such activity cease for a period of 180 days from the last recorded activity as contained on the permit issued.

15.08.315. Fees. [Ord. 2003-619 § 1; Ord. 2002-180 § 1 (part)]

- A. Permit Fees. The City Council by resolution shall set the amount of fee for each permit and plan review. Where a technical code has been adopted by the jurisdiction for which no fee schedule is shown in the administrative code, the fee required shall be in accordance with the schedule established by the legislative body by resolution.

The determination of value or valuation under any of the provisions of this section shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. For the purposes of this section, the value of construction work shall include, but not be limited to, the costs for labor charges, material charges, equipment costs, contractors profit, subcontractors charges, overhead charges, and other costs incurred in the replacement, repair, alteration, construction and installation of buildings and structures and building service equipment.

- B. Plan Review Fees. When a plan or other data are required to be submitted by subsection B of Section 15.08.305, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee for buildings or structures shall be 65% of the building permit fee as established by resolution.

The plan review fee for handicapped access as required by Division Seven of the Iowa State Building Code shall be established by resolution.

The plan review fees for electrical, mechanical and plumbing work shall be equal to 25% of the total permit fee as established by resolution.

Plan review fees shall be waived for those submissions for which a permit is secured and the fees are paid.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate as established by resolution.

- C. Expiration of Plan Review. Application for which no permit is issued within 60 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.
- D. Investigation Fees. Whenever any work for which a permit is required by the administrative code has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be as set forth in Section 15.08.315A. The minimum investigation fee shall be the same as the minimum fee as established by resolution. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either the administrative code or the technical codes nor from any penalty prescribed by law.

- E. 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. To obtain a reinspection, the applicant shall file a request thereof in a manner prescribed by the building official, and pay the reinspection fee as established by resolution.
- F. Fee refunds. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize the refunding of not more than 75% of the permit fee paid when no work has been done under a permit issued in accordance with the administrative code.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than five days after the date of fee payment.

No refund shall be made when the permit fee or plan review fee paid is \$10 or less. Qualifying refunds shall be, on a fee of \$40 or less, the amount of the fee in excess of \$10, and on a fee of over \$40, 75% of the fee.

15.08.320. Inspections. [Ord. 2002-180 § 1 (part); Ord. 97-486 (part)]

- A. General. All construction or work for which a permit is required shall be subject to inspection by the building official or his designee and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in this code.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction 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 jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- B. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least 24 hours before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by the administrative code or the technical codes to provide access to and means for proper inspection of such work.

- C. Inspection Record Card. An inspection record card shall be posted by the inspection officer and maintained to allow the convenient entry of inspection work. This card shall be maintained at a convenient place by the permit holder until final approval has been issued by the building official.
- D. Approval Required. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the building official. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in subsection E of this section.

There shall be a final inspection and approval on all buildings and building service equipment when completed and ready for occupancy or use. It shall be the duty of the person authorized by permit to request final inspection within 10 days of completion of the work.

- E. ~~The building official, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the administrative code or technical codes shall make the required inspections, or the building official shall have the authority to accept reports of the required inspections by their designee. Upon notification from the permit holder or his or her agent, the building official shall make or cause to be made any necessary inspections and shall either approve the portion of the construction as completed, or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.~~

1. Footing and Foundation Inspection: To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
2. Concrete Slab or Under-Floor Inspection: To be made after all in-slab or under-floor building service equipment conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or floor sheathing installed, including the subfloor.
3. Frame Inspection: To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating, wires, pipes and ducts are approved.
4. Lath and/or Wallboard Inspection: To be made after all lathing and wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished. (Fireproofing inspection may be made at the time of final inspection at the discretion of the building official.)
5. Final Inspection: To be made after finish grading and the building is completed and ready for occupancy. It shall be the duty of the contractor to notify the building official for final inspection within 10 days of the completion of the work.

- F. Required Building Service Equipment Inspections. All building service equipment for which a permit is required by the administrative code shall be inspected. No portion of the building or building service equipment shall be concealed until inspected and approved. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer

system until authorized by the building official.

- G. Operation of Building Service Equipment. The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace such equipment in the event a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.
- H. Other Inspections. In addition to the inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of the administrative code or technical codes and other laws which are enforced by the code enforcement agency.
- I. Reinspections. Inspection requests for work that is not complete or inspections that result in corrective action shall require a reinspection. Upon completion or correction of the work the applicant shall file a request for reinspection therefor in a manner prescribed by the building official, and pay the reinspection fee in accordance with Tables 3A through 3D.

15.08.325. (Reserved)

(See Chapter 17 IBC Structural Tests and Special Inspections)

15.08.330. Connection approval. [Ord. 2002-180 § 1 (part)]

- A. Energy Connections. No person shall make a connection from a source of energy, fuel or power to any building service equipment which is regulated by the technical codes and for which a permit is required by the administrative code, until approved by the building official.
- B. Temporary Connections. The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

15.08.335. Certificate of occupancy. [Ord. 2002-180 § 1 (part)]

- A. Use or Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.
- B. Change in Use. Changes in the character or use of a building shall not be made except as specified in Section 15.08.140F of this code.
- C. Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of the technical codes, the building official shall issue a certificate of occupancy which shall contain the following:
 - 1. The address of the building;
 - 2. The name and address of the owner;
 - 3. A description of that portion of the building for which the certificate is issued;
 - 4. A statement that the described portion of the building complies with the requirements of the administrative code and the technical codes for the group and division of occupancy and the use for which the proposed occupancy is classified;

5. The name of the building official.

- D. Temporary Certificate. If the building official finds that no substantial hazard will result from occupancy of any building or structure prior to the completion of the entire building or structure, he may issue a temporary certificate of occupancy. The permit holder shall call for final reinspection within 60 days or apply for an extension of temporary occupancy. Failure to do so may result in an assessment of fees equal to one-half the original fee as though the work has been suspended or abandoned under Section 15.08.310D.

15.08.340. Violations — Penalty. [Ord. 2002-180 § 1 (part)]

- A. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of the administrative code and the technical codes.
- B. Any person, firm, or corporation violating any of the provisions of the administrative code shall be deemed guilty of a municipal infraction; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the administrative code is committed, continued, or permitted; and upon conviction of any such violation such person shall be fined ~~\$30 for a first offense, \$100 for a second offense and \$200 for every offense thereafter for the same violation~~ an amount to be established by resolution by the City Council.

Chapter 15.12**INTERNATIONAL BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS³****15.12.010. Adoption by reference. [Ord. 2016-551 § 1 (part)]**

The specifications and regulations which are mentioned by title and date below are hereby adopted and declared to be a part of this title when not in conflict with a specific statement contained herein.

15.12.020. The International Building Code. [Ord. 2016-551 § 1 (part)]

The International Building Code, ~~2015~~2021 edition as published by the International Code Council is hereby adopted by reference as the building code for the City of Davenport.

15.12.030. The International Residential Code. [Ord. 2016-551 § 1 (part)]

The International Residential Code ~~2015~~2021 edition as published by the International Code Council is hereby adopted by reference as the residential building code for the City of Davenport.

15.12.032. The International Existing Building Code. [Ord. 2016-551 § 1 (part)]

The International Existing Building Code ~~2015~~2021 edition as published by the International Code Council and as adopted and amended by the State of Iowa LAC 661-301.7(103A) is hereby adopted by as the existing building code for the City of Davenport.

15.12.034. (Reserved)**15.12.036. Scope and application. [Ord. 2016-551 § 1 (part)]**

The provisions of the International Residential Code for One- and Two- Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, use and occupancy 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.

The Provisions of the International Building Code and The International Existing Building Code shall apply to all other buildings and structures except as otherwise exempted in this code and as otherwise provided for above under the International Residential Code for One- and Two- Family Dwellings.

15.12.040. Additions, deletions and amendments to the International Building Code. [Ord. 2016-551 § 1 (part)]

- A. Chapters 1, 12, 13, 27, 28, 29, 30, 32, and 33 of the International Building Code, ~~2015-2021~~ edition are deleted in their entirety and replaced by the codes and rules referenced by this Chapter and the Administrative Code contained in this Title as Chapter 15.08 and the Iowa Administrative Code.
- B. Appendix chapters C, I, of the International Building Code, ~~2015-2021~~ edition are hereby adopted as part

3. Editor's Note: Prior Ordinances Codified Herein Include Portions Of Ordinance Nos. 81-A, 82-228, 83-446, 84-509, 84-600, 90-384, 92-318, 2000-173, 2002-180 And 2004-127. Ordinance 92-603 Abolished The Department Of Construction And Engineering, The Department Of Transportation, The Department Of Public Service And The Department Of Water Pollution Control. All Duties And References To These Departments Found In This Chapter Shall Be Under The Jurisdiction Of The Department Of Public Works. Construction Rules And Regulations For The City Of Davenport

of this Chapter all other appendix chapters are deleted.

- C. Delete all references to the International Plumbing Code and insert in lieu thereof "State Plumbing Code."
- D. Delete all references to the International Mechanical Code and insert in lieu thereof "State Mechanical Code."
- E. Delete all references to the International Fire Code and insert in lieu thereof "Fire Code as adopted by the City of Davenport."
- F. Delete all references to "National Fuel Gas Code" and insert in lieu thereof "Fuel Gas Piping requirements of Iowa Administrative Code 641-25.3(105), Fuel gas piping." Fuel gas piping shall comply with the State Plumbing Code. **[Amended 12-4-2019 by Ord. No. 2019-530]**

NOTE:

- 1. All permits and regulations for the construction, encroachment and installation or maintenance within the public right-of-way and upon dedicated storm, sewer and access easements and the installation of public sidewalks, curb cuts, and drives are administered by the Department of Construction and Engineering.
- 2. See the Sign Ordinance of the City of Davenport for limitations on the encroachment of signs onto public property.
- 3. See Chapter 15.44 of the Davenport Municipal Code for development for construction within a flood hazard area.
- 4. See Iowa Administrative Code 641 Chapter 25 for the regulation of plumbing, potable water supply, drain, waste and venting and hydronic systems servicing buildings.
- 5. See Iowa Administrative Code 641 Chapter 61 for the regulation of heating, air-conditioning and mechanical systems for environmental conditions and process within buildings.
- 6. See Iowa Administrative Code 661 Chapter 504 and Chapter 15.16 of the Davenport Municipal Code for standards for electrical work.

15.12.042. Chapter 18 International Building Code Modified. [Ord. 2016-551 § 1 (part)]

- A. Add a new paragraph to Section ~~1807-31809~~ as follows:

All buildings or portions of buildings containing mechanical installations and connected to underground utilities shall be supported on a continuous, frost-free foundation capable of resisting the movement of the slab-on-grade.

15.12.044. Elevator Hoistway Opening Protection. [4-13-2022 by Ord. No. 2022-183]

Editor's Note: History for the previously "Reserved" section includes Ord. 2016-551 § 1 (part).

Elevator shafts opening directly into a fire resistance rated corridor or stairwell shall be protected by self-closing doors actuated by smoke detection in accordance with International Building Code section 716.5.9.3 (Smoke-activated doors). Hoistway opening protection shall not be required on the level of exit discharge.

15.12.046. Chapter 33 International Building Code Modified. [Ord. 2016-551 § 1 (part)]

- A. Delete Chapter 33 of the 2015 International Building Code in its entirety and replace as follows:

Chapter 33
DEMOLITION PROCEDURES

3314.1 Completion. All demolition work shall be completed within 30 days from the commencing date of demolition. An extension of time may be granted by the building official.

3314.2 Site work. A Construction Site Erosion and Sediment Control (COSESCO) Demolition permit application must be obtained from the Natural Resources Division of Public Works and submitted for review. The fee for a COSESCO demolition permit is \$75 per lot and is valid for one year. By obtaining a COSESCO Demolition permit the contractor agrees to meet the terms and specifications outlined in Section 13.38 of Davenport Municipal Code. And this section as follows:

3314.2.1 Site clearing. The demolition site shall be cleared of all debris associated with the structures being removed. All mechanical groundwork shall be removed from the site of demolition. Foundation walls may be used as solid fill and in all cases shall be removed or collapsed so as to allow burial below grade. Basement and on grade concrete slabs shall be removed or substantially pulverized to allow adequate drainage.

3314.2.2 Backfill and site finish. Demolition work shall include site work as necessary to fill all excavations and to create a smooth and even finish grade capable of supporting vegetation. Materials and specifications for filling and final site work are as follows: Only material that will not decompose in the ground shall be used for filling all excavations to within one foot of the top of the surrounding grade. The top one foot of fill material shall be tillable soil, of which the formed aggregate does not exceed 1 1/2 inches. An earthen crown shall be provided at the center of the demolition site to allow for proper site drainage. Final site work shall include the spreading of a grass seed blend suitable for the site and able to provide adequate ground cover and protection from erosion of soil.

3314.2.3 Excavations. The top and bottom of cut slopes shall be made no closer than two feet to the site boundaries. All excavated sites with a difference in elevation from the adjoining grade level of 30 inches or more shall be filled and graded to a maximum slope of two horizontal to one vertical. Sloped sites exceeding 12' vertical height shall be graded to a maximum slope of three horizontal to one vertical or shall be held in place by permanent retaining walls equipped with guardrails. The Building Official may require engineered designs for any retaining system.

3314.2.4 Utility abandonment. The demolition shall not commence and no permit shall be granted prior to the abandonment of the gas and electric and water service by the serving utility and abandonment of the sewer service at the street, alley, or other location as approved by the Department of Construction and Engineering. Care must be exercised not to cut off any sewer or water service that may serve another building or installation. A permit secured from the Construction and Engineering Department will be required for the excavation in a public way. The Building Official may waive this requirement.

- B. Add a new section to Chapter 33 as follows:

SECTION 3315
MOVING OF BUILDINGS

3315.1 Permit authorization. No permit for foundation work, excavation, or site development shall be granted by the building official for the relocation of a moved building and no permit for moving of any structure shall be granted without the written approval of the Director of the Transportation Department. Such written approval shall designate the approved route, designate the time and duration of the move along public streets and any other restrictions deemed necessary by the Director of Transportation. Such approvals shall be subject to review by any public utility having property along the proposed route. The Director of Transportation shall also notify the fire chief and police chief of the intended route and shall continue such notification for the duration of the moving, indicating any change in the route and any pause in the moving procedure.

3315.2 Use of public right-of-way. No building or structure shall be allowed to remain over night upon any street or public right-of-way, nor shall any such moving restrict, at any time, access to any fire hydrant or necessary emergency equipment.

3315.3 Notification. Every person receiving a permit to move a building shall, within one day after the building reaches its destination, report that fact to the Director of Transportation. The Director of Transportation shall thereupon inspect the streets, alleys or public ground over which the house or building has been moved and shall ascertain the condition of same. If the moving has caused any damage to said public right-of-way, repairs shall be made and all costs shall be assessed against the party having been granted the permit for the moving of the building or structure.

15.12.050. Additions, deletions and amendments to the International Residential Code. [Ord. 2016-551 § 1 (part)]

- A. Chapter 1 of the International Residential Code ~~2015-2021~~ edition is deleted and replaced by the codes and rules referenced by this Chapter and the Administrative Code contained in this Title as Chapter 15.08 and the Iowa Administrative Code.
- B. Part IV, Part V, Part VI, (fuel gas code) Part VII, Part VIII, of the ~~20152021~~ International Residential are deleted in their entirety and replaced by applicable Chapters of this Title.
- C. Appendix Chapter H, of the ~~20152021~~ International Residential Code is hereby adopted as part of this Chapter all other appendix chapters are deleted.
- D. Delete all references to the International Plumbing Code and insert in lieu thereof "State Plumbing Code."
- E. Delete all references to the International Mechanical Code and insert in lieu thereof "State Mechanical Code."
- F. Delete all references to the International Fire Code and insert in lieu thereof "Fire Code as adopted by the City of Davenport."
- G. Delete all references to National Fuel Gas Code and insert in lieu thereof "Fuel Gas Piping requirements of Iowa Administrative Code 641-25.3(105) Fuel gas piping. Fuel gas piping shall comply with the State Plumbing Code.

15.12.052. Chapter 3 International Residential Code modified. [Ord. 2016-551 § 1 (part)]

- A. Table R301.2(4) is amended by adding the following information:

Table R301.2(+) Climatic and Geographic Criteria								
Ground Snow Load	Wind Design				Subject to Damage From			
	Speed ^d (mph)	Topographic Effects ^k	Special Wind Region ^l	Wind-borne Debris Zone ^m	Seismic Design Category ^f	Weathering ^g	Frost line Depth ^b	Termite ^e
Ps = 30 psf, except that calculations for additional drift loads shall use a ground snow load p9 = 25 psf	115	YES	YES	NO	A	SEVERE	42 inches	Moderate to Heavy

Ice Barrier Underlayment				
Winter Design Temp ^e	Required ^h	Flood Hazards ^f	Air Freezing Index ⁱ	Mean Annual Temp ^j
-4° F	YES	Initial NFIP 4-14-1978 FIRM #170582 4-5-2010	2000	50.5° F.

- B. Delete Paragraph R302.13 in its entirety.
- C. Delete Paragraph R310.1 and insert in lieu thereof the following new section:

R310.1 "Emergency Escape and Rescue Required." Basements, habitable attics and every sleeping room shall have at least one operable emergency rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement when so provided. Where emergency escape and rescue openings are provided, they shall have a sill height of not more than 44 inches (1118 mm) above an adjacent permanent interior standing surface. The adjacent permanent interior standing surface shall be no less than 36 inches wide and 18 inches deep and no more than 24 inches high. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with section R310.3. The net clear opening dimension required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

EXCEPTION: Basements used only to house mechanical equipment and not exceeding total floor areas of 200 square feet

D. R311.7.8.2 Continuity. Add "Exception 3. Handrails within a dwelling unit or serving an individual dwelling unit may have one (1) offset or interruption per flight of stairs, not both, of six inches in total length and shall be considered, for the purpose of this code, to be continuous."

D.E. Delete-Amend Paragraph R313.1 "Townhouse automatic fire sprinkler systems. An automatic sprinkler system shall be installed in townhouses consisting of five or more townhouse units."

City of Davenport, IA

15.12.052

BUILDINGS AND CONSTRUCTION

15.12.052

E.F. Delete Paragraph R313.2 "One and two family dwellings automatic fire systems" in its entirety.

F.G. Delete Section R322, "Flood Resistant Construction," in its entirety.

Note: Chapter 15.44 of the Davenport Municipal Code for development or construction within a flood hazard area. [Amended 12-4-2019 by Ord. No. 2019-530]

~~G.H.~~ Delete Section R323 in its entirety. (FEMA regulations apply for storm shelter)

~~H.I.~~ Delete Section ~~R326-R327~~ in its entirety and insert in lieu thereof the following new section:

~~R326R327~~ "Swimming Pools, Spas and Hot Tubs." The design and construction of pools and spas shall comply with the International Swimming Pool and Spa Code Chapter 305 entitled "Barrier Requirements."

~~H.I.I.1.~~ Section 305.4 Modified. Delete all reference to windows.

15.12.054. Chapter 4 International Residential Code modified. [Ord. 2016-551 § 1 (part)]

A. Delete table R403.1(1) table 403.1(2) and table 403.1(3), and replace with the following table R403.1.

Table R403.1 Concrete, Precast or Masonry Footings and Foundation				
Number of Floors Supported by the Foundation	Thickness of Foundation Walls (inches)	Minimum Width Footing (inches)	Thickness of Footing (inches)	Minimum Depth of Foundation Below Natural Surface of Ground or Finish Grade (whichever is lower) (inches)
1	8	16	8	42
2	8	16	8	42
3	10	18	12	42

Note:

- Foundations may support a roof in addition to the stipulated number of floors. Foundations supporting roofs only shall be as required for supporting 1 floor.
- Footings shall be continuous and contain a minimum of 2, 1/2 inch reinforcement bars, and shall have a minimum compressive strength of 2,500 pounds per square inch at 28 days.
- A 1 story wood frame building used for private garage, and accessory to a single family residential use and not exceeding 720 square feet in floor area may be constructed on a floating slab-on-grade provided the following conditions are met: A concrete perimeter grade-beam, 12 inches deep and 12 inches wide and reinforced with 2, 1/2 inch reinforcement bars shall be installed to support the exterior walls. A minimum four-inch thick concrete floor slab reinforced with wire mesh or fiber mesh shall be installed within the perimeter beam and shall be formed to allow a continuous pour consisting of the required grade beam and floor.
- Buildings or portions of buildings containing mechanical installations and connected to underground utilities shall be supported on a continuous, frost-free foundation capable of resisting the movement of the slab-on-grade.
- Cast-in-place concrete foundation walls shall be concrete having a minimum compressive strength at 28 days of not less than 3,000 pounds per square inch. The minimum thickness of a wall shall be 7 1/2 inches.

Walls shall be reinforced with no less than 3, 1/2 inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and one bar located near mid-height of the wall.

B. Delete Paragraph R403.1 "General" in its entirety and replace in lieu thereof the following:

All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings which shall be of sufficient design to accommodate all loads according to Section R301 of the ~~2015-2021~~ International Residential Code. Footings shall be supported on undisturbed natural soil or engineered fill.

C. Amend Section R403 by adding the following paragraph(s):

R403.1.1(2) Deck Footings. Deck footings NOT supporting a roof or over head structure may be a minimum 12 inches in diameter and 42 inches below finished grade.

R403.1.1(3) Covered Deck and Room Addition Footings. All covered decks, screened porches; three season rooms, four season rooms, room additions, and similar structures, shall be supported on foundations compliant with Table R403.1 or conforming to one of the following methods:

1. Pier footings designed by a design professional.
2. Twelve inch wide reinforced trench footing 42 inches in depth.
3. Spread footings 42 inches in depth with a minimum eight inch masonry wall or concrete foundation wall as per Figure 404.1.3.1(A).

**Chapter 15.16
ELECTRICAL CODE⁴**

15.16.010. Adoption by reference. [Ord. 2015-21 § 1 (part)]

The specifications and regulations which are mentioned by title and date below are hereby adopted and declared to be a part of this title when not in conflict with a specific statement contained herein.

15.16.015. The National Electrical Code. [4-13-2022 by Ord. No. 2022-181; Ord. 2015-21 § 1 (part)]

The Electrical Code as adopted and amended by the State of Iowa is hereby adopted by reference as the electrical code for the City of Davenport, Iowa, subject to the amendments and adoptions by the State of Iowa Department of Public Safety.

15.16.020. Additions deletions and amendments. [Ord. 2015-21 § 1 (part)]

Annex H entitled "Administration and Enforcement," is hereby deleted and replaced by Chapter 15.08 of the Davenport Municipal Code.

15.16.030. Chapter 1, modified. [9-9-2020 by Ord. No. 2020-376⁵; Ord. 2015-21 § 1 (part)]

Add a new paragraph, "Wiring," as follows:

- A. Minimum line voltage wire size shall be 12 AWG copper.
- B. Feeder conductors within dwellings shall be installed within an approved raceway. Type AC and Type MC cable is not approved for this application. Exception: This is inapplicable where feeder conductors originate and terminate within a dwelling unit.
- C. Nonmetallic sheathed cable shall be permitted within one- and two-family dwellings and their garages and storage buildings; and multifamily dwellings in accordance with the National Electrical Code.
- D. Exposed nonmetallic sheathed cable shall be protected to a height of eight feet above the floor by approved materials and methods.
- E. Where NM & NMC cables are allowed in structures, all wiring in areas outside a dwelling unit, such as common areas, stairs, community rooms, corridors, etc, in multi -family residential structures shall be installed in MC or EMT Cables. Use of NM & NMC cables shall not be permitted in such areas. **[4-13-2022 by Ord. No. 2022-182]**
- F. Use of NM & NMC cables, even when installed in raceways, shall not be permitted in Types I & II construction. **[4-13-2022 by Ord. No. 2022-182]**

15.16.040. through 15.16.070. (Reserved)

4. Editor's Note: Chapter 15.16, Electrical Code Has Been Amended In Its Entirety By Ordinance No. 2005-277. Prior Ordinances History Includes Portions Of Ordinance Nos. 2005-277, 2002-264, 2001-120, 2000-171, 96-531, 94-324, 90-117, 85-389, 2008-480 And 2011-546. Construction Rules And Regulations For The City Of Davenport

5. Editor's Note: This ordinance also repealed former Section 15.16.040, Chapter 2, modified; Section 15.16.050, Chapter 3, modified; Section 15.16.060, Chapter 7, modified; and Section 15.16.070, Chapter 10 "Rewires" added; all adopted by Ord. No. 2015-21 § 1 (part).

**Chapter 15.20
(RESERVED)⁶**

15.20.010. (Reserved)

6. Editor's Note: Chapter 15.20, "**Uniform Housing Code**," Previously Contained Herein, Has Been Repealed By Ordinance No. 89-397, Adopted August 16, 1989. For Provisions Pertaining To The **Uniform Housing Code**, See Ch. 15.38.

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**Chapter 15.24
MECHANICAL CODE⁷**

Construction Rules and Regulations for the City of Davenport

15.24.010. The Mechanical Code. [Ord. 2016-552 § 1 (part)]

The State Mechanical Code as adopted and amended by the State of Iowa Administrative Code 641 Chapter 61 is hereby adopted by reference as the mechanical code for the City of Davenport, Iowa, subject to the amendments and adoptions by the State of Iowa Department of Public Safety.

15.24.020. Administrative application. [Ord. 2016-552 § 1 (part)]

- A. The administration, scope, application, permit regulation, permit fees, inspection and enforcement of the mechanical code for the City of Davenport shall be as set forth in Chapter 15.08 of the 2000 Davenport Municipal Code for Administrative Regulations.

7. Editor's Note: Chapter 15.24 "IAPMO Uniform Mechanical Code" Was Amended In Its Entirety By Ordinance No. 2004-412. Prior Ordinances Codified Herein Include Portions Of Ordinance Nos. 81-A, 83-446, 84-601, 84-602, 90-163, 92-123, 95-22, 2000-248 And 2004-412.

**Chapter 15.28
PLUMBING CODE⁸**

15.28.010. Plumbing Code. [Ord. 2016-553 § 1 (part)]

The Plumbing Code as adopted and amended by the State of Iowa Administrative Code 641 Chapter 25 is hereby adopted by reference as the plumbing code for the City of Davenport, Iowa, subject to the amendments and adoptions by the State of Iowa Department of Public Safety.

15.28.020. Administrative application. [Ord. 2016-553 § 1 (part)]

- A. The administration, scope, application, permit regulation, permit fees, inspection and enforcement of the plumbing code for the City of Davenport shall be as set forth in Chapter 15.08 of the 2000 Davenport Municipal Code for Administrative Regulations.

15.28.021. Additions, deletions and amendments to the Uniform Plumbing Code. [Ord. 2018-505]

- A. Add a new paragraph to section 605.2.2 of the Uniform Plumbing Code, 2018 as follows:

Solvent cement joint on CPVC pipe & fittings shall NOT be allowed on pipes serving potable water.

⁸ Editor's Note: Prior Ordinance History Includes Portions Of Ordinance Nos. 2005-278 And 2007-44.

**Chapter 15.30
CONTRACTOR LICENSES — BOND — INSURANCE REQUIRED⁹**

**SUBCHAPTER I
LICENSING GENERALLY**

15.30.010. Licensing generally. [Ord. 2016-554 § 1 (part)]

- A. No person, firm, partnership or corporation shall engage in construction contracting without having a current valid license or certificate issued in accordance with this chapter. The term construction contracting shall mean being engaged in the performance or supervision of work regulated by provisions of any of the technical codes as defined in Chapter 15.8 of the Davenport Municipal Code and shall include persons contracting to perform such work in the conduct of a business.

EXCEPTION: No license is required for the owner of an existing single family dwelling who occupies the dwelling as his own residence. Owner occupants may perform repair or remodel or new construction work regulated by any of the above named codes on said dwelling together with any existing accessory buildings not used for commercial purposes only if:

1. The owner has secured a valid permit prior to commencement of the repair work;
2. The owner calls for all of the required inspections normally required as a part of performing such work;
3. The owner has not applied for a dwelling improvement license at more than two dwellings within a period of four years nor is engaged in the business of remodeling dwellings other than his own dwelling.
4. The owner can demonstrate adequate knowledge and ability in the area of work for which applied.

- B. No person, firm, partnership or corporation shall engage in sign contracting without having a current, valid license issued in accordance with this chapter. The term "sign contracting" shall mean being engaged in the performance or supervision of work regulated by the provisions of Section 17.12.060 of the Davenport Municipal Code, entitled "Sign Permit Required." [Amended 12-4-2019 by Ord. No. 2019-530]

- C. Restriction on Transfer. No license may be loaned, rented, assigned or transferred. No holder of a valid license shall obtain a permit under his license and then subcontract, sell or otherwise assign the work covered by the permit to a person or firm who does not have a valid license.

15.30.020. Building contractor licensing and regulation thereof. [Ord. 2016-554 § 1 (part)]

- A. Building Contractor Licensing.

1. No person, firm or corporation shall engage in building contracting in the City without having a valid building contractor's license.
2. The term "building contracting" shall be defined as being engaged in the performance or supervision of work regulated by provisions of the building code and shall include the business

9. Editor's Note: Prior Ordinances Codified Herein Include Portions Of Ordinance 81-A, 90-385, 95-423, 95-510, 97-485, 99-170, 2004-301, 2005-339 And 2008-156.

of contracting such work for hire.

3. A corporation desiring to engage in building contracting shall, by affidavit of the president or secretary of the corporation, appoint one or more of the corporate officers to act for the corporation, to apply for, be examined, and be licensed as an individual under the terms of this chapter. Such officer(s) or director(s) shall be actively engaged in conducting the affairs of the corporation and shall be directly in charge of the planning and supervision of any and all construction work done by that corporation. Such corporation may continue in the business of building contracting only so long as it has at least one officer or director so licensed and engaged. In case of sudden or unexpected severance from employment by the corporation of the licensee, the corporation may continue to operate for 30 days, and within the 30 days shall accomplish appointment, examining and licensing of another director or officer to act as above.
4. A partnership desiring to engage in building contracting shall, by affidavit of all the partners, appoint one or more partners to act for the partnership, to apply for, be examined, and be licensed as an individual under the terms of this chapter. Such partner(s) shall be actively engaged in conducting the affairs of the partnership and shall be directly in charge of the planning and supervision of any and all work done by that partnership. Such partnership may continue in the business of contracting only so long as it has at least one active partner so licensed and engaged. In case of sudden or unexpected severance from the partnership of the licensee, the partnership may continue to operate for 30 days, and within the 30 days shall accomplish appointment, examining and licensing of another partner to act as above.
5. An individual desiring to engage in building contracting shall apply for, be examined, and be licensed as an individual under the terms of this chapter. Such person shall be actively engaged in conducting the affairs of the business and shall be directly in charge of the planning and supervision over any and all work done as a part of that business. If at any time he sells his interest in the business, or ceases to be active in the business, that business may continue no more than 30 days as a contractor, unless another individual who obtains an interest in and is active in that business obtains an individual license as required herein.
 - a. A commercial building contractor shall obtain a Class A license. A commercial building contractor is a contractor engaged in the performance or supervision of work regulated by the building code. Such work is not exclusively limited to work described in this subsection or exclusively limited to a line of work contemplated in subsection B or C hereunder and may include the moving or demolition of buildings.
 - b. A residential building contractor shall obtain a Class B license. A "residential building contractor" is a contractor limited to the construction, remodeling or demolition of one- or two-family residences or of auxiliary facilities including car ports and garages intended for one-family or two-family residential uses.
 - c. A specialty contractor shall obtain a Class C license. A "specialty contractor" is a contractor performing work regulated by the building code whose scope of work is limited to a specialty but does not include construction or installation of a building or addition thereto. Such work shall include the performance or installation of the following items: metal awnings and canopies, decks, concrete, roofing, signs, siding, steel erection and fabricating, swim pools, sprinkler systems, fire alarm systems, tuck pointing, water proofing.

EXCEPTION: 1. No Building Contractor License is required for a person having legal title and ownership for a building or structure classified as a Single Family Dwelling. ~~Owners may perform general contracting work on such properties.~~ The scope of work allowed under this exception shall be limited

to work pertaining to new construction, remodeling or renovation. Unless otherwise provided by Iowa State Code, this exception shall not apply to work pertaining to mechanical, electrical or plumbing installations nor shall this exception pertain to the licensing requirements for mechanical, plumbing and electrical contractors.

Owners of other buildings not classified as a Single Family Dwelling may perform non-structural/cosmetic work only as determined by the Chief Building Official or designee.

B. All Candidates for Building Contractor licensing must demonstrate 3 years of experience in building construction or design to be eligible for the exam per Section 15.30 of this Code. Work experience need not be continuous but must be full-time (40 hours per week) within the past ten years.

Exceptions:

- a. Successful completion of a three- or four-year vocational high school or other vocational school program in the field of building construction shall be deemed as satisfying one year of work experience.
- b. Completion of a bachelor's degree from an accredited college or university shall be deemed as satisfying one year of work experience.
- c. Successful completion of a bachelor's degree from an accredited college or university in architecture, engineering, or technology in a related field shall be deemed as satisfying two years of work experience.
- d. Active construction-related military experience may be considered full time experience.
- e. Note: Education cannot account for more than two years of experience, and union affiliation only is not acceptable as work experience.

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15.30.030. Plumbing licensing and regulation thereof. [Ord. 2016-554 § 1 (part)]

A. Plumbing Contractor's License.

- 1. Upon the effective date of enforcement determined by the State of Iowa Plumbing & Mechanical Systems Board, no person, firm or corporation shall engage in plumbing contracting or the installation of plumbing systems within the City of Davenport without the appropriate licensing as issued by the State of Iowa under Iowa Code Chapter 105.

EXCEPTION: 1. A plumbing contractor's license shall not be required for sewer construction work where such sewers are public sewers on public property, or, as in the case of subdivision development work, where such sewers are intended for future acceptance by the City as public sewers on public property. All such work is directly under the jurisdiction of the department of public construction and engineering.

15.30.040. State of Iowa Electrical licensing and regulation thereof. [Ord. 2016-554 § 1 (part)]

A. State of Iowa Electrical Contractor License Required.

- 1. Upon the effective date of enforcement determined by the State of Iowa Electrical Examining Board, no person, firm or corporation shall engage in electrical contracting or the installation of electrical systems within the City of Davenport without the appropriate licensing as issued by the State of Iowa under Iowa Code Chapter 103 or the City Of Davenport.

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2. Class "B" Master Electrician and Class "B" Journeyman Electrician licenses shall not be recognized as valid to perform work as Master Electricians or Journeyman Electricians, respectively, within the City of Davenport.
3. Class "B" license holders would have rights and privileges equal to those of a licensed "Unclassified" person.
4. Persons holding a Special Electrician license with a "Residential Electrician" endorsement shall be supervised by a Class "A" Master Electrician per 2007 Iowa Acts, Chapter 197, Section 21; or an electrical contractor licensed by the City of Davenport.

15.30.050. Mechanical licensing and regulation thereof. [Ord. 2016-554 § 1 (part)]

A. Mechanical Contractor's License.

1. Upon the effective date of enforcement determined by the State of Iowa Plumbing & Mechanical Systems Board, no person, firm or corporation shall engage in mechanical contracting or the installation of mechanical systems within the City of Davenport without the appropriate licensing as issued by the State of Iowa under Iowa Code 105.

15.30.060. (Reserved) [Ord. 2016-554 § 1 (part)]

SUBCHAPTER II
APPLICATION FOR LICENSE

15.30.070. Application for licenses. [Ord. 2016-554 § 1 (part)]

A. Any person who desires to be licensed as a building contractor as defined in this chapter shall make application to the building official. The building official shall provide application forms for this purpose. The completed forms shall include the name of the applicant and the applicant's employer, if any, applicant's home and business addresses, employer's address and a brief resume of his training and experience. The completed forms must be accompanied by any affidavits and documentation required by other provisions of this chapter.

B. All applicants for a Building Contractor license (Class A, B, and C) may be required to identify all other business enterprises where applicant currently has an equity interest, or has had an equity interest in the last ten (10) years.

C. All applicants for a Building Contractor license (A, B, and C) may be required to provide a statement of financial solvency.

15.30.080. Examination for license. [Ord. No. 2016-554 § 1 (part)]

A. Any person who desires to be licensed as a building contractor shall be tested by examination. The building official may appoint a person or agency to administer the preparation, conducting and grading of examinations. Examinations shall be of such a nature as to uniformly test the capabilities of all applicants for each specific type of license. The applicant shall score a passing test result of 70% in order to secure a license. All associated fees for examination services, grading and administration shall be paid at the time of application by the individual desiring to be tested.

15.30.090. (Reserved) [Ord. 2016-554 § 1 (part)]

15.30.100. (Reserved) [Ord. 2016-554 § 1 (part)]

15.30.110. Examination waived. [Ord. 2016-554 § 1 (part)]

Any building contractor having been tested elsewhere by an examination of equal standards or who produces proper credentials showing accreditation or affidavit of training and experience may upon review by the building official, be excused from the examination required by this chapter.

15.30.120. Issuance of license, fees and renewals. [Ord. 2016-554 § 1 (part)]

- A. No license shall be issued to a firm, partnership or corporation.
- B. No license shall be issued, and no contractor's license shall remain valid unless a current, approved bond shall be on file in the office of the building official as provided in the code.
- C. Licenses and renewals shall be issued by the building official. All fees shall be paid to the City. Initial licenses shall be issued on approval by the Secretary of the licensing board or the building official. Renewal licenses shall be issued on presentation of a renewal application, a receipt for renewal fee and approval by the building official that the applicant is in full compliance with all applicable provisions of the Davenport Municipal Code and all lawful orders of compliance and notices or citations issued by the City of Davenport.
- D. All licenses shall expire on March 31st of each year. Renewals may be secured in the 30 days preceding the expiration date. Expired licenses may be renewed at any time within the license year

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upon payment of the required fee and penalty, if any. After one license year has elapsed without license renewal, a new application must be submitted with examination fee, and the applicant must be reexamined. The term "license year" means the twelve-month period, commencing April 1st of any year.

E. Application, license and registration fees shall be charged according to the following schedule:

TABLE E.1 Annual Fee	
Building Contractor licenses:	
Commercial Building Contractor	
Class "A"	\$300
Residential Building Contractor	
Class "B"	\$200
Specialty Contractor	
Class "C"	\$100

F. In all cases where licenses and registrations are not renewed on or before April 30th of each year and the licensee has performed work regulated by this chapter, a penalty of one-half the annual fee may be added to the annual fee.

15.30.130. License revocation or suspension. [Ord. 2016-554 § 1 (part)]

In addition to penalties otherwise provided, violations of Title 15 of the City of Davenport Municipal Code shall authorize the building official, to order, in accordance with the provisions of Section 15.30.140, revocation or suspension of any license issued under this chapter.

15.30.140. Revocation and suspension procedures. [Ord. 2016-554 § 1 (part)]

Under certain conditions or by actions of the license holder for failure to comply with the requirements of Title 15 of the Davenport Municipal Code any contractor license issued in and for the City of Davenport may be revoked by order of the building official. No order of license revocation or suspension shall be lawful unless the following requirements have been satisfied:

- A. The licensee shall be served with written notice issued by the building official containing assertions of fact or conduct which warrant the intended action and reference the provisions of law violated and causing the revocation order and the effective date of the revocation of license.
- B. The licensee has the right of appeal of license revocation to the City Council.

15.30.150. (Reserved) [Ord. 2016-554 § 1 (part)]

15.30.160. (Reserved) [Ord. 2016-554 § 1 (part)]

SUBCHAPTER III
BOND AND INSURANCE REQUIRED

15.30.170. Bond required. [Ord. 2016-554 § 1 (part)]

- A. Contractor Bonds. Any person, firm or corporation desiring to engage in the business of contracting, of the several types as set forth in Table III-A of this subchapter, conditioned on the faithful performance of all the provisions of the Administrative Code, shall post a bond which is guaranteed by a surety. The term "business of contracting" as contained in this section shall mean being engaged in the business of doing work regulated by provisions of the technical codes and the Administrative Code. Such surety to be a company authorized to transact business in the State of Iowa.

TABLE III-A	
Type of Contracting	Sum of Bond
General contracting	\$25,000
Mechanical contracting	\$5,000
Electrical contracting	\$5,000
Plumbing contracting	\$5,000
Refrigeration and/or air-conditioning contracting	\$5,000
Sign contracting	\$5,000
Excavation contracting	\$5,000
Moving buildings	\$25,000
Blasting	See Uniform Fire Code
Demolition and wrecking	\$25,000

15.30.180. Liability insurance required. [Ord. 2018-327; Ord. 2016-554 § 1 (part)]

- A. Contractors Insurance. Any person, firm or corporation desiring to engage in the moving or demolition of buildings shall file with the building official a duplicate copy of a liability insurance policy covering such operations. The licensee must obtain and have in place liability insurance of the type and amount specified by the City risk division. The City of Davenport shall be named in the policy as additionally insured. Said policy shall be issued by a legally authorized surety transacting business in the State of Iowa. Required property damage limits may be increased by the building official.
- B. Sign Liability Insurance. Liability insurance is required covering all billboards, wherever located and all signs on or over public property, and all signs over walkways, parking lots and all road ways on private commercial property where such areas are in use by the public. Liability insurance shall provide for the principal sum of not less than \$50,000 liability to any one person or \$300,000 liability on account of any one accident. Such policy shall be written in accordance with standard form now in general use. Said policy shall further carry an endorsement protecting the City of Davenport as its interest may appear as the result of any accident or injury for which it might become in any manner liable. Should such insurance be terminated for any reason or owner of the sign fail to keep such insurance in force at any time, the permit for the maintenance of any such sign shall automatically terminate and such sign be forthwith removed by the owner or his agent.

C. Marquee and Other Projections, Liability Insurance. Every person, firm or corporation desiring to erect or maintain a marquee shall first procure public liability insurance thereon in a company authorized to transact business in the State of Iowa, for the principal sum of not less than \$50,000 liability to any one person or \$300,000 liability on account of any one accident. Such policy shall be written in accordance with standard form now in general use. Said policy shall further carry an endorsement protecting the City of Davenport as its interest may appear as the result of any accident or injury for which it might become in any manner liable. Should such insurance be terminated for any reason or should the holder of the permit fail to keep such insurance in force at any time, the permit for the maintenance of any such canopy or marquee shall automatically terminate and such canopy or marquee shall be forthwith removed by the owner or his agent. If not removed by the owner or his agent, then the marquee may be removed by the building official and the expense thereof shall be recovered from said owner or owner's agent.

EXCEPTION: 1. Canvas type awnings shall be exempt from this insurance requirement.

D. All applicants for a Building Contractor license (Class A, B, and C) shall maintain insurance required as by the above-listed sections is rated B+ or better. The City reserves the right to request Certified proof of insurance from the Building Contractor.

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Chapter 15.32
INTERNATIONAL FIRE CODE
[Amended In Entirety 8-26-2020 By Ord. No. 2020-350¹⁰]

15.32.010 International Fire Code (2021) adopted.

Except as hereinafter modified, the International Code Council's 2021 International Fire Code, including appendices, is adopted by reference as the fire code of the City of Davenport, Iowa and hereby incorporated by reference into this chapter.

15.32.020 Modifications to 2021 International Fire Code.

The 2021 International Fire Code is modified as follows:

A. 101.1: The City of Davenport.

These regulations shall be known as the Fire Code of the City of Davenport, hereinafter referred to as this code. The following definitions shall be in place:

Wherever the word "jurisdiction" is used in the International Fire Code, it is the City of Davenport.

Wherever the party responsible for the enforcement of the International Fire Code is given a title of "Fire Marshal" and the following definition: "Fire Marshal is the Code Official of the Fire Prevention Bureau" or a duly authorized representative.

Whenever the words "Department of Fire Prevention" are used, they shall be held to mean "Fire Prevention Bureau".

The word "shall" is mandatory, and the word "may" is permissive.

B. 202 (M): Commercial Cooking Appliances.

Appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilations system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (Charbroilers); ovens; barbecues; rotisseries; residential stoves/ovens and similar appliances. For the purpose of this definition, a food service establishment shall include any commercial building or portion thereof used for the preparation and serving of food including for employee purposes.

C. 202: Crowd Manager

Crowd Manager is responsible for safe crowd movement during daily activities and special events, means of egress, assisting venue occupants, and overseeing emergency response and evacuation plans.

307.4.4 Permanent Outdoor Fire Pits or fire feature devices:

Fire Pits shall comply with all of the following restrictions:

1. The fire pit must be located in an approved location at least 15 feet from a structure.
2. If the building is equipped with fire sprinklers and there is an overhang in the area where the firepit is being used, then the overhang must have horizontal sidewall sprinkler protection.

3. There must be an emergency stop button installed within 15 feet (line of sight) to disconnect the fuel gas in the event of an emergency.
4. The emergency shut off must be labeled using a weather proof sign with letters on a contrasting background.
5. Solid fuels are strictly prohibited for fire pits and fire feature devices.
Exception: Fire Pits and fire features used at one-and two-family dwellings.

D. 405.3.1 Group E Schedule:

Fire and evacuation drills in Group E occupancies shall be conducted in accordance with Section 100.31 of the Iowa Administrative Code. Emergency evacuation/ fire drills shall be conducted at least four times a year. Not less than two drills shall be conducted between July 1 and December 31 each year and not less than two drills shall be conducted between January 1 and June 30 of each year.

- E. Table 405.3 Amend frequency of Group E Occupancy to footnote d and add footnote d as follows:** D. Group E occupancies shall conduct fire and evacuation drills in accordance with Section 405.3.1

F. 503.2.1: Dimensions:

Fire apparatus access roads shall have a minimum unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4268 mm).

G. 507.5.1: Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

H. 507.5.1.1: Hydrant for fire department connections.

Buildings equipped with a fire department connection installed in accordance with Section 912 shall have a fire hydrant located on a fire access road within 100 feet (30 m) of the fire department connection as measured by an approved route around the exterior of the building.

Exception: The distance shall be permitted to exceed 100 feet (30 m) where approved by the fire code official.

I. 507.5.7 Fire Hydrant Height:

Fire hydrants shall be installed a minimum of 18 inches from the nominal ground level to the center of the lowest water outlet.

J. 507.5.7.1 Fire Hydrant Outlet Direction:

All fire hydrants shall be positioned so that the four and one-half (4 ½) connection is facing the street or driveway accessible to the fire department apparatus.

K. 507.5.7 Fire Hydrant Threads:

All fire hydrants within the City of Davenport shall have National Standard Threads (NST).

L. 901.2 (a) Fire Sprinkler Submittals:

Water based fire protection systems. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Water Based Systems Layout OR be a Professional Licensed Engineer with experience in life safety system design. The designer must also be licensed with the State of Iowa Department of Inspections, Appeals & Licensing.

M. 901.2 (b) Fire Alarm Submittals:

A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Fire Alarm Systems OR be a Professional Licensed Engineer with experience in life safety system design. The designer must also be licensed with the State of Iowa Department of Inspections, Appeals & Licensing.

N. 901.4.6.1 Fire Sprinkler Riser Room:

A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices, or apparatus inside the room other than the outlets or support equipment (lighting, air compressor, and heater) required for the use of the fire sprinkler system and/or the fire alarm panel. The sprinkler riser room shall not be exclusively accessed from the electrical room, but the electrical room may be accessed from the riser room. Emergency lighting shall be provided in the fire pump room or automatic sprinkler riser room.

O. 901.4.7.3 Environment:

The fire pump room or automatic sprinkler riser room shall have a supervised room temperature sensor.

P. 901.6.3.2 Records Management:

Inspection record submission. Contractors who perform installation, inspection, testing, and/or maintenance services on fire and life safety systems are required to electronically submit all installation and compliant & non-compliant inspection reports to the Fire Department's 3rd party compliance management platform approved by the Fire Code Official within 30 calendar days of the installation/inspection/repair date. Reports submitted after 30 calendar days may incur late fees.

Q. 903.3.1.2.1 – Group R Balconies and Decks:

Sprinkler protection shall be provided for all exterior balconies, decks, and ground floor patios of dwelling units where the building is required to have a fire sprinkler system installed. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks.

R. 903.3.1.2.4 – Fire Sprinklers for Canopies:

A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than 4 feet out from the door and is 12 feet or less in height from the ground regardless of whether the canopy is combustible or non-combustible. Canopies that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the total canopy regardless of whether the canopy is combustible or non-combustible.

S. 903.7- Sprinkler Zones:

Automatic sprinkler system zones shall not exceed the area permitted by NFPA 13 or NFPA 13R and shall provide a sprinkler control valve and waterflow device for each normally occupied floor. The location of sprinkler control valves must be approved by the fire code official.

T. 904.13.2 (a) – Ventilation Operation:

The ventilation system shall shut down the make-up air to the hood and continue to exhaust upon activation of the hood fire extinguishing system. Supply air openings other than part of the hood system shall be a minimum of 6 feet from any part of a Type I Hood. Supply air openings closer than 6 feet must shut down upon activation of the extinguishing system.

U. 905.1 – General.

Standpipe systems shall be provided in new buildings and structures in accordance with Sections 905.2 through 905.12. In buildings used for *high-piled combustible storage*, fire protection shall be in accordance with Chapter 32. For the purposes of this Section 905 “Standpipe Systems”, Sections 905.3.1 through 905.6.2 shall be amended by deleting all references to Class II and Class III standpipe systems and inserting Class I standpipe systems in their place.

V. 905.2 – Installation standard.

A Class I standpipe system shall provide 2 ½ inch (63.5 mm) hose connections to supply water for use by fire departments and those trained in handling heavy fire streams. Also, 2 ½ inch to 1 ½ inch reducers with 1 ½ inch caps shall be provided on each standpipe outlet. 2 ½ inch and 1 ½ inch threads shall be National Standard Threads (NST). No hose is to be provided.

Exception: Hose may be provided when the facility has an assigned and trained fire brigade.

W. 905.3.9 – Building Footprint and Access

Where the most remote portion of a floor or story is more than 400 feet from a hose connection or fire department access road, the fire code official is authorized to require standpipes to be provided in approved locations.

Z. 907.1.4 Fire Alarm Control Panels.

Each building shall have no more than 1 Fire Alarm Control Panel (FACP).

Installation of the fire alarm panel shall not exceed six (6) feet in height measured from the floor to the top of the panel.

Exception 1: Panel height may be altered by the code official.

Exception 2: Suppression system releasing panels are not required to meet the limitation in the number of panels.

AA. 907.1.5 Annunciator Panels.

The Fire code official can require the addition of fire alarm annunciator panels based on the size and access to the building.

AB. 907.2 – Where Required – New Buildings and Structures.

An approved addressable fire alarm system complying with the provisions of this Code and NFPA 72 shall be installed when the gross square footage of a building is equal to or greater than the area as specified in sections 903.2.1 through 903.2.11 inclusive, subject to the authority having jurisdiction or by section 907.2, whichever shall be more restrictive.

Exception:

1. Buildings with 8 or less initiating devices may use zoned systems provided only one device is used per zone. Each device shall have a plain English LCD (liquid crystal display). This alpha/numeric descriptor location is required to be reported to the Scott County Emergency Communications Center upon activation of the fire alarm system.
2. R-3 dwellings are not required to meet section 907.2 of this Code.

AC. 907.2 (a). Manual Fire Alarm Pull Boxes:

Manual fire alarm pull boxes (“pull stations”) shall be required where deemed necessary by the Code Official.

AD. 907.2 (b). Monitoring:

All fire alarm systems shall be monitored by a UL listed monitoring station.

AE. 907.2 (c). Location:

Each address point identification shall have an alpha/numeric descriptor location for the fire alarm system. This alpha/numeric descriptor location is required to be reported to the Scott County Emergency Communications Center upon activation of the fire alarm system.

AF. 907.2 (d). Where required:

Where corridors and/or hallways are designed as the path of egress, and at the top of stairwells that serve

more than two floors and are protected by fire sprinkler systems, they shall also be protected by smoke detection. Smoke detection shall be of the photo electric type or as approved by the Code Official.

AG. 907.2.1 – Fire Alarms in Group A Occupancies:

A manual and automatic fire alarm system shall be installed in accordance with NFPA 72 in Group A Occupancies have an occupant load of 300 or more. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

AH. 907.2.1.3 – Group A Occupancies.

In Group A occupancies with an occupant load of 1,000 or more, the activation of the fire alarm or fire sprinkler system, shall automatically shut down or stop music, sound systems, conflicting or confusing sounds and visual distractions.

AI. 907.2.3 – Group E

In the absence of a complete automatic sprinkler system, a complete automatic detection system utilizing an emergency voice/alarm communication system shall be installed throughout the entire Group E occupancy. A Group E occupancy with a complete automatic sprinkler system shall be provided with a fire alarm system utilizing an emergency voice/alarm communication system in compliance with Section 907.5.2.2 and installed in accordance with Section 907.6. As a minimum, smoke detection shall be provided in corridors at a maximum spacing of 30 feet on center, and heat or smoke detection shall be provided in any hazardous or non-occupied areas in all new or existing Group E occupancies.

Exceptions:

1. Group E occupancies with an occupant load of less than 50.
2. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
 - 1.1. Interior corridors are protected by smoke detectors with alarm verification.
 - 1.2. Auditoriums, cafeterias, gymnasiums, and the like are protected by heat detectors or other approved detection devices.
 - 1.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
 - 1.4. Off-premises monitoring is provided.
 - 1.5. The capability to activate the evacuation signal from a central point is provided.
 - 1.6. In buildings where normally occupied spaces are provided two-way communication system between such spaces and a constantly attended receiving station from which a general evacuation alarm can be sounded, except in locations specifically designated by the fire code official.
2. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system, the notification appliances will activate on sprinkler water flow, and manual activation is provided from a normally occupied location.
3. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with

occupant loads of 100 or less, provided that activation of the fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

AJ. 907.2.8 Group R General:

Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities, and monasteries; and Group R-4 shall have a monitored addressable fire alarm system. Upon adoption of this Fire Code, Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities, and monasteries that have existing automatic fire alarm systems shall comply when their existing fire alarm system needs replacement to have that fire alarm system monitored.

AK. 907.2.8.2 – Automatic smoke detection system.

An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R occupancies.

1. Common spaces outside of *dwelling units and sleeping units*
2. Laundry rooms, mechanical equipment rooms, and storage rooms
3. All interior corridors serving *sleeping units or dwelling units*

Exception: An automatic smoke detection system is not required in buildings that do not have interior corridors serving *sleeping units or dwelling units* and where each *sleeping unit or dwelling unit* either has a *means of egress* door opening directly to an exterior *exit access* that leads directly to an *exit* or a *means of egress* door opening directly to an *exit*.

Required smoke alarms in *dwelling units* and *sleeping units* in Group R occupancies shall be interconnected with the fire alarm system in accordance with NFPA 72.

AL. 907.2.11 Single and Multi-station Smoke Alarms:

Listed single and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this Code and the household fire warning equipment provision of NFPA 72. Smoke alarms in dwelling units shall be addressable with sounder bases and monitored by the building fire alarm system as a supervisory signal only. Mini horns in dwelling units are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

Note: Section 907.2.11 only applies to R-1, R-2, R-4 and I-1.
Delete the exceptions for 907.6.3

AM. 907.2.24 Mixed Occupancy requirement.

All buildings containing dwelling unit(s) and/or guest room(s) which also contain other occupancies or uses shall be provided with the following protection from fire in addition to all applicable provisions of the International Fire Code, and International Building Code duly adopted by the City.

- (1) All dwelling units and/or guest rooms shall be provided with smoke detectors conforming to the International Fire Code, and International Building Code.
- (2) Alarms, when required shall be interconnected to alert all occupants both residential and non-residential.

AN. 912.4.1 Locking fire department connection caps:

Locking fire department connection caps. Locking fire department connection caps approved by the fire

department are required for all new construction that have a water-based fire protection system where the responding fire department carries approved key wrenches for removal. Existing structures that have a water-based fire protection system shall be required immediately after conducting the five-year obstruction and maintenance testing, or if one or more of the fire department caps are missing.

AO. 1010.1.9.1 – Door Hardware.

All exterior doors deemed necessary by the fire code official for emergency access shall have a keyed cylinder and handle for emergency personnel to enter. These exterior doors should be numbered in a sequential order starting with the main entrance (front office door/public entrance). The main entrance should always be #1 with the cardinal direction letter after. i.e. 1N, 7W. Subsequent doors will be numbered in sequential order in a clockwise manner. The font must be a minimum 6” in height and contrast in color of the door. The inside of the door must also be labeled with the corresponding identification 2” in height and contrast in color.

AP. 1028.6 – Exit Discharge Pathways:

Exit discharge pathways shall be paved from all required exits of a building to a public way or parking lot.

AQ. 1203.1.10: Shutdown of Emergency and Standby Power Systems:

In addition to the requirements of NFPA 10 for a remote manual stop, a keyed switch to shut down the generator shall be located at the remote annunciator panel or fire panel. The Code Official shall determine its location. If there is no annunciator or fire alarm panel or the location of these panels is determined to be inadequate for this shut down button, the Code Official shall determine its location.

AR. 5601.1 Scope.

The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials and small arms ammunition. The provisions of this chapter also govern the manufacture or display and consumer fireworks. The sale, storage and use of display fireworks and consumer fireworks shall meet the requirements of Iowa Code sections 100.1, 100.19, 100.19A, 364.2 and 727.2. These Iowa Code sections supersede other provisions of IFC Chapter 56 dealing with the sale, storage and use of display fireworks and consumer fireworks.

15.32.030 Open fires and burning.

A. Definitions.

1. OPEN FIRE – Shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack. Open fire as used in this section shall not be interpreted to include recreational fires or cooking fires which may be conducted without permit of the fire department.
2. RECREATIONAL FIRE – Shall mean the burning of wood for pleasure, cooking or similar purposes, either contained in a receptacle originally designed and manufactured for such purpose; or uncontained so long as the fire being burned has a total wood fuel area of not more than eight feet in diameter and four feet in height, and the fire is being used in conjunction with camping in a publicly- or privately-owned campground or at least 25 feet from the nearest structure or combustible material.
3. COOKING FIRE – Shall mean the burning of conventional fuel materials such as charcoal, natural or propane gas to cook food in a receptacle such as a barbecue grill or barbecue pit, which was originally designed and manufactured for that purpose.

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4. GARBAGE – Shall mean animal and vegetable waste resulting from the handling, preparing, cooking, storing or serving of food or of material intended for use as food.

5. RUBBISH – Shall include, but is not limited to, nonputrescible (not subject to rotting or decay) solid waste consisting of combustible and noncombustible wastes such as ashes, paper, cardboard, tin cans, wood, glass, bedding and crockery.

6. REFUSE – Shall mean putrescible (subject to decay or rotting) and nonputrescible wastes including, but not limited to, garbage, rubbish, household waste, incinerator residue, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form, organic growth such as vines, weeds, grass, flowers, leaves, plant stems or stalks, or similar growth.

7. BUILDING MATERIALS – Shall mean any material including but not limited to lumber, brick, concrete, plaster, plaster board, gutters, floor coverings, or similar substances accumulated as a result of repairs or additions to existing structures, construction of new buildings, or demolition of existing structures.

8. PROHIBITED MATERIALS – Shall include, but not be limited to, dead animals, waste oil, plastic material, rubber products or materials, tires, tar or tar-based products or materials, asbestos containing materials, creosote containing materials, styrofoam, plastic- or rubber-coated wire, and similar substances.

9. WOOD – As used in this section, shall mean that part of a tree or shrub that consists of a more or less hard and compact substance which makes up the bulk of the trunk and branches of the tree or shrub, and which is concealed from view by the bark, and which when cut transversely is found to consist of concentric layers. Wood does not include tree stumps, shrub stumps, roots, wood products or items manufactured or consisting of processed wood such as lumber, plywood and similar items.

B. Open Fires Prohibited.

No person shall ignite, cause or permit to be ignited, allow or maintain an open fire containing any garbage, rubbish, refuse, building materials, business waste as defined in Chapter 8.08, or prohibited material.

C. Exceptions to Prohibition on Open Fires.

1. The prohibition against open fires shall not be construed to prohibit the open burning of wood, as defined in section 15.32.030 A9, subject to the other requirements imposed by this section. The city, however, does not encourage the burning of wood and will collect wood not larger than six inches in diameter nor longer than five feet in length at curbside during normal solid waste collection if it is securely tied together in a bundle of 50 pounds or less in weight.

2. The fire department may, at its discretion, issue an open burning permit, subject to the other requirements of this section, for the following types of fires:

a. Controlled ceremonial bonfires.

b. Disaster rubbish. Disaster rubbish includes yard waste and other similar organic waste that may otherwise be prohibited as refuse and building material, which occurs as a result of a community disaster. Disaster rubbish may be burned only when an official declaration has been made that an emergency disaster condition exists and then, only during the period of time designated in the emergency disaster declaration.

c. Prescribed agricultural or natural areas. The open burning of fields or other areas planted with vegetation native to this region, may be permitted if necessary for the maintenance of native

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plants and controlling growth of invasive plant species. Such prescribed burns may only be conducted by personnel approved by the fire marshal or fire chief and with an approved burn plan and burn permit.

d. Bona fide training fires. Fires set for the purpose of bona fide training of public, institutional or industrial employees in methods of firefighting.

e. Flare stacks. Open burning or flaring of waste gases may be permitted.

D. Regulation of Open Fires.

1. Prohibited on Public Property. No person shall ignite, cause or permit to be ignited, allow, maintain or burn a fire in any manner on publicly owned or publicly controlled property. Publicly owned or controlled property includes, but is not limited to, bridges, streets, alleys, sidewalks, boulevards, public rights-of-way, and other public property or places which have not been approved in writing by the fire chief or his designee. This section shall not be construed to prohibit cooking fires in public parks unless otherwise prohibited in this code, recreational fires as allowed on publicly-owned campgrounds unless otherwise prohibited by this code, or approved burning of fields and natural areas, pursuant to Section 15.32.030 C2c.

2. Attending to Fire Required. All open fires, cooking fires and recreational fires shall be continuously attended to by a competent person until the fire is extinguished. A person attending to an open fire, cooking fire or recreational fire must have a garden hose connected to a water supply or an approved fire extinguisher readily available to control the fire.

3. Distance from Structures. Open fires shall not be located, ignited, allowed, permitted or maintained less than 50 feet from any structure or combustible material.

4. Prohibited During Hazardous Conditions. When atmospheric conditions or local circumstances make the burning of open fires hazardous, the fire chief and/or fire marshal may prohibit any or all open fires by issuing a proclamation banning open fires. Such proclamation shall remain in effect until such time as the fire chief and/or fire marshal recalls or cancels the same.

5. Sunrise to Sunset. Open burning is permitted only between sunrise and sunset. All open fires must be completely extinguished at sunset.

6. Burn Days. The burning of wood in an open fire on private property shall be prohibited unless the fire chief or his designee has declared a particular day a "burn day" by recorded message on the telephone.

7. Burning to Clear Land. Notwithstanding Section 15.32.030 C1, no person shall ignite, cause or permit to be ignited, allow or maintain the burning of refuse, wood, trees, brush, shrubs, or similar organic growth for the purpose of clearing the land of trees, shrubs, brush or similar organic growth for development.

E. Nuisance Fire Conditions. No person shall burn any matter which the Fire Chief or his designee determines is causing:

1. Dense, thick, or heavy smoke, or
2. A strong odor, or
3. Constitutes a hazardous condition to life or property.

15.32.040 Penalty.

A. Anyone violating the provisions of this chapter is guilty of a simple misdemeanor and shall upon

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conviction be subjected to a fine not to exceed \$625.

- B.** Anyone violating the provisions of this chapter is guilty of a municipal infraction and shall upon conviction be subjected to a civil fine not to exceed \$750 for a first offense or \$1000 for a repeat offense; additionally, the City also may seek an appropriate injunctive remedy to abate or correct further violations of this chapter.

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**Chapter 15.34
(RESERVED)¹¹**

15.34.010. (Reserved)

10. Editor's Note: Former Chapter 15.34, Erosion Control Construction And Excavation Sites, Previously Codified Herein And Containing Portions Of Ordinance No. 2007-157, Was Repealed In Its Entirety By Ordinance No. 2007-167. See Chapter 13.38 For Construction Site Erosion And Sediment Control.

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**Chapter 15.36
(Reserved)¹²**

15.36.010. (Reserved)

11. Editor's Note: Former Chapter 15.36, Trailer Courts And Mobile Home Parks Previously Codified Herein And Containing Portions Of Prior Ordinance Nose. 82-728, 82-158, 78-363 — 76-717, 76-152 And Prior Code §§ 38-1 — 38-16 And 38-19 Were Repealed In Their Entirety By Ordinance No. 2003-21.

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**Chapter 15.38
(Reserved)¹³**

15.38.010. (Reserved)

12. Editor's Note: Former Chapter 15.38, **Uniform Housing Code**, Previously Codified Herein And Containing Portions Of Ordinance Nos. 89-397, 92-424, 93-373, 95-615 And 99-312 Was Repealed In Its Entirety By Ordinance No. 2002-31.

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**Chapter 15.39
(RESERVED)¹⁴**

15.39.010. (Reserved)

13. Editor's Note: Former Chapter 15.39, Securing Of Abandoned Buildings, Was Renumbered To Be Chapter 8.16 By Ordinance No. 2002-31.

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**Chapter 15.40
(RESERVED)¹⁵**

15.40.010. (Reserved)

14. Editor's Note: Former Chapter 15.40, Abatement Of Dangerous Buildings, Previously Codified Herein Has Been Renumbered To Be Chapter 8.17 By Ordinance No. 2002-31.

**Chapter 15.44
FLOOD DAMAGE PREVENTION**

15.44.010. Statutory authorization. [Ord. 2011-04 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-1]

The Legislature of the state has in Section 364.1 of the 2009 Iowa Code delegated the responsibility to local government units to adopt regulations designed to protect and preserve the rights, privileges and property of the City and its residents and to preserve, improve and promote the peace, health, safety, comfort and general welfare of the citizenry.

15.44.020. Findings of fact. [2-24-2021 by Ord. No. 2021-77; Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-2]

- A. The flood hazard areas of Davenport are subject to periodic inundation which results in the potential for loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being adequately elevated or otherwise protected from flooding and the cumulative effect of obstructions in floodplains causing increases in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.
- C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

15.44.030. Statement of purpose. [Ord. 2011-04 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-3]

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or result in an increase in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase erosion of flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- F. Maintain eligibility in the National Flood Insurance Program thereby assuring the eligibility of property owners, business owners, and tenants in the community to purchase flood insurance and to aid in the City's participation in the Community Rating System (CRS).

15.44.040. Objectives. [Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-4]

The objectives of this chapter are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- G. Insure that potential home buyers are notified that property is in a flood area.

15.44.050. Lands to which this chapter applies. [Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-6]

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City. The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Davenport that are subject to special flood hazards as shown on the Flood Insurance Rate Maps or as may be subject to special flood hazard as determined through accepted hydraulic and hydrologic analysis. The Flood Insurance Rate Map panels adopted by reference in Section 15.44.060 may include floodplain areas outside the corporate limits of Davenport at the time of adoption of this chapter, the newly annexed floodplain lands shall be subject to the provisions of this chapter immediately upon the date of the annexation into Davenport.

15.44.060. Basis for establishing the areas of special flood hazard. [2-24-2021 by Ord. No. 2021-77; Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-7]

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED March 23, 2021," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C00335G, 0340G, 0345G, 0355G, 0360G, 0365G, 0367G, 0370G, 0376G, 0378G, 0433G, 0434G, 0453G, 0454G, 0456G, 0458G, 0460G, and 0476G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

15.44.070. Definitions. [2-24-2021 by Ord. No. 2021-77; 12-4-2019 by Ord. No. 2019-530; Ord. 2011-4 § 1 (part); Ord. 95-55 § 1; Ord. 90-146 §§ 16; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-5]

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

ACCESSORY STRUCTURE — Shall mean a nonhabitable structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

APPEAL — Shall mean a request for a review of the code enforcement coordinator interpretation of any provision of this chapter or a request for a variance.

APPROPRIATE USE — Shall mean only those uses permissible in the regulatory floodway that will be considered for permit issuance.

APPURTENANT STRUCTURE — Shall mean a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SHALLOW FLOODING — Shall mean a designated AO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

BASE FLOOD — Shall mean the flood having a 1% probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event.

BASE FLOOD ELEVATION (BFE) — Shall mean the highest water surface elevation that can be expected during the base flood in relation to mean sea level. The base flood elevation (BFE) is also known as the 100-year frequency flood elevation and as a 1% probability of being equaled or exceeded in any given year.

BASEMENT — Shall mean any enclosed area of a structure which has its flood or lowest level below ground level (subgrade) on all sides. See also "lowest floor."

BEST MANAGEMENT PRACTICES (BMPS) — Shall mean practices or measures typically developed as part a stormwater management program that reduce nonpoint source pollution that enter the waterways.

BUILDING — Shall mean a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

CHANNEL — Shall mean any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainage way, which has a definite bed and banks or shoreline, into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION — Shall mean the alteration of a channel by changing the physical dimensions or materials of its bed or banks and includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining or significant removal of bottom or woody vegetation. Modification does not include the clearing of dead or dying vegetation, debris or trash from the channel.

COMPENSATORY STORAGE — Shall mean an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the flood plain. The uncompensated loss of natural flood plain storage can increase off-site floodwater elevations and flows.

CRITICAL FACILITY — Shall mean any facility which is critical to the health and welfare of the

population and, if flooded, would create an added dimension to the disaster. Damage to a critical facility can impact delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Critical facilities include but may not be limited to emergency services, schools, retirement or senior care facilities, major roads and bridges, utility sites and hazardous materials storage sites.

CRITICAL FEATURE — Shall mean an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DAM — Shall mean any obstruction, wall embankment or barrier, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included. Dams may include weirs, restrictive culverts or impoundment structures.

DESIGN STORM — Shall mean a selected storm event, described in terms of probability of occurrence for which flood mitigation protection elevations are determined.

DEVELOPMENT — Shall mean any man-made change to improved or unimproved real estate, including, but not limited to:

- a. Construction, reconstruction, repair, addition to or replacement of a building or structure.
- b. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days.
- c. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.
- d. Demolition of a structure or redevelopment of a site.
- e. Clearing of land as an adjunct of construction.
- f. Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving or other non-agricultural alterations of the ground surface; storage of equipment or materials; deposit of solid or liquid waste.
- g. Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal. Development does not include maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is no increase in elevation, or gardening, plowing, cultivation, and similar agricultural practices that do not involve filling, grading, or construction of levees.

ELEVATION CERTIFICATE — Shall mean a form used by FEMA to certify building elevations, confirm compliance with the Village floodplain management ordinance, determine proper insurance premium rates, and to support a request for a Letter of Map Amendment (LOMA) or a Letter of Map Revisions based on fill (LOMR-F).

EROSION — Shall mean the general process whereby soils are moved by flowing water or wave action.

EXISTING CONSTRUCTION — Shall mean any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION — Shall mean a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION — Shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

500-YEAR FLOOD — Shall mean a flood, the magnitude of which has a 0.2% chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

FACTORY-BUILT HOME PARK — Shall mean a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FEMA — Shall mean the Federal Emergency Management Agency and its regulations at 44 CFR 59-79, specifically the regulations within CFR 44 Section 60.3d which are adopted by this reference. FEMA is the independent Federal agency that, in addition to carrying out other activities, administers the NFIP.

FLOOD OR FLOODING — Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland rivers or streams or tidal waters and the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FREQUENCY — Shall mean a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD FRINGE — Shall mean that portion of the flood plain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM) — Shall mean a map prepared by FEMA that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and flood plains and may or may not depict floodway.

FLOOD INSURANCE STUDY — Shall mean the official report provided by the Federal Insurance Administration. The report contains flood profiles and the water surface elevation of the base flood.

FLOOD PLAIN — Shall mean any land area susceptible to being inundated by water as a result of a flood. The land is typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood plains may also include detached special flood hazard areas, ponding areas, etc. The flood plain is also known as the special flood hazard area (SFHA).

FLOOD PLAIN DEVELOPMENT PERMIT — Shall mean a permit required for any development occurring below the base flood elevation.

FLOOD PLAIN MANAGEMENT — Shall mean an overall program of corrective and preventive measures (mitigation) for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

FLOOD PROTECTION ELEVATION (FPE) — Shall mean the elevation of the base flood or 100-year frequency flood plus one foot of freeboard at any given location in the SFHA. Outside of the floodplain limits, the 100-year design water surface elevation of any adjacent stormwater facility or the 100-year storm elevation on non-NFIP mapped floodplain plus two feet of freeboard.

FLOODPROOFING — Shall mean any combination of structural or nonstructural changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood

damage to such structures.

FLOODPROOFING CERTIFICATE — Shall mean a form used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOODWAY — Shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (design storm) so that confinement of flood flows within the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

FLOODWAY FRINGE — Shall mean those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing higher flood levels or flow velocities.

FREEBOARD — Shall mean an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations (development outside the communities control), unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

FUNCTIONALLY DEPENDENT USE — Shall mean a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term shall include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE — Shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure.

HISTORIC STRUCTURE — Shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on the State Inventory of Historic Places which inventory is part of a historic preservation program approved by the Secretary of the Interior; or
- d. Individually listed on the local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

HYDRAULICALLY EQUIVALENT COMPENSATORY STORAGE — Shall mean compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but can be shown by hydrologic and hydraulic analysis to be equivalent to compensatory storage located adjacent to the development.

HYDROLOGIC AND HYDRAULIC CALCULATIONS — Shall mean an engineering analysis which determines expected flood flows and flood elevations based on land characteristics and rainfall events.

HYDROLOGICALLY DISTURBED — Shall mean an area where the land surface has been cleared,

grubbed, compacted, or otherwise modified to change runoff volumes, rates or direction.

IMPERVIOUS SURFACE — Shall mean any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation surfaces.

INTERMITTENT STREAM — Shall mean a stream whose bed intersects the groundwater table for only a portion of the year on the average or any stream which flows continuously for at least one month out of the year but not the entire year.

LEVEE — Shall mean a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee to provide relief from flood insurance requirements it will need to be a certified level meeting the minimum requirements of 44 CFR 65.

LEVEE SYSTEM — Shall mean a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR — Shall mean the lowest floor of the lowest enclosed area, including basement. An exception results when all of the following criteria are met:

- a. The enclosed area is designed to flood, to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 15.44.110CB (please refer to FEMA Technical Bulletin No. 1 entitled "Openings in Foundation Walls and Walls of Enclosures"); and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
- c. Machinery and service facilities contained within the enclosed area are protected from flood water to a height of at least one foot above the base flood elevation; and
- d. The enclosed area is not defined as a "basement" in this section; and
- e. Provided the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

In cases where the lowest enclosed area satisfies criteria stated in paragraphs a through d above, the lowest floor is the floor on the next highest enclosed area that does not satisfy the criteria above.

MANUFACTURED HOME — As defined by Chapter 414.28 of the Iowa Code shall mean a factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the sake of this chapter the definition of manufactured home includes factory-built home. "Factory-build home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "factory-built home" shall also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "factory-built home" does not include park

trailers, travel trailers, and other similar devices.

MANUFACTURED HOME PARK OR SUBDIVISION — A tract designed to accommodate manufactured home sites.

MAXIMUM DAMAGE POTENTIAL DEVELOPMENT — Shall mean hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

MEAN SEA LEVEL — Shall mean, for the purposes of the National Flood Insurance Program (NFIP), the National American Vertical Datum of 1988 (NAVD 88) or other datum, to which base flood elevations shown on the community's Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) are referenced.

MINOR PROJECTS — Shall mean small development activities (except for filling, grading, and excavating) valued at less than \$500.

MITIGATION — Shall mean those measures necessary to minimize the negative effects which flood plain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) — Shall mean the Federal program whose requirements are codified in the Title 44 of the Code of Federal Regulations.

NATURAL — When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through regrading and re-vegetation.

NAVD 88 — Shall mean National American Vertical Datum of 1988, which supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

NET WATERSHED BENEFIT — Shall mean a finding that, when compared to the existing condition, the developed project will do one of the following: substantially reduce (more than 10%) downstream peak discharges; reduce downstream flood stages (more than 0.1 foot); or reduce downstream damages to structures occurring in the pre-development condition. The demonstration of one of these conditions must be through detailed hydrologic and hydraulic analysis of the watershed(s) on a regional scale.

NEW CONSTRUCTION — Shall mean structures for which the "start of construction" commenced on or after the effective date of the FIRM, 3-1-78, and includes any subsequent improvements to such structures.

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION — Shall mean a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the

effective date of the first floodplain management regulations adopted by the community.

NGVD — Shall mean National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

NO ADVERSE IMPACT (NAI) — Shall mean a managing principle that includes both structural and nonstructural measure of floodplain management established by the Association of State Floodplain Manager (ASFPM) that provide a higher level of protection for a community and its citizens and to prevent increased flooding now and in the future.

NON-CONVERSION AGREEMENT — Shall mean an agreement binding on the current and future homeowners that the enclosure located below the base flood elevation will not be converted into living space.

NON-RIVERINE — Shall mean areas not associated with a stream or river such as isolated depressional storage areas, ponds and lakes.

NPDES II — Shall mean that program mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a comprehensive two-phased national program for addressing the nonagricultural sources of stormwater discharges which adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge Elimination System (NPDES) permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by stormwater runoff into local water bodies.

ORDINARY HIGH WATER MARK (OHWM) — Shall mean the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

PERENNIAL STEAMS — Shall mean riverine watercourses whose thalweg generally intersects the groundwater table elevation and flows throughout the year.

PROGRAM DEFICIENCY — Shall mean a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards in Section 60.3 and 60.6 of the National Flood Insurance Program.

PUBLIC BODIES OF WATER — Shall mean all open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the state of Iowa, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

PUBLIC FLOOD CONTROL PROJECT — Shall mean a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

PUBLICLY NAVIGABLE WATERS — Shall mean all streams and lakes capable of being navigated by watercraft.

REASONABLY SAFE FROM FLOODING — Shall mean methods and standards of foundation protection, such as the placement, compaction and protection of fill when used to elevate a building,

that base flood waters will not inundate or damage a structure(s) to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings. Please refer to FEMA Technical Bulletin No. 10-1 "Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding."

RECREATIONAL VEHICLE — Shall mean a vehicle which is: (a) built on a single chassis; (b) 400 feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, traveling or seasonal use.

REGISTERED LAND SURVEYOR — Shall mean a land surveyor registered in the state of Iowa as per Chapter 542b of the State Code of Iowa entitled "Professional Engineers and Land Surveyors."

REGISTERED OR LICENSED PROFESSIONAL ENGINEER — Shall mean an engineer registered in the state of Iowa as per Chapter 542b of the State Code of Iowa entitled "Professional Engineers and Land Surveyors."

REGULATORY FLOOD PLAIN — Shall mean the flood plain as depicted on maps recognized by FEMA as defining the limits of the SFHA.

REGULATORY FLOODWAY OR DESIGNATED FLOODWAY — Shall mean those portions of the floodplain depicted on the Flood Insurance Rate Map which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no increase in stage due to the loss of flood conveyance or storage, and no increase in velocities.

REMEDY A VIOLATION — Shall mean to bring the structure or other development into compliance with state or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the section or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS — Shall mean flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

RETENTION/DETENTION FACILITY — Shall mean a facility for the purpose of retaining or detaining stormwater. A retention facility stores stormwater runoff without a gravity release for infiltration purposes. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES — Shall mean repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement to the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- c. Basement sealing.

- d. Repairing or replacing damaged or broken window panes.
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.

RUNOFF — Shall mean the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

SEDIMENTATION — Shall mean the process that deposits soil, debris, and other materials either on ground surfaces or in bodies of water or water courses.

SPECIAL FLOOD HAZARD AREA — Shall mean the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR and/or A99.

START OF CONSTRUCTION — Shall include substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORMWATER MANAGEMENT — Shall mean a set of actions taken to control stormwater (surface) runoff with the objectives of providing controlled surface drainage, flood control and pollutant reduction.

STREAM OR RIPARIAN BUFFER — Shall mean a best management practice (BMP) that either as a stand-alone practice or in conjunction with other practices seeks to minimize the adverse effects on the quality of water within the adjacent stream by providing or preserving a predominantly vegetation area that acts as a barrier between a particular land use (house, lawn, commercial, etc.) and the water for the purpose eliminating or mitigating adverse run-off effects.

STRUCTURE — Shall mean man-made change to the land constructed on or below grade, including construction, reconstruction or placement of a building or any addition to a building, roads, signs, billboards, etc.; installing a manufactured home on a site; preparing a site for manufactured home or installing a travel trailer on a site for more than 180 days.

SUBSTANTIAL DAMAGE — Shall mean damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten-year period, the cost of which equals or exceeds 50% of the market value of the structure before the damage occurred regardless of the actual repair work performed.

SUBSTANTIAL IMPROVEMENT — Shall mean any repair, reconstruction, rehabilitation, addition or other improvement of a structure since the City entered the regular program of the NFIP (3-1-1978), the cost of which equals or exceeds 50% of the market of the structure either (a) before the "start of construction" of the improvement, or (b) if the structure has been damaged and is being restored, before the damage occurred regardless of the actual repair work performed. Also any addition which cumulatively increases the original floor area of a structure by 25% or more since the

City entered the regular program of the NFIP (3-1-1978). All additions constructed after the effective date of the FIRM for Davenport (3-1-1978) shall be added to any proposed addition in determining whether the total increase in original floor area would exceed 25%. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (b) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE — Shall mean a grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

VIOLATION — Shall mean the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — Shall mean the height, in relation to the National American Vertical Datum of 1988 or other datum, where specified, of floods of various magnitudes and frequencies in the flood plains of riverine or other areas.

15.44.080. General standards for flood hazard reduction. [Amended 11-22-2022 by Ord. No. 2022-554; 2-24-2021 by Ord. No. 2021-77; Ord. 95-55 § 2; Ord. 92-453 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-18 (part)]

- A. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine:
1. Whether the land involved is either wholly or partly within the floodway or floodway fringe; and
 2. The Base Flood Elevation.
- B. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one foot. The application will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.
- C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
1. The bridge or culvert is located on a stream that drains less than two square miles; and
 2. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.
- D. All new construction and substantial improvement including factory-built housing shall be:

1. Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure;
 2. Constructed with materials and utility equipment resistant to flood damage;
 3. Constructed by methods and practices that minimize flood damage;
 4. Done in a manner that does not cause any net loss of flood plain and any diminishment of flood carrying capacity. This shall be accomplished by matching each cubic yard of fill dirt added to the site with a corresponding yard of fill dirt removed from another area of the property. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.
- E. All new and replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- F. On-site waste disposal and water supply systems shall be located to avoid impairment to them or contamination from them during flooding.
- G. Water supply and/or waste water treatment facilities shall be provided with flood protection equal to or greater than one foot above the 100-year flood elevation.
- H. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- I. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- J. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- K. Structural flood control works such as levees, flood walls, etc., shall provide at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. Approval of such structural work shall also be obtained from the Iowa Department of Natural Resources.
- L. No use and or development shall affect the capacity of conveyance of the channel or floodway of any tributary to the mainstream, drainage ditch or other drainage facility or system. In addition, such alterations must be approved by the Iowa Department of Natural Resources.
- M. Detached garages, sheds, fences, flag poles and similar structures are exempted from the requirements of this chapter when all of the following conditions are met:
1. The structure is not used for habitation;
 2. The structure has been designed to have a low flood damage potential;
 3. The structure is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
 4. The structure is firmly anchored to prevent flotation which may result in damage to other structures and/or downstream; and

5. The structure's service facilities such as electrical and heating are elevated or floodproofed a minimum of one foot above the base flood elevation.
 6. The structure shall be designed to how low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the Base Flood Elevation must be constructed of flood-resistant materials.
- N. Any permanent exposed slopes or fills and any cut faces of earth excavation which are to be vegetated shall be no steeper than three feet horizontal to one-foot vertical.
- O. Any and all development or man-made changes to improved or unimproved real estate shall utilize the principle of no net loss of flood plain with all fill being offset by corresponding grade reductions or cuts. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.
- P. Require that recreational vehicles placed on sites within Zones A1 - A30, AH and AE on a community's FIRM either: (i) be on the site for fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; (iii) meet the requirements of Section 15.44.120. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- Q. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated to a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make such determinations.
- R. All New and Substantially Improved Structures. **[Added 11-22-2022 by Ord. No. 2022-554]**
1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:
 - a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and similar machinery and equipment elevated or floodproofed to a minimum of one foot above Base Flood Elevation.
4. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated or floodproofed to a minimum of one foot above Base Flood Elevation or designed to be watertight and withstand inundation to such a level.
5. All new and substantially improved structures.

S. Residential Construction.

[Added 11-22-2022 by Ord. No. 2022-554]

All new or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation at least 18 feet beyond the limits of any structure erected thereon. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain. Alternate methods of elevating may be allowed subject to favorable consideration by both the City plan and zoning commission and the Iowa Department of Natural Resources. The alternative method selected shall be adequate to support the structure as well as withstand the various forces and hazards associated with flooding, increased flood heights and/or erosion, and shall meet the requirements of this chapter.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided a means of access that will be passible by wheeled vehicles during the Base Flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time. Consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

T. Nonresidential Construction. [Amended 11-22-2022 by Ord. No. 2022-554]

1. All new construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - a. A registered professional engineer or architect shall develop and/or review structural design specifications, and plans for the construction, and shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting

the applicable standards.

- b. Such certification shall be provided to and maintained by the official as set forth in Section 15.44.180.
2. If the structure is elevated through the use of fill, all fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards; however, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.
 3. All new construction or substantial improvement that contains fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:
 - a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 4. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 5. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and similar machinery and equipment elevated or floodproofed to a minimum of one foot above Base Flood Elevation.
 6. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated or floodproofed to a minimum of one foot above Base Flood Elevation or designed to be watertight and withstand inundation to such a level.
- U. **Factory-Built Housing. [Amended 11-22-2022 by Ord. No. 2022-554]**
1. No factory-built housing shall be placed in a floodway and shall meet the requirements of this chapter.
 2. All factory-built homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - a. Over-the-top ties be provided at each of the four corners of the factory-built home, with two additional ties per side;
 - b. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - c. Any additions to the factory-built home be similarly anchored.

3. All factory built housing to be placed or substantially improved including those placed in a factory-built home park or subdivision in existence prior to the effective date of the chapter shall be elevated on a permanent foundation such that the lowest floor of the factory built home is a minimum one foot above the base elevation. If this grade is achieved through the use of fill, all fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, this requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

15.44.090. Flood hazard reduction — Floodways. [2-24-2021 by Ord. No. 2021-77; Ord. 92-453 § 1 (part); Old. 87-206; Ord. 78-128 (part); prior code § 14001-18(d)]

In addition to the General Floodplain Standards, development within the floodway must meet the following applicable standards. The floodway is the portion of the floodplain which must be protected from development encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Iowa Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make such determination.

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- B. All development within the floodway shall:
 1. Be consistent with the need to minimize flood damage.
 2. Use construction methods and practices that will minimize flood damage.
 3. Use construction materials and utility equipment that are resistant to flood damage.
- C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility system.
- D. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.44.080 and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed in readily removable from the floodway within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or related portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.
- H. Any fill allowed within the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, the

requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

- I. Pipeline river or stream/creek crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood waters.
- J. Any permanent exposed slopes of fills and any cut faces of earth which are to be vegetated shall not be steeper than three feet horizontal to one-foot vertical.

15.44.100. Standards for areas of shallow flooding (AO zones). [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-19]

Located within the areas of special flood hazard established in Section 15.44.070 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to at least one foot above the depth number specified on the community's FIRM.
- B. All new construction and substantial improvements of nonresidential structures shall:
 1. Have the lowest floor, including basement, elevated above the crown of the nearest street to at least one foot above the depth number specified on the FIRM; or
 2. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

15.44.110. Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001.20]

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for all subdivision proposals and other proposed development which is intended for the construction of any structure.
- E. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.

15.44.120. Nonconforming uses. [2-24-2021 by Ord. No. 2021-77; Ord. 90-146 § 8; Ord. 87-206; Ord. 78-128 (part); prior code 14.001-21]

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment

of the chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
 2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The department of construction and engineering shall notify the Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
 3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is re-constructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety code specifications or regulations which have been identified by the Administrator and which are the minimum necessary to assure safe living conditions, or the cost of any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

15.44.130. Development permit. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-8]

A development permit shall be required in conformance with the provisions of this chapter.

15.44.140. Permit procedures. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.04-15]

A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes. Application for a development permit shall be made to the Administrator designated official on forms furnished by the Administrator and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required but not limited to:

- A. Elevation in relation to mean sea level (NAVD88), of the lowest floor (including basement) of all structures and/or the elevation (NAVD88) to which any nonresidential structure has been floodproofed;
- B. Provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the flood-proofing criteria in Section 15.44.110;
- C. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- D. Description of the work to be done and all necessary site and/or construction plans;
- E. The legal description of the property and the street address if assigned;

- F. Elevation of the 100-year flood in relation to NGVD;
- G. For a structure being improved or rebuilt the square footage of the improvement and the original structure and/or the estimated cost of the improvement and market value prior to the improvement or damage; and
- H. An indication of the occupancy or use of the structure.
- I. The designated official shall within a reasonable time, make determination as to whether the proposed flood plain development meets the applicable standards as set forth in this chapter and shall approve or disapprove the application. Upon disapproval, the applicant shall be informed in writing of the specific reasons for the disapproval.
- J. Actual construction and/or development at variance with the approved and/or authorized plans shall be deemed a violation of the permit and the regulations of this chapter.

15.44.150. Variance procedures. [2-24-2021 by Ord. No. 2021-77; Ord. 90-146 § 9; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001 — 16]

- A. The City Plan and Zoning Commission as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The City Plan and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.
- C. Any person aggrieved by the decision of the City Plan and Zoning Commission or any taxpayer may appeal such decision to the district court of Scott County as provided by law.
- D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- E. In passing upon such applications, the City Plan and Zoning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands or downstream to the injury of others;
 - 2. The danger to life and property due to flooding, increased flood heights or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The proposed water supply and sanitation systems and the ability of the systems to prevent contamination, disease and unsanitary conditions;
 - 5. The importance of the services provided by the proposed facility to the community;
 - 6. The necessity to the facility of a flood plain and or waterfront location;
 - 7. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 8. The compatibility of the proposed use with existing development and development anticipated

in the foreseeable future;

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the community and that area;
 10. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
 13. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections E1 through E12 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- F. Upon consideration of the factors listed above and the purposes of this chapter, the City plan and zoning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. Such conditioning may include but not be limited to:
1. Modification of the water supply and/or waste disposal systems;
 2. Limitation of the periods of use and operation;
 3. Imposition of operational controls, sureties and/or deed restrictions;
 4. Requirements for channel modification, dikes, levees and/or other protective measures provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieve the stated purposes of this chapter.
- G. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.
- H. Conditions for Variances.
1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 2. Variances shall only be issued upon:
 - a. Showing of good and sufficient cause;
 - b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 3. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor

elevation and that such construction increases the risk to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

15.44.160. Administration. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-13]

The Development & Neighborhood Services Director shall administer and implement the provisions of this chapter and will herein be referred to as the Administrator.

15.44.170. Duties and responsibilities of the Administrator. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-14]

Duties of the Administrator shall include, but not be limited to:

- A. Review of all permit applications to determine whether proposed building sites will be reasonably safe from flooding;
- B. Review of all permit applications for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- C. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency;
- D. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
- E. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) of the lowest floor including basement of all new or substantially improved structures;
- F. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) to which the new or substantially improved structures have been floodproofed;
- G. When floodproofing is utilized for a particular structure, the Administrator shall obtain certification from a registered professional engineer or architect;
- H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.44.180 through 15.44.210;
- I. When base flood elevation data has not been provided in accordance with Section 15.44.070, then the Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of Sections 15.44.080 through 15.44.210.
- J. All records pertaining to the provisions of this chapter shall be maintained in the office of the

Administrator and shall be open for public inspection.

15.44.180. Compliance. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-9]

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

15.44.190. Violation — Penalty. [Ord. 87-206; Ord. 78-128 (part); prior code 14.001-22]¹⁶

- A. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100, or imprisoned for not more than 30 days, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

15.44.200. Interpretation. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-11]

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

15.44.210. Abrogation and greater restrictions. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-10]

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and no ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.44.220. Warning and disclaimer of liability. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-12]

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15. Editor's Note: There were two sections with the same number, i.e., § 14.001-22.

15.44.230. Amendments. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-22]¹⁷

The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided, however that no such action may be taken until after public hearing in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. The regulations of this chapter are in compliance with the National Flood insurance Program Regulations as published in the Federal Register Volume 41, Number 207, dated October 26, 1976.

16. Editor's Note: There were two sections with the same number, i.e., § 14.001-22.

City of Davenport, IA

15.48.010

BUILDINGS AND CONSTRUCTION

15.48.010

**Chapter 15.48
(RESERVED)¹⁸**

15.48.010. (Reserved)

17. Editor's Note: Chapter 15.48, Signs, Previously Contained Herein, Has Been Deleted In Its Entirety By The Recodification Of The 1990 Code.