

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, November 13, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, November 13, 2024 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Matson presiding and all Aldermen present (Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Kelly

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for October 23, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for November 6, 2024.

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2024-461

1. Civil Service Commission

-Darius Sykes (new appointment)

B. Proclamations

ISSUED 2024-462

1. Epilepsy Awareness Month | November 2024

2. ImpactLife Week | November 18-24, 2024

IX. Presentations

HELD

1. 2024 Halloween Parade Award Winners

2. Davenport Fire Department File of Life Initiative

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Ordinance was adopted.*

Third Consideration: Ordinance amending Chapter 8.15 entitled "Neighborhood Enhancement - Property Maintenance" of the Municipal Code of Davenport, Iowa to add requirements for rent abatement. [All Wards] **ADOPTED 2024-463**

ORDINANCE NO. **2024-463**

AN ORDINANCE AMENDING CHAPTER 8.15 ENTITLED "NEIGHBORHOOD ENHANCEMENT – PROPERTY MAINTENANCE" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADD REQUIREMENTS FOR RENT ABATEMENT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Section 8.15.155 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.155 Notice and order of code official.

B.4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the code enforcement officer:

- a. Will order rent abatement enforcement pursuant to 8.15.155(H), or
- b. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
- c. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

H. Rent Abatement.

1. Rent abatement enforcement may be authorized by no fewer than two of the following or their designees: 1) Chief Building Official; 2) Director of Development & Neighborhood Services; and/or 3) Fire Marshal when it has been determined that the owner or lessor has, after issuance of a notice of violation of this chapter:
 - a. Failed to provide an essential service (water, sewer, electricity, heat; except tenant-paid utilities);
 - b. Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant; or
 - c. Rented a dwelling unit without a rental license, including renting under suspension or revocation.
2. Rent shall be abated until the condition(s) for which rent abatement was ordered has been remedied and the property or unit(s) meets the minimum standards as deemed by no fewer than two of the following or their designees: 1) Chief Building Official; 2) Director of Development & Neighborhood Services; and/or 3) Fire Marshal. The owner or lessor may not collect or recover rent due from the tenant for the period when the rent abatement order is in effect. The lessor or owner may not seek to recover abated rent payments after the order is lifted. Rent shall be prorated if the abatement order period covers a partial rental payment period. The abated amount will be credited at the time of the next rent payment.
3. Prohibitions.
 - a. Lessees or tenants shall not be evicted for non-payment of rent during a rent abatement period.
 - b. Landlords are prohibited from increasing rent, terminating a lease, refusing to renew a lease, or decreasing services for a period of ninety (90) days from the end of the rent

abatement period. Landlords seeking to appeal or tenants seeking to enforce the length of the restriction may do so using the City of Davenport's appeal process as outlined in the City of Davenport Municipal Code Chapter 2.86 except this appeal can be filed anytime within the ninety (90) day period. All parties, including the tenant, will be notified of the time, date, and location of the hearing. The Administrative Hearing Officer will evaluate the appeal based on Iowa Code Chapter 562A.36 Prohibition Against Retaliation.

4. Notice.
 - a. A copy of the rent abatement order shall be provided to the owner or lessor at the address on the rental permit and to the tenant by U.S. mail and by posting the entrance door to the dwelling unit.
 - b. Notice of termination of the rent abatement order will be given in the same manner.
 - c. All rental dwellings where rent has been ordered abated, regardless of the number of rental units contained in each property or current inspection cycle, may be placed on an accelerated inspection cycle.
5. Nothing in this ordinance shall be construed to limit or reduce any remedies or protections available to tenants under applicable state or federal law. The provisions of this ordinance are intended to supplement, and shall be interpreted in harmony with, all relevant state and federal laws governing tenant rights.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Adopted 11/13/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. On motion by Alderman R. Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Ordinance was adopted.

Third Consideration: Ordinance to repeal and replace Chapter 15.32 entitled "International Fire Code" of the Municipal Code of Davenport, Iowa to allow for comprehensive formatting changes and adopt the 2021 International Fire Code. [All Wards] **ADOPTED 2024-464**

ORDINANCE NO. **2024-464**

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 15.32 ENTITLED "INTERNATIONAL FIRE CODE" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ALLOW FOR COMPREHENSIVE FORMATTING CHANGES AND ADOPT THE 2021 INTERNATIONAL FIRE CODE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Chapter 15.32 of the Municipal Code of Davenport, Iowa is hereby repealed and replaced with the following:

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. 3103.2 Temporary Tents and Membrane Structures - Approval required

Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official. This will include multiple tents and/or membrane structures placed side by side with an aggregate area in excess of 400 square feet without a fire break clearance of 12 feet.

Exception:

1. Tents used exclusively for recreational camping purposes.

AS. 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.

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 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 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.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the

lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Adopted 11/13/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

XII. Approval of All Items on the Consent Agenda

On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye, the Consent Agenda was approved as follows.

1. Third Consideration: Ordinance amending various sections of Title 8 entitled "Health and Safety" and Title 15 entitled "Buildings and Construction" of the Municipal Code of Davenport, Iowa to adopt the 2021 International Building Code, the 2021 International Residential Code, and the 2021 International Property Maintenance Code, and to incorporate recommendations from the Code evaluation performed by The White Birch Group and SOCOTEC. [All Wards]

ADOPTED 2024-465

ORDINANCE NO. **2024-465**

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 8 ENTITLED "HEALTH AND SAFETY" AND CHAPTER 15 ENTITLED "BUILDINGS AND CONSTRUCTION" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADOPT THE 2021 INTERNATIONAL BUILDING CODE, THE 2021 INTERNATIONAL RESIDENTIAL CODE, AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO INCORPORATE RECOMMENDATIONS FROM THE CODE EVALUATION PERFORMED BY THE WHITE BIRCH GROUP AND SOCOTEC.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Subsection 8.15.100 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.100 Title.

The regulations in this chapter shall be known as the Davenport Property Maintenance Code, may be cited as such, and will be referred to herein as "this code." Any reference to the International Building Code, the International Fire Code, or any other codes mentioned herein, shall be to such codes as adopted by the City of Davenport.

Section 2. That Subsection 8.15.105 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.105 Intent.

The intent of this code is to provide minimum standards to safeguard life or limb, health, property, property values and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings, nonresidential buildings, and structures in this jurisdiction.

The intent of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

The intent of this code is to provide for the administration and enforcement of this code and certain technical codes adopted by the Davenport Municipal Code.

Administration and enforcement is a function of the neighborhood services department and any other designee of the City Administrator.

This 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. This code shall be applied in conjunction with other codes of the City and nothing in this code shall be interpreted as prohibiting or limiting enforcement by the code official or any other agencies of the following codes and ordinances as adopted and amended included but not limited to:

The Zoning Ordinance of the City of Davenport

International Building Code

International Fire Code

International Mechanical Code

Uniform Plumbing Code

National Electric Code

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

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

Section 3. That Subsection 8.15.145 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.145 Licensing, permits and inspections for rental property.

- A. General. It shall be a violation of this code for any owner or owner's representative to allow an individual to rent and/or occupy any dwelling, dwelling unit, duplex, multiple dwelling, sleeping room, single-family dwelling or condominium unless all of the following criteria are met:
 - 1. The owner or agent holds a valid certificate of structure compliance, issued by the City applicable to those portions of the specific structure used for residential rental purposes or affecting any areas used for residential rental purposes.
 - 2. The owner or agent holds a valid rental license issued by the City, in the name of the owner or agent, applicable to those portions of the specific structure used for residential rental purposes.
 - 3. The owner or agent, if they have not done so previously, must attend the City's landlord education classes within six months of obtaining an initial rental license issued by the City.
 - 4. The owner or owner's representative provides the name(s) of a twenty-four-hour emergency contact(s), to the neighborhood services department, who can provide the names of the tenants of the rental unit(s) and has authority to make decisions with respect to the property. This requirement also applies to properties under the control of a foreclosing lender. The emergency contact must be able to be on site within eight hours.
 - 5. The owner has in place, at a minimum, the standard screening and background check process acceptable to the neighborhood services department.
- B. Certificate of Structure Compliance. The certificate of structure compliance, when issued, shall certify that the requirements of this code are met. The certificate shall NOT be transferable at the time of a change in ownership. Transfer of ownership shall require a new certification to be maintained as a public record of the City. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of letting the structure for residential occupancy, but must be accompanied by a valid rental license. The certificate of structure compliance shall state the date of issuance and the address of the structure to which it is applicable. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid certificate of structure compliance may be ordered vacated.
- E. Rental License. A rental license shall be a document issued to each individual property that is properly registered with the City and shall be valid for one year. The document shall be transferable from one owner or agent to another at any time prior to its expiration, termination or revocation. The owner or agent shall notify the City of any change of interest or ownership in the property within 30 days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event the City has not been notified of

such conveyance or transfer within the designated period of time, the rental license may be transferred from the owner or agent to another upon payment of a fee, the amount of which shall be established by resolution of the City Council. The fee shall be assessed to the new owner or agent. The rental license shall state the date of issuance, the address of the structure to which it is applicable and its expiration date. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid rental license with the City and fees paid may be ordered rent abated, vacated and/or the owner may be subject to a municipal infraction prosecution.

- I. Revocation of a Rental License. The code official or designee shall have the authority to revoke a rental license on any property when: 1) it is in violation of the City code on a frequent and recurrent basis; 2) has a serious life safety violation and is ordered vacated; 3) has a serious structural deficiency and/or violation that is hazardous to life, and is ordered vacated; 4) fails to correct a founded complaint violation by the time that the third reinspection for the same concludes; 5) the owner or owner's representative fails to appear for three two inspections/reinspections in a row; or 6) the owner or owner's representative provides false information to the City. The owner or owner's representative of the affected property shall be notified in writing by certified mail of the license revocation.

Section 4. That Subsection 8.15.155(F)(2) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

2. If the building or structure as determined by the code official or designee is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered vacated and/or demolished.

Section 5. That Subsection 8.15.185 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.185 Adoption of 2021 International Property Maintenance Code.

The City hereby adopts and incorporates the provisions of the International Code Council's 2021 International Property Maintenance Code with commentary except as noted:

- A. From Chapter 1 ("Scope and Administration") only Subsection 102.7, Subsection 105.2, Subsection 105.3, Section 106, Subsection 110 (Subsection 110.4 amended to read as follows: "No person shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions."), Section 111 (to the extent that it does not conflict with other City code sections), and Subsection 111.5 are adopted.

Section 6. That Subsection 8.16.020(A) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- A. UNSAFE BUILDING OR STRUCTURE – Is any building or structure abandoned, boarded, or otherwise deemed to be unsafe as defined in section 203 of the International Building Code.

Section 7. That Subsection 8.16.070 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

If the notified property owner neglects or fails to commence the necessary work to secure the building or structure by the date set forth in the notice and order, the City may perform the required action and bill the property owner pursuant to Chapter 8.12. The building official or designee shall keep an accurate account to reflect the material and labor utilized, at a reasonable market rate to be determined by the building official or designee. Action taken pursuant to this chapter does not preclude the City from seeking alternative relief under the International Property Maintenance Code. Such alternative relief may include, but is not limited to, repair or demolition of the building and removal of any debris on the property.

Section 8. That Subsection 8.17.030(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- B. Specific:

1. BUILDING CODE - Shall mean the International Building Code and International Residential

Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

2. DANGEROUS BUILDING - Shall mean any building or structure deemed to be dangerous under the provisions of Section 8.17.120.
3. DESIGNATED OFFICIAL - Shall mean the designated or authorized personnel described in Section 8.17.040 and their authorized inspection personnel.
4. HEALTH OFFICIAL - Shall mean the designated or authorized personnel of the chief health officer of the Scott County Health Department.
5. HOUSING CODE - Shall mean the International Property Maintenance Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

Section 9. That Subsection 8.18.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.18.060 Inspections.

The owner shall allow inspection of the building by City representatives upon request and shall allow annual inspection of the interior and exterior of the premises for the purpose of enforcing and assuring compliance with the provisions of this chapter and the Housing, Building and Fire Codes. The reoccurrence of inspections shall occur until a safe to occupy condition has been met. The building official or designee shall determine the frequency of the inspections on a case-by-case basis.

Section 10. That Subsection 15.08.215(A) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- 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.

Section 11. That Subsection 15.08.300 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.08.300 Permits.

B.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. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches;
 - 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.
- C. Separate Permits. Separate permits are required for each of the 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
Sprinkler and fire alarms	Building permit

- 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
Temporary motion picture, television and theater stage sets and scenery	Temporary permit

Section 12. That Subsection 15.08.305(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.08.305(B) Plans and Specifications.

- 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.

Section 13. That Subsection 15.08.320(E) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- E. The building official 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.

Section 14. That Subsection 15.08.340(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- 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 an amount to be established by resolution by the City Council.

Section 15. That Subsection 15.08.350 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.08.350 Stop Work Order.

- A. Authority. Where the building official finds work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.
- B. Issuance. The stop work order shall be in writing and shall be given to the owner, owner's agent or

person performing the work or posted on the property in absence of any person(s). Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions which the cited work will be permitted to resume.

- C. Unlawful Continuance. Any person who shall continue any work after being served, or removing, a stop work order except such work as that person is directed to remove a violation or unsafe condition, shall be subject to fines established by resolution of the City Council.

Section 16. That Section 15.12.020 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.020 The International Building Code.

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

Section 17. That Section 15.12.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.030 The International Residential Code.

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

Section 18. That Section 15.12.032 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.032 The International Existing Building Code.

The International Existing Building Code 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.

Section 19. That Section 15.12.040 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.040 Additions, deletions and amendments to the International Building Code.

- A. Chapters 1, 12, 13, 27, 28, 29, 30, 32, and 33 of the International Building Code, 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, 2021 edition are hereby adopted as part of this Chapter. All other appendix chapters are deleted.

Section 20. That Subsection 15.12.042 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.042 Chapter 18 International Building Code Modified.

- A. Add a new paragraph to Section 1809 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.

Section 21. That Subsection 15.12.050 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.050 Additions, deletions and amendments to the International Residential Code.

- A. Chapter 1 of the International Residential Code 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 2021 International Residential are

deleted in their entirety and replaced by applicable Chapters of this Title.

- C. Appendix Chapter H, of the 2021 International Residential Code is hereby adopted as part of this Chapter all other appendix chapters are deleted.

Section 22. That Subsection 15.12.052 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.052 Chapter 3 International Residential Code modified

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

Table R301.2 Climatic and Geographic Criteria

	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 ^a	Frost line Depth ^b Termite ^c
Ground Snow Load 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

- 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."

- E. 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."

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

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

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

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

R327 "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."

- I.1. Section 305.4 Modified. Delete all reference to windows.

Section 23. That Subsection 15.12.054(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- 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 2021 International Residential Code. Footings shall be supported on undisturbed natural soil or engineered fill.

Section 24. That Subsection 15.30.020 of the Municipal Code of Davenport, Iowa be and the same is hereby

amended to read as follows:

15.30.020 Building contractor licensing and regulation thereof.

A.5 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. 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 Chapter 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.

Section 25. That Subsection 15.30.070 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.30.070 Application for licenses.

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.

Section 26. That Subsection 15.30.180(D) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

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.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Adopted 11/13/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance providing for the division of taxes levied on taxable property in the North Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa. [Ward 8]

MOVED TO THIRD CONSIDERATION

3. First Consideration: Ordinance for Case ORD24-04 being the request of the City of Davenport to amend various sections of Title 17 entitled "Zoning" of the Municipal Code of Davenport, Iowa regarding residential building design standards. [All Wards]

MOVED TO SECOND CONSIDERATION

4. Resolution authorizing the conveyance of the vacated portion of unimproved Marquette Street located south of West 76th Street to the Waste Commission of Scott County, Petitioner. [Ward 8]

ADOPTED 2024-466

5. Resolution setting a Public Hearing on the proposed conveyance of the vacated unimproved right-of-way located west of Marquette Street between West 7th Street and the mid-block alley to Jacks Home Improvements Company, Petitioner. [Ward 3]

ADOPTED 2024-467

6. Resolution approving a lane closure request on the listed date and time for an event.

ADOPTED 2024-468

Ballet Quad Cities; Nutcracker School Program; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. - 1:00 p.m. Friday, December 13, 2024; **Closure**: northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]

7. Resolution accepting work completed under the CDBG Alley Program: Washington Street to Fillmore Street Permeable Alley with Sewer Separation project by Centennial Contractors, Inc of Moline, Illinois in the amount of \$730,681.24, #BG250 and CIP#30056. [Ward 4]

ADOPTED 2024-469

8. Resolution accepting work completed under the Freight House West Brick Wall Repairs project by Bi-State Masonry, Inc of Rock Island, Illinois in the amount of \$164,832, CIP #23073. [Ward 3]

ADOPTED 2024-470

9. Resolution accepting work completed under the CY 2024 Contract Milling Program by Porter Brothers Construction of Rock Falls, Illinois in the amount of \$102,811.37, CIP #35041. [All Wards]

ADOPTED 2024-471

10. Resolution approving Change Order #2 in the amount of \$139,475 to Bush Sports Turf of Milan, Illinois for the Modern Woodmen Park Field Renovation project, CIP #23049. [Ward 3]

ADOPTED 2024-472

11. Resolution awarding a contract for the Adler Theatre HVAC Upgrades project to Northwest Mechanical, Inc of Davenport, Iowa in the amount of \$957,500, CIP #69014. [Ward 3]

ADOPTED 2024-473

12. Resolution awarding a contract for the Emeis Park Phase II | Adaptive and Inclusive Playground project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$641,063.95, CIP #ARP10. [Ward 1]

ADOPTED 2024-474

13. Resolution awarding a contract for the Bus Barn Charging project to Rock River Electric, Inc of Colona, Illinois in the amount of \$273,370, CIP #24035. [Ward 7]

ADOPTED 2024-475

14. Resolution awarding one-year contracts, with the option of a one-year extension, for the FY 2025-2026 Contract Sewer Repair Program to Hagerty Earthworks of Muscatine, Iowa; Hometown Mechanical of Davenport, Iowa; and JC Dillon, Inc of Davenport, Iowa, each in the amount of \$250,000, and authorizing the Public Works Director/Assistant City Administrator to approve change orders for a contract with a maximum value of \$1,050,000, CIP #30064 and #33057. [All Wards]

ADOPTED 2024-476

15. Resolution awarding a contract for engineering services for the Eastern Avenue Bridge Over Duck Creek Replacement project to Snyder & Associates, Inc of Cedar Rapids, Iowa in the amount of \$237,800, CIP #21014. [Wards 5 & 7]

ADOPTED 2024-477

16. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Davenport Public Works Building Partial Masonry Wall Repair project. [Ward 7]

ADOPTED 2024-478

17. Resolution approving the purchase of five police interceptor utility vehicles from Stivers Ford of Waukee, Iowa in the amount of \$233,045 using State of Iowa Department of Administrative Services contract #24051, CIP #24032. [All Wards]

ADOPTED 2024-479

18. Resolution approving the purchase of a permanent easement associated with the Goose Creek Trail Phase III project from Pine Hill Cemetery Association of Davenport, Iowa in the amount of \$112,085.67, CIP #ARP17. [Ward 7]

ADOPTED 2024-480

19. Resolution approving the amended fee schedule for electrical, plumbing, and mechanical permits and inspections under Section 15.08.315 entitled "Fees" of the Municipal Code of Davenport, Iowa. [All Wards]

ADOPTED 2024-481

20. Preliminary Resolution for the 2025 Alley Resurfacing Program. [Ward 5]

ADOPTED 2024-482

21. Resolution authorizing and approving an amended Sewer Revenue Loan and Disbursement Agreement and providing for the issuance and securing the payment of \$6,434,000 Sewer Revenue Improvement and Refunding Bonds, Series 2024. [All Wards]

ADOPTED 2024-483

22. Resolution authorizing the conveyance of a portion of City-owned property located in the 3200 block of Marquette Street to James M. Harland, Petitioner. [Ward 7]

ADOPTED 2024-484

23. Resolution approving an amendment to the agreement with Family Resources for Group Violence Intervention services in the amount of \$100,000. [All Wards] **ADOPTED 2024-485**

24. Motion approving the local objectives for the Community Development Block Grant Program for the Year 51 Annual Action Plan covering July 1, 2025–June 30, 2026. [All Wards]

PASSED 2024-486

25. Motion approving beer and liquor license applications.

PASSED 2024-487

A. New license, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

Ward 3

Miracle at the Freight House (River Craft, Inc) - 421 West 4th Street #2 – New License - License Type: Class C Liquor (On-Premises)

Ward 6

Jiang's Hot Pot and BBQ (Jiang's Pot, LLC) - 4009 East 53rd Street #107 – New License - License Type: Special Class C Beer/Wine (On-Premises)

The Christmas Cottage (The Christmas Cottage) - 4007 East 53rd Street #100 - Premises Transfer - License Type: Class B Native Wine (Carry-Out)

B. Annual license renewals (with outdoor area renewals as noted):

Ward 2

Express Lane Gas & Food Mart # 83 (Expresslane, Inc) - 3636 Hickory Grove Road - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Express Lane Gas & Food Mart #84 (Expresslane, Inc) - 321 North Division Street - License Type: Class B Beer/Wine (Carry-Out)

Super Saver Tobacco & Liquor (Veera Brothers, LLC) - 1610 Rockingham Road - License Type: Class E Liquor (Carry-Out)

Westside Grocery (Venu G, LLC) - 1802 West 7th Street - License Type: Class E Liquor (Carry-Out)

Ward 4

Firehouse Bar & Grill (Firehouse Bar & Grill, Inc) - 2006 Hickory Grove Road – Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 5

McClellan Stockade (Koellner Enterprises 6, LLC) - 2124 East 11th Street – Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

The Ridge (Jar Hospitality, LLC) - 4750 Utica Ridge Road #100 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

CASI (Center for Active Seniors, Inc) - 1035 West Kimberly Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Corny Beer Store, LLC (Corny Beer Store, LLC) - 5220 Grand Avenue - License Type: Class B Beer/Wine (Carry-Out)

The Liquor Stop, LLC (The Liquor Stop, LLC) - 211 West 53rd Street - License Type: Class E Liquor (Carry-Out)

Ward 8

Express Lane Gas & Food Mart #86 (Expresslane, Inc) - 7522 Northwest Boulevard - License Type: Class B Beer/Wine (Carry-Out)

26. Motion awarding a contract for engineering services for the 61st Street Overlay project to Anderson-Bogert Engineers & Surveyors, Inc of Cedar Rapids, Iowa in the amount of \$60,317, CIP #35062. [Ward 8] **PASSED 2024-488**

27. Motion awarding a contract for the Fire Station 7 Concrete Replacement project to Americore LLC of Muscatine, Iowa in the amount of \$58,177. [Ward 8] **PASSED 2024-489**

28. Motion approving the purchase of three Chevrolet Equinox sport utility vehicles from Karl Chevrolet of Ankeny, Iowa in the amount of \$85,873.20 using Iowa Department of Administrative Services contract #24216. [All Wards] **PASSED 2024-490**

29. Motion approving the purchase of upfitting equipment for two Police Department vehicles from Keltek Incorporated of Baxter, Iowa in the amount of \$59,454.26 using State of Iowa Department of Administrative Services contract #24088, CIP #24032. [All Wards] **PASSED 2024-491**

30. Motion approving a two-year professional services contract with Hope at the BRICK House in the amount of \$60,000. [All Wards] **PASSED 2024-492**

31. Motion appointing Alderwoman Meginnis, Alderman Gripp, Alderman Jobgen, and Alderman Reinartz to the Code of Conduct Committee. [All Wards] **PASSED 2024-493**

32. Motion ratifying the emergency purchase of a storage tank for calcium chloride from ProTank of Olive Branch, Mississippi in the amount of \$51,958. [Ward 7] **PASSED 2024-494**

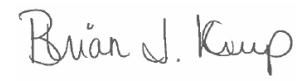
33. Motion approving submission of the City of Davenport Annual Urban Renewal Report for FY 2024. [All Wards] **PASSED 2024-495**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:09 p.m.**

A handwritten signature in black ink that reads "Brian J. Krup". The signature is written in a cursive style with a large, stylized "B" and "K".

Brian J. Krup
Deputy City Clerk