

ORDINANCE NO. 799

AN ORDINANCE AMENDING THE JOHNSTON REVISED ORDINANCES OF 2007 BY AMENDING SECTIONS 155.02, 155.03, 155.06 AND 155.07 OF THE BUILDING CODE TO UPDATE FROM THE 2003 INTERNATIONAL BUILDING AND RESIDENTIAL CODES TO THE 2006 IRC AND IBC CODES.

Be It Enacted by the City Council of the City of Johnston, Iowa That:

Section 1. PURPOSE. The purpose of this ordinance is to update the Johnston Building Code from the 2003 Editions of the International Building and Residential Code to the 2006 Editions of the International Building Code and the International Residential Code.

Section 2. Section 155.02 of the Johnston Revised Ordinances of 2007 is hereby deleted in its entirety and the following new section is substituted in lieu thereof:

155.02 International Building/Residential Codes Adopted. The International Building Code and International Residential Code, 2006 Editions, are adopted, except as provided in this chapter, and shall be known as the “Johnston Building Code.” Copies of the International Building and Residential Codes 2006 editions are on file in the office of the City Clerk. Exceptions to this code shall be as set out in this Chapter.

Section 3. Section 155.03 of the Johnston Revised Ordinances of 2007 is hereby deleted in its entirety and the following new section is substituted in lieu thereof:

155.03 Deletions, modifications and/or amendments. The following deletions, modifications and/or amendments are made to the International Building and Residential Codes (hereinafter known as the IBC and IRC respectively) as published by the International Code Council.

1. Section 101.1 Title of the IBC and R101.1 Title of the IRC by inserting City of Johnston in (NAME OF JURISDICTION) thereof.
2. Section 105.2 Work Exempt from Permit of the IBC thereof is modified by deleting subparagraphs 1, 2, 4, 5, 8, 9, 10, and 12.
3. Section R105.2 Work Exempt from Permit of the IRC thereof is modified by deleting subparagraphs 1, 2, 4, 5 and 9.
4. Section 105.2 IBC/R105.2 IRC Work Exempt from Permit are modified by deleting all subparagraphs starting at Electrical and ending before Section 105.2.1 IBC/105.2.1 IRC Emergency repairs.
(These areas are covered in other chapters of the Johnston Code of Ordinances)

5. Section 109.3.7 Energy Efficiency and Chapter 13 Energy Efficiency of the IBC are deleted. It shall be the responsibility of the holder of the permit to meet all applicable State and Federal requirements.

6. Chapters 11 through 23 and 25 through 42 of the IRC are deleted in their entirety.

(These areas will be covered in other chapters of the Johnston Code of Ordinances)

7. Section 108 Fees, of the IBC and R108 Fees, of the IRC thereof is modified by adding a new subparagraph at the end of each thereof as follows:

108.7 Demolition Fees (IBC)/R108.6 Demolition Fees (IRC). The fee for a demolition permit shall be \$50.00. This fee may be waived at the discretion of the Building Official. The Building Official may require that a bond be posted by any permittee engaged in demolition activity. Said bond, in an amount not less than \$500.00 shall be required in those instances where the Building Official determines that there exists or may exist a threat to public health, welfare, or safety, or in order to insure compliance with this Chapter or other applicable laws.

8. Section 108 Fees, of the IBC and R108 Fees, of the IRC thereof is modified by adding a new subparagraph at the end thereof:

108.8 Exemption from fees (IBC)/R108.7 Exemption from fees. No building fees shall be collected on buildings or structures constructed by or for any unit of government. (i.e. United States, State of Iowa, Polk County, School District or City of Johnston.)

9. Section 108 Fees, of the IBC and R108 Fees, of the IRC thereof is amended by inserting the following tables at the end thereof:

TABLE NO. 1A – BUILDING PERMIT FEES	
TOTAL VALUATION	FEE*
\$1.00 to \$500.00	\$25.00
\$500.01 to \$2,000.00	\$25.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,000.01 to \$25,000.00	\$55.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,000.01 to \$50,000.00	\$262.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,000.01 to \$100,000.00	\$424.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.01 to \$500,000.00	\$649.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,000.01 to \$1,000,000.00	\$2,049.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000.01 and up	\$3,549.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof
Plan review fees shall be computed as follows:	
Total Valuation	Fee
\$0.00 to \$5,000.00	\$10.00
\$5,000.01 to \$50,000.00	\$20.00
\$50,000.01 to \$500,000.00	\$50.00
\$500,000.01 to \$1,000,000.00	\$100.00
\$1,000,000.01 and up	\$300.00

TABLE NO. 1B – MISCELLANEOUS BUILDING PERMIT FEES		
Decks	0 to 200 square feet	\$40.00
	201 to 300 square feet	\$65.00
	Over 300 square feet	Valuation basis use Table 1A
Screened porches, sun rooms and other similar structures and additions shall be charged on a valuation basis using Table 1-A		
Portable swimming pools or similar structures capable of holding more than 24” of water shall be charged a fee of \$25.00. Permanent pools shall be charged on a valuation basis using Table 1-A.		
Fireplace		\$25.00
One story detached accessory buildings used as tool and storage Sheds and similar uses up to 120 square feet.		\$25.00
Recalculation of permit (applied to changes after permit paid) \$75.00		
Miscellaneous fee (for additional item/s not covered within the table) shall be calculated based upon the time to review and inspect and charged at a rate of \$45 per hour.		
Except as provided by law, where work is started without obtaining a permit the Building Official may charge a fee not to exceed twice the original building fee.		
Upon discovery, those permit holders who have provided inaccurate plans (please see FPN) shall be charged a Recalculation Fee of \$75.00 plus a fee not to exceed twice the new Building Fee for the added floor area.		
At the discretion of the Building Official, inspections may be scheduled after normal working hours or on weekends. However, permit holders requesting such inspections shall pay \$90 per hour the inspector works, with a minimum charge for two hours.		

FPN: Finishing more space than what was originally submitted, wrong dimensions of structure, the adding of additions on exterior of structure, etc.

10. Section 105.4 Validity of Permit, of the IBC and R105.4 Validity of Permit, of the IRC are hereby modified by adding a new subparagraph at the end thereof:

105.4.1(IBC)/R105.4.1 Indemnity. The applicant for any permit under this chapter, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or person whomsoever, including all costs and expenses incident thereto, however, arising from or in connection with or related to the issuance of such permit or the doing of anything thereunder or the failure or such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Chapter or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees, and

agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reasons of the foregoing, even though acts or omissions of the city, its officers or employees, may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this Chapter whether expressly recited therein or not.

11. Table R301.2(1) Climatic and Geographic design criteria is hereby amended by modifying said table as follows:

Table R301.2(1), Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed MPH	Seismic Design Category	Subject To Damage From				Winter		Flood Hazards	Air Freezing Index	Mean Annual Temp.
			Weathering	Frost Line Depth	Termite	Decay	Design Temp	Ice Barrier Req'd.	NFIP Adoption		
30 PSF	90	A	Severe	42"	Moderate – Heavy	Slight – Moderate	-5° F	Yes	19-July-2000	1833	48.6

12. Section R303.3 Bathrooms is hereby amended by adding the following sentence to the Exception paragraph thereof:

Bathrooms that contain only a water closet and/or a lavatory and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

13. Section R309.2 Separation Required is hereby deleted in its entirety and inserting the following paragraph therein:

The garage shall be separated from the residence by not less than 5/8 inch Type X gypsum board applied to the garage side walls and ceiling. Doors between the garage and the dwelling shall be equipped with self closing hardware.

14. Section R310.1 Emergency Escape and Rescue required is hereby amended by adding the following sentences at the end thereto:

Basement remodel and new construction unfinished basements with 200 or more square feet of existing floor space and a ceiling height greater than or equal to 6’8” shall have a minimum of one egress opening. If the egress opening can not be located in the planned sleeping room of a remodel, the opening may be placed at a location outside the room with the location to be at the discretion of the Building Official. This is to insure that the stairway and egress window are located at a distance equal too but not less than 1/3 the distance of a line drawn from one corner to

the furthest corner of the basement. In a basement remodel the path of egress to this opening shall not pass through more than one door way.

15. Section (F)R313.1 Smoke Alarms location 3 is hereby amended by adding the following sentence thereto:

A smoke alarm shall be installed in all separate Finished/Unfinished portions of basements and similar locations within the dwelling as determined by the Building Official.

Example: Theater, exercise, large storage or mechanical rooms.

(For the purpose of defining “in the immediate vicinity” of this section, the hardwired with battery backup detector/s shall be no more than 25 ft from a bedroom door and shall not be obstructed by any other closeable door or partition. Where battery only smokes are used, the location shall be no more than 8 feet from a bedroom door.)

16. Section R311.5.3.3 Profile is hereby amended by adding the following exception thereto:

3. The opening between adjacent treads is not limited on exterior stairs serving individual dwelling units.

17. Section R403 Footings is hereby amended by deleting Table R403.1 Minimum Width of Concrete or Masonry Footings.

18. Section R403.1.1 Minimum Size is hereby deleted in its entirety and inserting the following paragraphs therein:

Soils that footings are constructed upon shall have a minimum bearing pressure of 2000 pounds per square foot. Minimum footing size shall be 16 inches wide by 8 inches deep with a minimum of two continuous ½-inch rebar unless other means of design is approved by the Building Official. All steel reinforcement in footing and foundation walls shall be in place and inspected prior to concrete placement. The Residential Conventional Footing Dimensions Chart is an acceptable alternative for soils less than 2000 pounds per square foot if no expansive soils present.

Footings and walls shall be protected from freezing. The Metro Cold Weather Concrete Policy shall be the acceptable practice for protection. The Building Official may accept other designs or practices as weather and other conditions apply. Concrete must reach a strength of 500 psi after 48 hours, 1250 psi after 7 days and reach its full strength after 28 days.

The size of footings, supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2 and Figures R403.1(2) and R403.1(3).

19. Section R404 Foundation Walls is amended by adding the following subparagraph thereto:

R404.1.2.1 Minimum Horizontal and Vertical Reinforcement. Poured concrete foundation walls shall have the following minimum horizontal and vertical steel reinforcement. The height of the wall is calculated by measuring from the top of the wall to the top of the footing. The Building Official may accept other engineered designs. The following are based on footings designed to hold 2,000 pounds per square foot. All vertical steel requirements below shall be secured at the top and bottom.

1. Walls to a height of 4 feet shall have a minimum of 2 horizontal bars with a minimum of 12 inches of overlap at joints and corners and shall have vertical ½ inch rebar a maximum of 8 ft apart to the unbalanced fill ht.
2. Walls with a height between 4 feet to 6 feet shall have a minimum of 3 horizontal bars with a minimum of 12 inches of overlap at joints and corners and shall have vertical ½ inch rebar a maximum of 8 ft apart to the unbalanced fill ht..
3. Walls with a height between 6 feet and 8 feet shall have a minimum of 4 horizontal bars with a minimum of 12 inches of overlap at joints and corners and shall have vertical ½ inch rebar a maximum of 8 ft apart.
4. Walls with a height between 8 feet and 10 feet shall have a minimum of 5 bars with a minimum of 12 inches of overlap at joints and corners and shall have vertical ½ inch rebar a maximum of 20 inches apart to the unbalanced fill ht.
5. Walls with a height over 10 feet shall be engineered.

20. Section R403.1.1 Minimum Size is hereby amended by deleting “6 inches” and inserting “8 inches” thereto:

21. Section R403.1.4.1 Frost Protection exception 1 is hereby amended by deleting” 600 square feet(37m2)” and inserting “720 square feet” thereto:

22. Chapter 11 Accessibility of the IBC shall be used as a reference only and it shall be the responsibility of the holder of the permit to meet all State and Federal requirements.

23. Section (F)903.2.1.1 Group A-1, is hereby modified by adding “and Group B Occupancies.” thereto:
24. Section (F)903.2.1.2 Group A-2, is hereby modified by deleting “5,000 square feet” and inserting “3,500 square feet” thereto.
25. Section 506.1 General Area Modifications of the IBC is hereby modified by deleting “shall” and inserting “may” thereto:
26. Section R404.5 Retaining walls, of the IRC is hereby modified by deleting “ 24 inches (610 mm) and inserting “48 inches” thereto:
27. Section R806.4 Conditioned attic assemblies, is hereby modified by adding a new subparagraph at the end thereof:
5. The use of this section by the permit holder is at their own risk. This jurisdiction does not inspect installation of insulation products.
28. Section R1004.4 Unvented gas log heaters, is hereby modified by adding the following sentence thereto:
- The use of any unvented fireplace or fuel burning heat appliance shall require a CO2 detector to be installed within the same building location.
29. Section R613.2 Window Sills is hereby modified by adding the following sentence to the exceptions at the end thereof:
3. If there is an exterior elevated walking surface with guardrail protection located within 72 inches below the opening.
30. Sub-section c of Table R602.10.5 is modified by adding the following sentences thereto:
- When using this section only one of the portals shall replace four feet of braced wall panel in a braced wall line for the counting of percentage of shear wall needed in one braced wall line. All other portals shall be counted as their actual wall length

Section 4. Section 155.06 of the Johnston Revised Ordinances of 2007 is hereby deleted in its entirety and the following new section is substituted in lieu thereof:

155.06 Site Maintenance. All persons constructing, erecting or altering any building or other structure or performing any other construction of any nature or furnishing materials or performing services within the City shall;

1. Keep the site of such construction clean and free of all refuse, debris, and junk and shall contain or restrict said refuse, debris, and junk on the site of said construction from blowing, depositing or otherwise moving from the site of construction to any adjacent properties or city streets. This shall also include items referred to in Chapter 50 in the City Code as Nuisances.
2. Maintain or cause to be maintained any and all erosion control materials required under Chapter 145 of Johnston Revised Ordinances of 2007, or would otherwise deemed necessary to prevent loss from or potential loss from the site of construction to adjacent properties or city streets.
3. Protect the public from open excavation(s) during the course of construction by way of temporary enclosure or temporary fencing, including but not limited to basement and utility excavations, completed foundations without continued construction activities for more than 14 days time.

Failure to maintain the site as specified in this code shall result in a Stop Work Order being issued for the site; in addition to any penalties as detailed in Chapter 3 of the Johnston Revised Ordinances of 2007.

Section 5. Section 155.07 of the Johnston Revised Ordinances of 2007 is hereby deleted in its entirety and the following new section is substituted in lieu thereof:

155.07 Building Valuation Data. The following reflects data to determine building values:

BUILDING VALUE DATA

The Building Safety Journal as published by the International Code Council contains the Building Valuation Data table, which represents average costs for structures, which shall be used to determine the valuation of all structures at the time of permitting. Annually, beginning on January 1st the most current Building Valuation Table shall be used to determine the value of all structures for that calendar year. Except that the valuation for residential one and two family structures (Group R-3) shall be \$83.00 per square foot until January 1, 2010, at which time the valuation shall increase to \$90.00 per square foot until January 1, 2011. After January 1, 2011, and each January 1st thereafter, the most current valuation from the Building Valuation Data shall be utilized as noted above. For finished basements in Residential construction \$50.00 per square foot as a base cost shall be used. For unfinished basements and garages \$20.00 per square foot as a base cost shall be used. Decks over 300 square feet to be valued at \$20.00 per square foot. Fully

covered decks, screened in or enclosed decks, and 3/4 season rooms shall be valued at finished room price per square foot.

The unit costs are intended to include architectural, structural, electrical, plumbing, and mechanical work, except as specifically listed below. It also includes the contractor's profit, which should not be omitted if he/she has a financial interest in the project.

The determination of plan review fees for projects reviewed by the city will be based on valuations computed from the Building Safety Journal published by ICC, Building Valuation Data.

In addition to building fees there will be a \$25.00 charge for dwellings and \$50.00 charge for commercial and industrial buildings for the issuance of zoning/occupancy certificate.

Section 7. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 8. WHEN EFFECTIVE. This ordinance shall be in full effect from and after its final passage, approval and publication as provided by the law.

Passed and approved by the City Council this _____ day of _____, 2009.

PAULA S. DIERENFELD, Mayor

ATTEST:

CYNDEE RHAMES, CITY CLERK

1st Reading: February 2, 2009
2nd Reading: March 2, 2009
3rd Reading: March 16, 2009
Passed: _____
Signed: _____
Published: _____

ROLL CALL VOTE:	1st Reading		2nd Reading		3rd Reading	
	Aye	Nay	Aye	Nay	Aye	Nay
Clabaugh	<u>X</u>	_____	<u>X</u>	_____	_____	_____
Culbert	<u>X</u>	_____	<u>X</u>	_____	_____	_____
Hibbs	<u>X</u>	_____	<u>X</u>	_____	_____	_____
Kallen	_____	<u>X</u>	<u>X</u>	_____	_____	_____
Tingley	<u>X</u>	_____	<u>X</u>	_____	_____	_____