

ORDINANCE No. 2391

AN ORDINANCE TO ADOPT A COMPLETE PLUMBING CODE REGULATING THE PRACTICE, MATERIALS, AND FIXTURES USED IN THE INSTALLATION, MAINTENANCE, EXTENSION AND ALTERATION OF ALL PIPING, FIXTURES, APPLIANCES AND APPURTENANCES IN CONNECTION WITH VARIOUS PLUMBING SYSTEMS; TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR AN INSPECTION OF PLUMBING INSTALLATIONS AND THE COLLECTION OF FEES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA:

SECTION I. SHORT TITLE

This ordinance shall be known as the "Fort Dodge, Iowa, Plumbing code, (FDPC)." And may be cited.

SECTION II: PURPOSE AND SCOPE

It is the purpose of this ordinance to adopt a complete Plumbing Code, including provisions for inspecting and regulating plumbing installation, issuing permits and collecting fees, and providing penalties for violations of this ordinance in order to protect the public safety, health and welfare.

SECTION III. ADOPTING OF PLUMBING CODE

The Uniform Plumbing Code, 2021 Edition, Published by the International Association of Plumbing and Mechanical Officials or the most current edition of the Uniform Plumbing Code and amendments adopted by the State of Iowa is adopted by reference in full including the appendices, tables and standards. From the effective date of this ordinance all installations, repairs and alterations of plumbing shall be performed in accordance with its provisions.

SECTION IV. AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETION

The following amendments, modifications, additions, and deletions to the 2015 Uniform Plumbing Code are made:

1. 104.3 Application for Permit: Add Section 104.3.1 Qualifications of Permittee
 - (a) Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A plumber licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which they are employed only when said "Master" has provided proof of employment by said licensed contractor. Must be registered and bonded through the City Treasurer's Office. Any permit required by the provisions of this code may be revoked by the Building Official and/or a designee upon the violation of any provision of this code.
 - (b) A State of Iowa licensed Plumbing contractor shall be allowed only to secure permits for himself or herself, or a single firm or corporation. When a State of Iowa licensed Plumbing contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.
 - (c) For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official and/or a designee to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records; canceled checks, or other such documents.
 - (d) The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.
 - (e) A permit may be issued to the owner of an existing owner-occupied single family dwelling, pursuant to a valid certificate of occupancy and used exclusively for residential purposes, to do any work regulated by this Article in connection with said dwelling and accessory buildings. Said owner may appear before the Building Official and/or a designee and, upon establishing that said person is competent to do the specific work for which the permit is desired and upon paying the permit fees as hereinafter set forth, the Building Official and/or a designee shall issue a permit to such applicant.
2. Delete Sections 104.5 and add Section 104.5 Fees: All applicants shall pay the proper permit and inspection fees as established by resolution of the City Council.
3. Section 717.0 Delete entire section and insert in place thereof: Appendix C Table C 304.2 Building Drains and Building Sewers. The size of any building sewer shall be determined on the basis of the total number of fixture units drained by the sewer, in accordance with Table C 304.2, except that the minimum diameter for any building sewer regardless of the number of fixtures shall be four inches connecting to the public right of way.

4. Delete Section 905.1 in its entirety and insert in lieu thereof the following 905.1 Grade. Vent and branch vent pipe shall be graded, connected and supported to allow moisture and condensate to drain back to the soil or waste pipe by gravity.

SECTION 1201.0 FUEL GAS PIPING

Delete Section 1204.3 in its entirety and insert in lieu thereof the following: 1204.3 Unlawful: it shall be unlawful for any servicing gas supplier, or person furnishing gas, to turn on, or install any fuel gas or any gas meter or meters unless the valve is turned off and securely locked, until inspected and released by the administrative authority.

SECTION V. PERMIT - TO WHOM ISSUED

A permit required by Chapter 1 of the Fort Dodge Plumbing Code shall be issued only to Licensed Plumbing Contractors and Licensed Master Plumbers for work covered by such License or Registration, however, any permit required by this ordinance may be issued to the owner of a single family dwelling used exclusively for living purposes to do any work regulated by this ordinance in that dwelling; including the usual accessory buildings and quarters, provided that the dwelling is occupied by the owner and also that the owner shall purchase all material to perform all labor in connection with the work. In order to qualify for this exception a residence shall qualify for the Homestead Tax Exemption. All work done in accordance with this exception must meet all the requirements of this ordinance and shall be inspected.

(1) Permit.

- a. It is the permit holder's responsibility to schedule the required inspections and obtain final approvals.

(2) Work without a Permit.

- (a) Whenever any work for which a permit is required by this ordinance has been commenced without first obtaining a said permit, a special investigation shall be made before a permit may be issued for such work or may cause Revocation of Permit.
- (b) Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this ordinance. The minimum investigation fee shall be the same as the minimum fee set forth in this ordinance. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this ordinance nor from any penalty prescribed by law.

(3) Revocation of Permit.

- (a) Failure to schedule the required inspections and received approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a temporary certificate of occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid certificate of occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

SECTION VI. LICENSE REQUIRED

Plumbing work performed under the provisions of this code must be done by a plumbing contractor meeting the licensing provisions as set forth by the state of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105.

SECTION VII. REGISTRATION

Every person holding a valid state of Iowa Plumbing Contractor License/ Master Plumbing License shall register with City Treasurer of the City of Fort Dodge prior to performing any plumbing work within the corporate limits of the City of Fort Dodge. Each registrant shall:

- (1) Place on file a copy of his/her state of Iowa license(s).
- (2) Supply verification of his/her contractor registration as required by Iowa Code 91C.
- (3) Supply other information as may be required by the City Treasurer such as but not limited to business name, business address, telephone contact number, etc.
- (4) Pay a \$50.00 per year registration fee to the City Treasurer.
- (5) Execute and deposit with the City Treasurer a bond in the sum of five thousand dollars with sureties approved by the City Treasurer and Mayor. This bond is to be held as surety that the Plumbing Contractor will fulfill these conditions:
 - (a) All plumbing work performed by them or under their supervision shall be performed in accordance with the provisions of the Fort Dodge Plumbing Ordinance.
 - (b) They will pay all fines and penalties properly imposed upon them for violation of the Plumbing Ordinance.
 - (c) They shall hold the City of Fort Dodge free from any liability sustained by reason of negligence or incompetence of any such registrant or other person working under his/her supervision.

SECTION VIII. PLANS AND SPECIFICATIONS

Plans and specifications showing the proposed work in the necessary detail shall be submitted when required by the Building Official and/or a designee. If a permit is denied, the applicant may submit revised plans and specifications without payment of any additional fee. If in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit was issued, amended plans and specifications, and fees in the amount of half the fees originally required shall be submitted. A supplementary permit, subject to the same conditions applicable to the original application for a permit, shall be issued to cover the change.

SECTION IX. PROTECTION OF WATER-SUPPLY SYSTEMS

The Building Official and/or a designee shall make and enforce such regulations, subject to Council approval, as the Building Official and/or a designee believes are necessary to protect the water-supply system of the City from anything which might endanger the public health, safety or welfare. These regulations are to be implemented consistent with the purposes of this ordinance and ordinance No. 2077 and must not be inconsistent with this ordinance, or with state laws or regulations.

SECTION X. ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Building Official and/or a designee to administer and enforce the provisions of this ordinance and to make any required inspections or tests.

SECTION XI. RIGHT OF ENTRY

The Building Official and/or a designee may enter any premises on proof of authority for the purpose of inspecting any plumbing system, at such times as may be reasonably necessary to protect the public health, safety and welfare.

SECTION XII. BOARD OF APPEALS

Any person aggrieved by a decision of the Building Official and/or a designee pursuant to this ordinance may appeal to the Board of Appeals pursuant to and in the manner provided for in Ordinance 2257 of the Fort Dodge Municipal Code.

(1) The Board of Appeals for the Plumbing Code shall be the same Board of Appeals which serves for the Building Code (herein "Board" or "Board of Appeals"), and persons who are appointed to the Board of Appeals are hereby concurrently appointed to this Board without further action or specific citation. The Building Official shall be an ex officio member and shall act as secretary to the Board, but shall have no vote upon any matter before the Board.

(2) The Board shall have no authority relative to interpretation of the administrative provisions of this Code, and the Board shall not be empowered to waive requirements of this Code.

(3) The rules of procedure, powers and obligations of the Board shall be the same as those set forth in the Building Code, including but not limited to rendering all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

(F) Violations. Any violation of any of the terms or conditions of this Code, or any failure to comply with any of its requirements, shall constitute a civil infraction or misdemeanor and shall be accordingly subject to fines or imprisonment in accordance with the provisions of the Code of Iowa. Each day a violation exists may be considered to be a new and separate infraction or misdemeanor.

SECTION XIII. VIOLATION – PENALTY

Anyone violating any of the provisions of this ordinance shall upon conviction, be subject to the penalties in accordance with Section 1.20.020 of the Fort Dodge Municipal Code.

SECTION XIV. REPEALER

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, specifically Ordinance No. 2257.

SECTION XV. EFFECTIVE DATE

This Ordinance shall be in full force and effect following its passage and publication as provided by law.

SECTION XVI. 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.

This Ordinance shall be in effect after its final passage, approval, and publication, as by law provided. Passed and approved by the City Council of the City of Fort Dodge, Iowa, this 12th day of August, AD, 2024.

Passed on first consideration by the City Council of the City of Fort Dodge, Iowa this 8th day of July, 2024.

AYE: Flattery, Nelson, Secor, Alstott, Crimmins and Schuur

NAY: None

ABSENT: McCaleb

Passed on second consideration by the City Council of the City of Fort Dodge, Iowa this 22nd day of July, 2024.

AYE: Flattery, Nelson, Secor, Alstott, and Crimmins

NAY: None

ABSENT: McCaleb and Schuur

Passed on third consideration by the City Council of the City of Fort Dodge, Iowa this 12th day of August, 2024.

AYE: Flattery, Nelson, Secor, McCaleb, Alstott, Crimmins and Schuur

NAY: None

OTHER: None

City of Fort Dodge, Iowa



Matt Bemrich, Mayor

ATTEST:



Dawn Siebken, City Clerk

Published in The Messenger this 19th day of August, 2024.