

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 103A.7, 103A.11 and 103A.14, the Building Code Commissioner in the Department of Public Safety and the State Historical Society Board hereby give Notice of Intended Action to amend Chapter 350, “State Historic Building Code,” Iowa Administrative Code.

The Building Code Commissioner in the Department of Public Safety is authorized to adopt administrative rules, and the State Historical Society Board is authorized to approve or disapprove the administrative rules, according to Iowa Code section 103A.41. This proposed amendment implements the policy of adopting the building code provisions provided in the most recent editions in the code cycle. A similar policy has been used with regard to plumbing and mechanical codes. The most recent editions of the codes used in the construction industry reflect current industry standards and promote consistency in the regulations affecting the construction industry.

A public hearing on the proposed amendment will be held on January 5, 2016, at 10 a.m. in the First Floor Public Conference Room (Room 125), Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa. Additional public hearings will be held at 11:30 a.m. on January 7, 2016, at Iowa State Patrol Post #12, 22365 20th Avenue, Stockton, Iowa, and at 11:30 a.m. on January 8, 2016, at Iowa State Patrol Post #3, 2025 Hunt Avenue, Council Bluffs, Iowa. Persons may present their views orally or in writing at the public hearings.

In addition, any written comments or information regarding the proposed amendment may be directed to the Agency Rules Administrator by mail to Agency Rules Administrator, Iowa Department of Public Safety, Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa 50319, or by electronic mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) by 4:30 p.m. on January 8, 2016.

Adoption of the 2015 International Existing Building Code (IEBC) is proposed because it is the most recent edition of industry standards and because its adoption promotes consistency of governing codes, eases the burden of planning and constructing buildings, and meets the business needs of the building industry while also meeting the expectations and needs of the public who use these buildings. The adoption of the 2015 IEBC will assist businesses, individuals and the construction industry by streamlining construction requirements in the state. Informal meetings have been held with stakeholders in the construction industry, who generally support the adoption of the most recent edition of the IEBC as it relates to historic buildings in the state of Iowa.

Rules regarding the building code are subject to the waiver provisions of rule 661—10.222(17A). The Commissioner and the Board do not have authority to waive requirements established by statute, according to Iowa Code section 103A.7.

After analysis and review of this rule making, there should be a positive impact on jobs. The Board will continue to work with stakeholders to maximize this rule making’s positive impact on jobs. Any fiscal impact is expected to be minimal and less than \$100,000 annually or \$500,000 during the next five years.

This rule is intended to implement Iowa Code sections 103A.41 to 103A.45.

The following amendment is proposed.

Amend rule 661—350.1(103A) as follows:

**661—350.1(103A) Scope and definition.**

**350.1(1)** and **350.1(2)** No change.

**350.1(3) Adoption.** The provisions of the International Existing Building Code, 2009 2015 edition, published by the International Code Council, ~~5203 Leesburg Pike, Suite 600, Falls Church, VA 22041~~ 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001, are hereby adopted as the alternative requirements for rehabilitation, preservation, restoration, repair, alteration, change of occupancy and relocation of and addition to historic buildings, with the following amendments:

~~Delete section 101.1.~~

Delete section 101.4.2 and insert in lieu thereof the following new section:

101.4.2 Buildings previously occupied. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the building code commissioner for the general safety and welfare of the occupants and the public.

~~Delete section 101.5.4.~~

~~Delete section 101.5.4.1.~~

~~Delete section 101.5.4.2.~~

~~Delete section 101.5.~~

~~Delete section 101.6.~~

~~Delete section 101.7.~~

Delete sections 103, 104, and 105 and sections therein.

Delete sections 106.1, ~~106.3.1, 106.3.3,~~ 106.3, 106.4, 106.5, and 106.6.

Delete sections 108, 109, 110, 112, 113, 114, 115, 116 and 117 and sections therein.

Delete the definition of “historic building.”

~~Delete section 605.~~

~~Delete section 705.~~

~~Delete section 706.~~

~~Delete section 806.~~

~~Delete section 906.~~

~~Delete section 912.8.~~

~~Delete section 1012.8.~~

~~Delete section 1105.1.~~

~~Delete section 1205.15.~~

~~Delete appendix A, chapters A1 through A5, and appendix B.~~

Delete appendix B and insert in lieu thereof “Any building or facility subject to this Chapter shall comply with the provisions of 661—Chapter 302.”

~~Delete resource A.~~

Delete all references to the “International Fuel Gas Code” and insert in lieu thereof “rule 661—301.9(103A).”

Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

~~Delete all references to the “ICC Electrical Code” and insert in lieu thereof “National Electrical Code, 2008 edition as amended by rule 661—301.5(103A).”~~

Delete all references to the “International Mechanical Code” and insert in lieu thereof “state mechanical code.”

Delete all references to the “International Building Code” and insert in lieu thereof “rule 661—301.3(103A).”

Delete all references to the “International Residential Code” and insert in lieu thereof “rule 661—301.8(103A).”

Delete all references to the “International Fire Code” and insert in lieu thereof “state fire code.”

EXCEPTION: A construction project subject to the provisions of this rule may comply with either the requirements adopted herein or the provisions of this rule as it was previously published if the project is commenced on or before ~~March 31, 2010~~ June 30, 2016.

NOTE 1: International Existing Building Code, ~~2009~~ 2015 edition, Resource A, provides guidelines for evaluating fire ratings of archaic materials and assemblies which may be used by designers and code officials when evaluating compliance with provisions of this chapter.

NOTE 2: Except for elevators excluded from the jurisdiction of the Iowa division of labor services by the provisions of Iowa Code section 89A.2, each elevator is required to comply with any applicable requirements established by the Iowa division of labor services and is subject to enforcement of any applicable regulations by the Iowa division of labor services.

NOTE 3: Except for boilers and pressure vessels excluded from the jurisdiction of the Iowa division of labor services by the provisions of Iowa Code section 89.4, each boiler or pressure vessel is required to comply with any applicable requirements established by the Iowa division of labor services and is subject to enforcement of any applicable regulations by the Iowa division of labor services.

Any boiler which is subject to requirements established by the Iowa department of natural resources is required to comply with any such requirements and is subject to enforcement of any applicable regulations by the Iowa department of natural resources.

This rule is intended to implement Iowa Code sections 103A.41 through 103A.45.