

661—16.610 (103A) “Modular factory-built structures.” Division VI, Part 1, contains the rules and regulations which are to apply to all factory-built structures which are not specifically included in Part 2 of this division.

16.610(1) Authority to promulgate rules. Provisions contained within all sections of Part 1 are authorized under Iowa Code section 103A.9.

16.610(2) Scope and applicability. The provisions contained within Part 1 shall apply to the following:

a. Plan evaluation, manufacture, inspection, and installation of “modular factory-built structures,” of closed-type construction and of open-type construction for those manufacturers who have by option chosen to have their building component, assembly or system considered to be closed construction.

b. Approval by the commissioner or the commissioner’s designated representative of an organization or person referred to as a third-party agent, or independent inspection agency.

c. All “modular factory-built structures” manufactured for installation in Iowa after February 1, 1973.

d. Every modular factory-built structure, building, building system, component, assembly or system manufactured for installation in Iowa on or after February 1, 1973, shall bear a seal issued by the commissioner which certifies that the unit complies with the code and that the certificates and approvals required by these rules have been submitted or obtained.

e. Every modular factory-built structure, building, building system, component, assembly, or system which was manufactured before February 1, 1973, and which is being installed in Iowa for the first time shall have a seal attached attesting that it complies with the code and that the certificates and approvals have been submitted to the commissioner.

f. Modular factory-built structures moved or relocated after the first installation in Iowa shall comply with the applicable codes and zoning restrictions of the jurisdiction into which it is being moved or relocated.

16.610(3) Definitions. Definitions in Division I of this code also apply to Division VI. These definitions also apply to all parts of Division 6. This subrule covers terms and definitions that are defined for purposes of clarification when used in Division VI.

“Building.” A combination of materials, whether portable or fixed, to form a structure affording facilities or shelter for persons, animals or property. The word “building” includes any part of a building unless the context clearly requires a different meaning.

“Building component.” Any part, subsystem, subassembly, or other system designed for use in, or as part of, a structure, including but not limited to: structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

“Certificate of compliance.” A certification which is filed with the commissioner which indicates that the third-party agency has approved specific models or model groups of factory-built structures as meeting the state building code. (See 16.610(14) “d” and 16.610(17).)

“Closed construction.” Is any structure, building, component, assembly or system manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

“Code compliance certificate.” Is the certificate prepared by an approved manufacturer and submitted by the manufacturer for each unit which is to be installed in Iowa and includes an Installation Certificate. (See subrules 16.610(19) and 16.610(20).)

“Component.” Any part, material or appliance which is built in as an integral part of the factory-built structure during the manufacturing process, or any factory-built system, subsystem or assembly not approved as part of a unit, section, or module.

“Evaluation or inspection agency.” Is an approved person or organization, private or public, determined by the commissioner to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to investigate, evaluate and approve factory-built structures or buildings, building components, building systems, and compliance assurance programs.

“Factory-built structure.” Is any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means “factory-built unit.”

“Independence of judgment.” Means not being affiliated with or influenced by or controlled by building manufacturers or producers, suppliers, or vendors of products or equipment used in factory-built structures or buildings and building components in any manner which is likely to affect their capacity to tender reports and findings objectively and without bias.

“Manufacturer’s bill of sale” means any document, certificate, sales receipt, etc., signed by the manufacturer or importer that the modular factory-built structure described has been transferred to the person or dealer named. The document shall have attached a copy of the 3A section of the Code Compliance Certificate or shall contain at least the make, model year, manufacturer’s serial number, Iowa model approval number and the code compliance seal number of the unit.

“Model or model groups.” One or more manufacturer-designed modular homes which can constitute one model group.

“Modular.” A general term to describe all factory-built structures which are not manufactured homes, manufactured home add-on units, or temporary field construction offices, as defined in Part 2, at 661—16.620(103A). Modular includes, but is not limited to, panelized units, components, sections and modules.

“Module.” A unit or a section which is assembled in its final form and transported in such a manner.

“Open construction.” Is any structure, building, component, assembly or system manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

“Seal” or *“insignia.”* A device or insignia issued to the manufacturer by the commissioner for affixing to a factory-built structure or system evidencing compliance with the code.

“Section.” A division of a factory-built structure that must be combined with other sections to form a complete structure.

“Structure.” That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner except transmission or distribution equipment of public utilities. The word “structure” includes any part of a structure unless the context clearly requires a different meaning.

“*Testing agency.*” An organization approved by the commissioner which:

1. Is qualified and equipped for the testing, observation, evaluation, or approval of building components, construction, materials, equipment, or systems as regulated by approved standards;
2. Is not under the jurisdiction, affiliation, influence, or control of any manufacturer or supplier of any industry;
3. Makes available a published report in which specific information is included certifying that the equipment and installations listed or labeled have been tested and found acceptable according to approved standards.

“*Third-party agency.*” Is an approved person or organization, private or public, determined by the state building code commissioner to be qualified to act as an evaluation, inspection, testing, or listing agency, as defined in this section.

“*Unit.*” A single factory-built structure approved by the state building code commissioner. Units may be combined to form a larger complex structure or may be a combination of sections.

16.610(4) Administration. This section covers the basic requirements for constructing modular structures and all of the administrative procedures under which the modular program functions including methods of certification approval and manufacturing requirements, inspection and installation.

16.610(5) Modular construction requirements. All factory-built structures not designated as a manufactured home, manufactured home add-on or a temporary field construction office shall be constructed to the requirements in Division I, Part 4, Division II, Division III, Division IV, or the alternate method of construction as provided for in Division V, Division VII whenever applicable and Division VIII of the state building code.

16.610(6) Modular installation requirements. All factory-built structures designated as modular units shall be installed according to the manufacturer’s approved installation drawings and any additional state-approved requirements. All approvals shall be part of the third-party certification agency approval for their respective manufacturer. In addition, all installations shall comply with local building codes for items not included as part of the state approval and local zoning requirements whenever applicable.

Modular installers shall obtain approval as required by rule 661—16.622(103A).

Modular installation seals shall be obtained and attached upon completion and the installation certificate shall be completed and filed as per subrule 16.610(20).

16.610(7) Procedures for approval. The method of third-party certification and approval shall be used. The manufacturer shall contract with third-party agencies for third-party approvals and notify the building code commissioner of the intent to manufacture units to be installed in Iowa and the name of the third party or parties to be used.

The third-party agency (or agencies) shall also notify the commissioner that they have entered into a contract to perform services with the manufacturer.

Third-party approvals are required for plan and design approval, plant facilities approval and a continuing inspection of units during manufacture.

The manufacturers shall submit plans to the third-party agency or agencies for review and approval. After the plans, the plant facilities, and an inspection procedure have been approved by the third-party agency or agencies the manufacturer shall submit a compliance certificate on the form supplied by the commissioner for each model or model group. The commissioner will assign an Iowa approval number for those models included in the approval.

At the time of production of units for installation in Iowa the manufacturer shall obtain from the commissioner Iowa insignia seals for manufacture and installation, to be attached to the units at the time of manufacture and installation, as well as code compliance and installation certificates.

16.610(8) *Requirements and procedures for obtaining third-party agency approval.*

a. The commissioner or the commissioner's designated representative shall be responsible for approving any person, state or organization who submits an application to the commissioner for approval and whose application is accompanied by written material evidencing that said agency is:

1. Capable of discharging without bias the responsibilities assigned by these regulations.
2. Not under the jurisdiction or control of any manufacturer or supplier of any industry.
3. Professionally competent with independence of judgment to perform the function for which commissioned.
4. Qualified to submit all findings regarding code compliance in a detailed report to the commissioner.
5. Willing to be inspected and reviewed by the commissioner for all phases of work.

b. The commissioner, in considering the information supplied with the application for approval, may limit the agencies' approval to particular types of factory-built structures, buildings, building systems, components, assemblies or systems.

c. Other states wishing to exercise application with this state in order to act in the capacity of an approved third-party agency, may do so provided that:

1. The state laws for issuing seals or insignia for code compliance are equally effective as those specified in this code.
2. The conditions in "1" are enforced in their state.
3. Other states agree to monitoring of this reciprocal agreement by representatives of this state assigned by the commissioner.
4. Violations of any condition as part of the reciprocal agreement may be deemed just cause for revocation or suspension of this agreement by the commissioner.

16.610(9) *Third-party agency responsibilities.*

- a. Evidence of approval by the state must be on file at each manufacturing facility.
- b. Notify the commissioner when they have contracted with a manufacturer to serve as their third-party agency.
- c. Manufacturer plans and specifications must be approved by the third-party agency.
- d. File of all plans and documents must be maintained at each manufacturing facility and in the third-party agency office.
- e. Send a report to the commissioner stating that the plans and specifications are in compliance with the Iowa state building code.
 1. Plans and specifications are not necessary for submittal with this report.
 2. A list of approved models for each manufacturing facility.
 3. Verify that all engineering documents have been signed by a registered engineer or architect.
 4. Update the report as necessary.
 5. Indicate approval of installation procedures for all of these structures as well as the personnel who will be doing the installation. However, installation of factory-built structures shall be, in addition to provisions of this code, in accordance with any local ordinances which apply. (That is, those construction processes which are not included as part of the state approval.)
- f. Notify the manufacturer of plans and specifications approval including model numbers for use in preparing certificates of compliance.
- g. Inspect manufacturing facilities and review or establish a quality control program and test procedure.
- h. Notify the manufacturer of facilities approval for use in preparing certificates of compliance.
- i. Prepare an inspection manual to be used by the third-party inspectors and the commissioner. This manual shall be on file at each manufacturing facility.
- j. Report to the state outlining in-plant procedures and include a typical inspection checkoff sheet.

k. Notify the manufacturer when in-plant inspection program is in force for use in preparing certificates of compliance.

l. Report each quarter to the state for each manufacturer and submit information as follows:

1. Account for all Iowa seals used by each manufacturer during the quarter.
2. Manufacturer's serial number and model number.
3. Third-party seal number.
4. Iowa seal number.
5. The portion of the unit which was actually inspected during an in-plant inspection.

16.610(10) *Third-party agency documentation and plan verification.* The third-party agency will be responsible for the investigation, evaluation, review of test results, of plans and documents, and each revision thereto submitted to the agency by the manufacturer with which it has a contract for compliance with applicable requirements set forth in this code. Such a review shall include but not be limited to:

a. All documentations and plans shall indicate the manufacturer's name, office address, and manufacturing facility address.

b. Manufacturer's plans shall show all elements relating to specific systems on drawings properly identifiable.

c. Each plan which contains material requiring engineering evaluation shall bear the signature and seal of a registered architect or engineer.

d. The plans shall also indicate the method of evaluation and inspection for all required on-site testing of each system.

e. Plans shall designate all work to be performed on site, including all system connections, equipment and appliances and all work performed within the plant.

f. Space shall be provided on all sheets of plans near the title box for the approved stamp.

g. Individual system design or any structural design or method of construction and data shall be in accordance with the Iowa state building code. Plumbing, electrical, heating and mechanical systems constitute individual system designs.

h. Grade, quality, and identification of all materials shall be specified.

i. Design calculations and test reports shall be submitted when specified or required.

j. Plans shall be drawn to scale.

k. Plans shall indicate the location of the approved seal and data plate locations.

l. Copies of approved plans showing third-party agency approval shall be on file at each manufacturing facility or made readily available.

m. Review and approval of all installation procedures must conform to the following:

1. Crews performing installation which are under the jurisdiction of the unit manufacturer or the manufacturer's designee, are approved as competent by the authorized third-party agency.

2. Copies of the installation manual must be available during installation for use by the commissioner or the commissioner's representative or by the local building official.

16.610(11) *Third-party agency plant investigation for quality control.* All manufacturing facilities shall be inspected to the performance objectives as stated in the Iowa state building code. These include as follows:

a. Review of the manufacturer's quality control manuals or establishing a quality control procedure to ensure code compliance.

b. Implementation of inspection and test procedures which will control the quality of fabrication and workmanship.

c. Making a complete report to the commissioner that includes certification of all manufacturing procedures.

16.610(12) *Third-party agency in-plant inspections.* To ensure compliance with the approved specifications and plans and the Iowa state building code and in conjunction with monitoring each manufacturer's quality control program, every approved third-party agency shall:

- a. Maintain a record of inspections and such records shall be reported to the commissioner every quarter and include the seal report.
- b. Witness and verify all required testing in accordance with the quality control manual.
- c. Certify that all seals are being attached as required and only after each unit meets the code requirements.
- d. Prepare a detailed inspection manual that specifies the third-party agency procedures in making the required inspections and have this manual available for use by the commissioner or the commissioner's representative when periodic monitoring is performed.
- e. One hundred percent inspection is not required, however some part of every unit is required to be inspected. A complete inspection of a typical structural, plumbing, heating and electrical system shall be made each visit to the manufacturing facility.

16.610(13) *Reapproval of third-party agencies.* Any agency approved by the commissioner or the commissioner's designated representative must file for reapproval annually. Such application for reapproval may be filed at any time from the forty-fifth day prior to the scheduled annual expiration date of the current approval. The applying third-party agency seeking reapproval shall completely and accurately furnish all pertinent information as is necessary to make current the information previously submitted to the commissioner or the commissioner's representative as part of its original application for approval and all subsequent applications for reapproval. The application for reapproval shall then become a permanent record of the department administering the provisions of the code. Should there be no change in the status of the applying agency from its original application for approval, an affidavit to that effect shall suffice for consideration of approval.

16.610(14) *Requirements and procedures for modular manufacturers.*

- a. Every manufacturer shall be responsible for all corrective actions required and the contractual agreement that each has with the approved third-party agency shall not diminish this responsibility.
- b. Every manufacturer shall notify the building code commissioner that the manufacturer's facility desires to construct units which are to be installed in the state of Iowa.
- c. Every manufacturer shall contract with an approved third-party agency to perform all duties listed in 5.610(9), 5.610(10), 5.610(11), and 5.610(12). The commissioner will furnish a list of approved third-party agencies upon request.
- d. Every manufacturer shall file certificates of compliance with the commissioner for each model or model group, after all third-party reviews are completed. Whenever additional models or changes are proposed, the manufacturer shall file additional certificates of compliance or request that additions be made to existing model lists.
- e. Every manufacturer shall notify the commissioner in writing within 60 days after the effective date of this code, the current Iowa approval(s) number that the manufacturer has been assigned and the models which will be manufactured to these standards. Approvals which have not been reaffirmed within this 60-day period shall be considered to be canceled.
- f. Every manufacturer shall purchase Iowa seals from the office of the commissioner in accordance with requirements of 5.610(22).
- g. All units or sections shall have seals if manufactured after February 1, 1973, and if they are to be installed in Iowa. Regardless of manufactured date, all units being installed in Iowa for the first time shall have a seal attached.
- h. Every manufacturer shall complete and furnish compliance certificates and installation certificates in accordance with the requirements of 16.610(19) and 16.610(20).

16.610(15) *Manufacturer's data plate for modular units.* The following information shall be placed directly or by reference on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel box or in some other designated location that is readily accessible for inspection.

- a. Manufacturer's name and address.
- b. Serial number of the structure or unit.
- c. Model designation and name of each of the manufacturers of major factory-installed appliances.

- d. Wherever applicable, identification of permissible type of gas for appliance and direction for water and drain connections.
- e. Name and date of the standards complied with in construction of this structure or unit.
- f. The seal serial number.
- g. Design loads and special conditions or limitations.
- h. Date of manufacture.
- i. Electrical ratings. Instructions and warnings on voltage, phase size and connections of units and grounding requirements.

16.610(16) *Changes and alterations to factory-built structures.*

a. Changes to approved plans, drawings or installation instructions proposed by the manufacturer or third-party agency are to be requested in writing and submitted to the building code commissioner. All work being performed in the manufacturing plant that is affected by these changes will not proceed until written approval is received from the commissioner. Where these changes do not affect code compliance, then approval is permitted when changes are authorized through the third-party agency and said changes are then incorporated into the design documents.

b. The commissioner shall notify the manufacturer and the third-party agency of all amendments, deletions or additions to the code provisions and the commissioner shall allow the manufacturer a reasonable time frame in which to submit a request for a change in plan approval, if required, in order to conform to the code change.

c. Basic changes in manufacturing facility locations, company name or address changes, and changes resulting in companies changing ownership or dissolving their business are all to be reported promptly to the commissioner, in writing, generally within a two-week period after said change was made. The manufacturer shall also notify the third-party agency of said changes.

d. Alterations to factory-built structures pursuant to the construction, plumbing, heat producing, electrical equipment or installation or fire safety in a unit after an Iowa seal has been affixed are all considered to be subject to the same requirements that exist for any structure within the local jurisdiction.

e. The following shall not constitute an alteration to a factory-built structure.

- (1) Any repairs to approved component parts.
- (2) Conversion of listed fuel-burning appliances in accordance with the terms of their listing.
- (3) Adjustment and maintenance of equipment installed in the factory-built structure.
- (4) Replacement of equipment in kind.

16.610(17) *Certificate of compliance.* The manufacturer shall provide the building code commissioner with a certificate of compliance for each model or model group of the approved modular design. This certification shall include the following:

a. Model or model group number which will appear on the data plate and compliance certificate.

b. The signature of an authorized representative of the manufacturer.

c. The name of the third-party agency certifying compliance with the code, for each of the three certifications.

d. Evidence of code compliance certified by the third-party agencies, for the specific model or model group being submitted.

16.610(18) *Limitations.* For all types of structures other than one- and two-family dwellings, there shall be, with the certificate of compliance, an attached statement which sets out the limitations of the structure based on site conditions, type of construction, area, and height limitations. A statement to the effect that the structure should not be used except where it meets these conditions will not be acceptable.

16.610(19) *Code compliance and installation certificates.* Code compliance and installation certificates approved for use are available at the Web site of the building code bureau when seals are purchased pursuant to subrule 16.610(22). The manufacturer shall complete the certificate and distribute it as follows:

- a. A copy shall be returned to:
State Building Code Bureau
Department of Public Safety

215 East Seventh St.
Des Moines, Iowa 50319

b. A copy shall be retained for plant records and shall be used to make additional copies if necessary. An additional copy shall accompany other shipping documents carried by the transporter and be available for inspection by any authorized official or department.

c. A copy of the compliance certificate shall be forwarded to the dealer, distributor, or any other person who is required to obtain a local building permit or to oversee installation.

16.610(20) *Installation certificates.* The installation certificate portion of the supplied combination certificate (see subrule 16.610(19)) shall be partially completed by the manufacturer at the same time the code compliance certificate is prepared and made part of the documents shipped with the unit and shall be completed by the local building official or the installer.

a. When a building permit is required, a copy of the code compliance certificate shall be presented to the local building official at the time application for a permit is made. The building official shall sign the certificate and send a copy to the commissioner at the address designated in this rule.

b. When a building permit is not required, the code compliance certificate shall be signed by the installer and forwarded to the commissioner at the address designated in this rule.

16.610(21) *Certification seals.* There shall be two seals attached to every factory-built structure which is installed in Iowa.

a. Every module, unit, section, or component shall have a state seal securely affixed at the manufacturing facility to show that the manufactured unit is in compliance with the code. When components and systems are included within a module, section or unit and have been approved by the third-party agency to be part of that module, section or unit, only one seal is required for the module, section, or unit. A series of panels which make up the final unit when assembled at the site, and where approved in that manner, require only one seal.

b. Every completed unit when installed at the final site shall have an installation seal attached to show that the installation is in compliance with the requirements of this code.

16.610(22) *Seals.*

a. *Seal issuance.* The state seal shall be issued by the state building code commissioner upon application and after approval of the plans and manufacturing procedures has been certified by the third-party agency evidencing compliance with this code. Applications for seals shall be made to the commissioner on the supplied form and shall include the following:

- (1) Number of seals requested.
- (2) Iowa model or system approval numbers.
- (3) Reference to approval of manufacturing procedures and third-party agency or agencies involved.
- (4) A statement by the applicant that consent is given for inspection and investigation at all reasonable hours.
- (5) Applicable seal fees.

b. *Seal reporting.* Manufacturers shall notify the commissioner monthly of the use of seals by the manufacturers' facilities. This information shall be on a form approved by the commissioner and shall contain adequate information to determine the following:

- (1) Seal number.
- (2) Serial number of the unit on which the seal was placed.
- (3) Make and model of the unit on which the seal was placed.
- (4) Number of sections that comprise the finished unit.
- (5) Location to which the unit was shipped.

16.610(23) *Number of seals required.* Each modular building shall have a seal attached to every section or unit of the building.

16.610(24) Seal placement on modular units. Every seal shall be assigned and securely affixed to a specific section or unit. Assigned seals are not transferable and are void when not affixed as assigned. All seals not properly affixed shall be returned to or may be confiscated by the commissioner. The seal shall remain the property of the commissioner in the event of violation of the conditions of approval. Every seal shall be placed on and affixed to each section or unit in a readily visible location within the unit.

16.610(25) Denial and repossession of seals. Should investigation or inspection reveal that a manufacturer is not constructing modular units in accordance with the plans approved by the third-party agency, and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture units in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued shall be confiscated. Upon satisfactory proof of compliance such manufacturer may resubmit an application for seals.

16.610(26) Seal removal. In the event that any unit bearing the seal is found to be in violation of the code, the commissioner may remove the seal (after furnishing the owner or the owner's agent with a written statement of such violations). No new seals shall be issued until proof of corrections has been submitted to the commissioner.

16.610(27) Lost or damaged seals. When or if a seal has been lost or damaged, the commissioner shall be notified immediately in writing by the manufacturer. The manufacturer shall identify the unit serial number, and when possible, the seal number.

a. All seals that are damaged shall be promptly returned to the commissioner.

b. Lost and damaged seals shall be replaced by the commissioner with a new seal upon payment of the seal fee as provided in this section.

16.610(28) Return of seals. When a manufacturer discontinues production of a unit carrying plan approval, the manufacturer shall within ten days advise the commissioner of the date of such discontinuance and either return all seals allocated for such discontinued unit or assign said seals to other approved units.

16.610(29) Fees.

a. Form of remittance. All remittances shall be:

- (1) In the form of checks or money orders;
- (2) Made payable to Iowa Department of Public Safety; and
- (3) Addressed to:

State Building Code Bureau
Department of Public Safety
215 East Seventh St.
Des Moines, Iowa 50319

b. Seal fees.

Modular code compliance seals	\$30 per seal
Modular installation seals	\$15 per seal

c. Other fees. A fee equal to the direct expense shall be charged for all other services furnished by the commissioner which are not direct administrative duties of the commissioner's office, including but not limited to obtaining consultants for review and evaluation of applications or obtaining reviews from the national code writing organizations.

16.610(30) *Local issuance of building permits.*

a. The issuance of building permits and occupancy permits shall be in accordance with local ordinances and Iowa Code sections 103A.19 and 103A.20.

b. Local building codes and regulations shall apply to all parts of any project which are not included in the state approval of either the manufactured structure or the installation procedure.

c. Nothing in these rules or the state building code exempts any factory-built structure from the requirements of local zoning or site condition requirements.

16.610(31) *Noncompliance to code provisions.* Any noncompliance or unauthorized deviation with the provisions of this code from the approved plans or production procedures shall be just cause for the revocation of the plan approval and the return of the seals.

[ARC 8937B, IAB 7/14/10, effective 7/1/10]