

481—321.610(103A) “Modular factory-built structures.” Part 1 of this chapter contains the rules and regulations applicable to all factory-built structures that are not specifically included in Part 2.

321.610(1) Authority to promulgate rules. Provisions contained within all of Part 1 are authorized under Iowa Code section 103A.9.

321.610(2) Scope and applicability. The provisions contained within Part 1 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.

321.610(3) Definitions. The definitions set forth in Iowa Code sections 103A.3 and 103A.51 and rule 481—301.2(103A) are incorporated herein by reference. The following definitions also apply:

“*Certificate of compliance.*” A certification that is filed with the commissioner that indicates that the third-party agency has approved specific models or model groups of factory-built structures as meeting the state building code. (More information contained in paragraph 321.610(14) “d” and subrule 321.610(17).)

“*Closed construction.*” 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.*” The certificate prepared by an approved manufacturer and submitted by the manufacturer for each unit that is to be installed in Iowa and includes an Installation Certificate. (More information contained in subrules 321.610(19) and 321.610(20).)

“*Commercial modular.*” A modular factory-built structure that is not a modular home.

“*Component.*” Any part, material or appliance that 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.*” 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.*” Any structure, building, component, assembly or system that is of closed construction and that 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 that is likely to affect their capacity to tender reports and findings objectively and without bias.

“*Manufacturer’s bill of sale.*” 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 that can constitute one model group.

“*Modular.*” A general term to describe factory-built structures that are not manufactured homes or manufactured home add-on units. Modular includes but is not limited to panelized units, components, sections and modules.

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

“Open construction.” 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.

“Residential modular” or *“modular home.”* Modular factory-built structure used as a one- or two-family dwelling.

“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.

“Temporary field construction office.” A factory-built structure used at a construction site as an office facility by the personnel engaged in the construction of another structure or project. The intent of this structure is to remain on the job site only as long as necessary during the construction and then be removed before construction is completed.

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

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.” 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.

321.610(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.

321.610(5) *Modular construction requirements.* All modular factory-built structures shall be constructed in accordance with the following provisions in 481—Chapter 301, as applicable: rules 481—301.3(103A), 481—301.4(103A), 481—301.5(103A), 481—301.6(103A), and 481—301.8(103A); Part 2; and Part 3.

321.610(6) *Modular installation requirements.* All modular factory-built structures 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. 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 installation seals shall be obtained and attached upon completion and the installation certificate completed and filed pursuant to subrule 321.610(20).

321.610(7) *Procedures for approval.* Approval procedures shall meet the following criteria:

The manufacturer contracts with third-party agencies for third-party approvals and notifies the 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 notifies the commissioner that it has 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 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, the manufacturer submits 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 obtains 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.

321.610(8) *Requirements and procedures for obtaining third-party agency approval.*

a. The commissioner or the commissioner's designated representative will be responsible for approving any person, state or organization who applies 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 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 substantially similar to those specified in this code.
- (2) The conditions in subparagraph 321.610(8) "c"(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.

321.610(9) *Third-party agency responsibilities.* Third-party approval agencies shall satisfy the following criteria:

- a. Evidence of approval by the state are on file at each manufacturing facility.
- b. Notification to the commissioner when they have contracted with a manufacturer to serve as their third-party agency.
- c. Manufacturer plans and specifications are approved by the third-party agency.
- d. File of all plans and documents are 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 comply 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. Installation of factory-built structures comply, in addition to provisions of this code, with any local ordinances that apply. (That is, those construction processes that 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, maintained 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 that was actually inspected during an in-plant inspection.

321.610(10) *Third-party agency documentation and plan verification.* The third-party agency is 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 indicate the manufacturer's name, office address, and manufacturing facility address.

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

c. Each plan that contains material requiring engineering evaluation bears the signature and seal of a registered architect or engineer.

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

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

f. Space is 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 complies with the Iowa state building code. Plumbing, electrical, heating and mechanical systems constitute individual system designs.

h. Grade, quality, and identification of all materials are specified.

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

j. Plans are drawn to scale.

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

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

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

(1) Crews performing installation that 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 are available during installation for use by the commissioner or the commissioner's representative or by the local building official.

321.610(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 that will control the quality of fabrication and workmanship.

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

321.610(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, with such records including the seal report and reported to the commissioner every quarter.

- 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, which will be available for use by the commissioner or the commissioner's representative when periodic monitoring is performed.
- e. Inspect some part of every unit, although 100 percent inspection is not necessary. A complete inspection of a typical structural, plumbing, heating and electrical system shall be made each visit to the manufacturing facility.

321.610(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 update all 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 will 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, an affidavit to that effect will suffice for consideration of approval.

321.610(14) *Requirements and procedures for modular manufacturers.* Every modular manufacturer shall perform or meet the following:

- a. Be responsible for all corrective actions required. The contractual agreement that each has with the approved third-party agency does not diminish this responsibility.
- b. Notify the commissioner that the manufacturer's facility desires to construct units that are to be installed in the state of Iowa.
- c. Contract with an approved third-party agency to perform all duties listed in subrules 321.610(9), 321.610(10), 321.610(11), and 321.610(12). The commissioner will furnish a list of approved third-party agencies upon request.
- d. 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, file additional certificates of compliance or request that additions be made to existing model lists.
- e. Purchase Iowa seals from the office of the commissioner in accordance with requirements of subrule 321.610(22).
- f. All units or sections 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 have a seal attached.
- g. Complete and furnish compliance certificates and installation certificates in accordance with the requirements of subrules 321.610(19) and 321.610(20).

321.610(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.

321.610(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 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 will notify the manufacturer and the third-party agency of all amendments, deletions or additions to the code provisions and the commissioner will 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 and the third-party agency, in writing, generally within a two-week period after said change was made.

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 do 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.

321.610(17) *Certificate of compliance.* The manufacturer shall provide the commissioner with a certificate of compliance for each model or model group of the approved modular design that includes the following:

a. Model or model group number that 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.

321.610(18) *Limitations.* For all types of structures other than modular homes, there shall be, with the certificate of compliance, an attached statement that 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.

321.610(19) *Code compliance and installation certificates.* Code compliance and installation certificates approved for use are available at the website of the building code bureau when seals are purchased pursuant to subrule 321.610(22). The manufacturer shall complete the certificate and distribute it as follows:

a. A copy returned to:
State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

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

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

321.610(20) *Installation certificates.* The installation certificate portion of the supplied combination certificate (subrule 321.610(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 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.

321.610(21) *Certification seals.* There shall be two seals attached to every factory-built structure that is installed in Iowa as follows:

a. Every module, unit, section, or component has a state compliance seal securely affixed at the manufacturing facility to show that the manufactured unit complies 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 necessary for the module, section, or unit. A series of panels that make up the final unit when assembled at the site, and where approved in that manner, need only one seal.

b. Every completed unit when installed at the final site has an installation seal attached to show that the installation complies with the requirements of this code.

321.610(22) *Compliance seals.*

a. *Compliance seal issuance.* The state compliance seal will be issued by the 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 compliance seals shall be made to the commissioner on the supplied form and 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 compliance seal fees.

b. *Compliance seal reporting.* Manufacturers shall notify the commissioner monthly of the use of seals by the manufacturers' facilities, on a form approved by the commissioner and containing adequate information to determine the following:

- (1) Compliance 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.

321.610(23) *Number of compliance seals required.* Each modular building shall have a compliance seal attached to every section or unit of the building.

321.610(24) *Compliance seal placement on modular units.* Every compliance seal shall be assigned and securely affixed to a specific section or unit in a readily visible location. 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 remains the property of the commissioner in the event of violation of the conditions of approval.

321.610(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 will be denied and the seals previously issued will be confiscated. Upon satisfactory proof of compliance, such manufacturer may resubmit an application for seals.

321.610(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 will be issued until proof of corrections has been submitted to the commissioner.

321.610(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, including identification of 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 will be replaced by the commissioner with a new seal upon payment of the seal fee as provided in this section.

321.610(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.

321.610(29) *Fees.*

a. *Form of remittance.* All remittances are to be:

- (1) In the form of checks or money orders;
- (2) Made payable to Iowa Department of Inspections, Appeals, and Licensing; and
- (3) Addressed to:

State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

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 will be charged for all other services furnished by the commissioner that 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.

321.610(30) *Local issuance of building permits and local zoning.*

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

b. Local building codes and regulations apply to all parts of any project that 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.

d. A modular factory-built structure 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.

321.610(31) *Noncompliance to code provisions.* Any noncompliance or unauthorized deviation with the provisions of this code from the approved plans or production procedures will be just cause for the revocation of the plan approval and the return of the seals.

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