

JAN 11 1971

STATE GOVERNMENT, Pass per amendment 2/19
" " " " 2/2/72
Sew. Commerce 4/11, 2/15/72, Motion withdrawn 2/18 (451)
" State Govt 2/15/72, Motion withdrawn 2/18 (451)

HOUSE FILE 6

By CAMP, MAYBERRY, and LAWSON
(Griffin, Schaben, Arbuckle,
and Potgeter)

Passed House, Date 3-4-71 Passed Senate, Date 2-28-72
Vote: Ayes 89 Nays 6 Vote: Ayes 32 Nays 7

Approved _____

Motion to reconsider filed 3/4, withdrawn 3/29 Passed Senate as further amended by House
Passed House as amended by Senate, etc. 3-15-72 aye 71 nays 0
Passed Senate as further amended by House 3-17-72 aye 38 nays 6

A BILL FOR

1 An Act to establish a state building code, provide for its ad-
2 ministration, and provide a penalty for violation of the
3 Code or orders issued thereunder.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Motion to suspend rules 2/15/72 (384) lost
" to reconsider motion " (391)

1 Section 1. ESTABLISHMENT. This Act shall be known as the
2 "State Building Code Act".

3 Sec. 2. DEFINITIONS. As used in this Act, unless the con-
4 text otherwise requires:

5 1. "Commissioner" means the state building code commissioner
6 created by this Act.

7 2. "Council" means the state building code advisory council
8 created by this Act.

9 3. "Board of review" or "board" means the state building
10 code board of review created by this Act.

11 4. "Governmental subdivision" means any city, town, county,
12 or combination thereof.

13 5. "Building regulations" means any law, bylaw, rule, reso-
14 lution, regulation, ordinance, or code or compilation enacted
15 or adopted, by the state or any governmental subdivision, in-
16 cluding departments, boards, bureaus, commissions or other
17 agencies, relating to the construction, reconstruction, alter-
18 ation, conversion, repair or use of buildings and installation
19 of equipment therein. The term shall not include zoning ordin-
20 ances or subdivision regulations.

21 6. "Local building regulations" means building regulations
22 adopted by a governmental subdivision.

23 7. "Local building department" means an agency of any gov-
24 ernmental subdivision charged with the administration, super-
25 vision, or enforcement of building regulations, approval of
26 plans, inspection of buildings, or the issuance of permits,
27 licenses, certificates and similar documents, prescribed or
28 required by state or local building regulations.

29 8. "State agency" means a state department, board, bureau,
30 commission, or agency of the state of Iowa.

31 9. "Building" means a combination of any materials, whether
32 portable or fixed, to form a structure affording facilities or
33 shelter for persons, animals or property. The word "building"
34 includes any part of a building unless the context clearly re-
35 quires a different meaning.

1 10. "Structure" means that which is built or constructed,
2 an edifice or building of any kind, or any piece of work arti-
3 ficially built up or composed of parts joined together in some
4 definite manner. The word "structure" includes any part of a
5 structure unless the context clearly requires a different mean-
6 ing.

7 11. "Equipment" means plumbing, heating, electrical, venti-
8 lating, conditioning, refrigerating equipment, elevators, dumb
9 waiters, escalators, and other mechanical facilities or instal-
10 lations.

11 12. "Factory-built structure" means any structure which is,
12 wholly or in substantial part, made, fabricated, formed, or
13 assembled in manufacturing facilities for installation or as-
14 sembly and installation, on a building site.

15 13. "Manufacture" is the process of making, fabricating, con-
16 structing, forming, or assembling a product from raw, unfinished,
17 or semifinished materials.

18 14. "Installation" means the assembly of factory-built struc-
19 tures on site and the process of affixing factory-built structures
20 to land, a foundation, footings, or an existing building.

21 15. "Construction" means the construction, erection, recon-
22 struction, alteration, conversion, repair, equipping of build-
23 ings, structures or facilities, and requirements or standards
24 relating to or affecting materials used in connection there-
25 with, including provisions for safety and sanitary conditions.

26 16. "Owner" means the owner of the premises, a mortgagee or
27 vendee in possession, an assignee of rents, or a receiver, ex-
28 ecutor, trustee, lessee or other person in control of a build-
29 ing or structure.

30 17. "State building code" or "code" means the state building
31 code provided for in section six (6) of this Act.

32 Sec. 3. COMMISSIONER. The director of the division of mu-
33 nicipal affairs, in the office for planning and programming
34 shall, in addition to his other duties, serve as the state
35 building code commissioner, or may designate a building code

1 commissioner.

2 Sec. 4. COMMISSIONER--DUTIES. The commissioner shall:

3 1. Employ the necessary staff and assistants, within the
4 limit of available funds, to assist in carrying out the pro-
5 visions of this Act.

6 2. Appoint necessary consultants and advisors to assist
7 the commissioner in carrying out the provisions of this Act.

8 3. Study the operation of the state building code, local
9 building regulations, and other laws relating to the construc-
10 tion of buildings or structures to ascertain their effects upon
11 the cost of building construction and the effectiveness of their
12 provisions for health, safety, and welfare.

13 4. Do all things necessary or desirable to further and ef-
14 fectuate the general purposes and specific objectives of this
15 Act.

16 Sec. 5. MERIT SYSTEM. Employees of the commissioner shall,
17 where required by federal statutes, be covered by the provisions
18 of chapter nineteen A (19A), Code 1971.

19 Sec. 6. STATE BUILDING CODE. The commissioner shall, with
20 the approval of the advisory council, adopt rules and regula-
21 tions relating to the construction of buildings and structures
22 and shall include reasonable provisions for the following:

23 1. The installation of equipment.

24 2. The standards or requirements for materials to be used
25 in construction.

26 3. The manufacture and installation of factory-built struc-
27 tures.

28 4. Protection of the health, safety, and welfare of occu-
29 pants and users.

30 5. The accessibility and use by physically handicapped and
31 elderly persons, of buildings, structures, and facilities which
32 are constructed in whole or part with public funds.

33 These rules and regulations shall comprise and be known as
34 the state building code.

35 Sec. 7. STANDARDS. The state building code shall as far as

1 practical:

2 1. Provide uniform standards and requirements for construc-
3 tion and construction materials, consistent with accepted stan-
4 dards of engineering and fire-prevention practices.

5 2. Establish standards and requirements in terms of perform-
6 ance objectives.

7 3. Establish as the test of acceptability, adequate per-
8 formance for the intended use.

9 4. Permit the use of modern technical methods, devices, and
10 improvements which tend to reduce the cost of construction with-
11 out substantially affecting reasonable requirements for the
12 health, safety, and welfare of the occupants or users of build-
13 ings and structures.

14 5. Encourage the standardization of construction practices,
15 methods, equipment, material, and techniques.

16 6. Eliminate restrictive, obsolete, conflicting, and unnec-
17 essary regulations and requirements which tend to unnecessarily
18 increase construction costs or retard unnecessarily the use of
19 new materials, or provide unwarranted preferential treatment to
20 types or classes of materials or products or methods of construc-
21 tion.

22 Sec. 8. FACTORY-BUILT STRUCTURES. The state building code
23 shall contain provisions relating to the manufacture and instal-
24 lation of factory-built structures.

25 1. Factory-built structures manufactured in Iowa, after the
26 effective date of the code, shall be manufactured in accordance
27 with the code, unless the commissioner determines the structure
28 is manufactured for installation outside the state.

29 2. Factory-built structures manufactured outside the state
30 of Iowa, after the effective date of the code, and brought into
31 Iowa for installation must, prior to installation, comply with
32 the code.

33 3. Factory-built structures manufactured prior to the ef-
34 fective date of the code, which prior to that date have never
35 been installed, must comply with the code prior to installation.

1 4. All factory-built structures, without regard to manufac-
2 ture date, shall be installed in accordance with the code.

3 5. Factory-built structures required to comply with the
4 code provisions on manufacture, shall not be modified in any
5 way prior to or during installation, unless prior approval is
6 obtained from the commissioner.

7 6. The commissioner shall establish an insignia of approval,
8 provide for inspection fees, and provide that factory-built
9 structures required to comply with code provisions on manufac-
10 ture bear an insignia of approval prior to installation. The
11 insignia may be issued for other factory-built structures which
12 meet code standards and which were manufactured prior to the
13 effective date of the state building code.

14 7. The commissioner may contract with local government
15 agencies for enforcement of the code relating to manufacture
16 of factory-built structures. Code provisions relating to in-
17 stallation of factory-built structures shall be enforced by
18 the local building departments.

19 8. The governing body of governmental subdivisions which
20 have no local building department at the effective date of the
21 code, shall for a reasonable fee contract for the enforcement
22 of installation provisions with the commissioner or another
23 governmental subdivision.

24 Sec. 9. EFFECT AND APPLICATION.

25 1. The state building code shall, for the buildings and
26 structures to which it is applicable, constitute a lawful local
27 building code.

28 2. The state building code shall be applicable:

29 a. To all buildings and structures owned by the state or an
30 agency of the state.

31 b. In each governmental subdivision where the governing body
32 has adopted a resolution accepting the application of the code.

33 3. Provisions of the state building code relating to the
34 manufacture and installation of factory-built structures shall
35 apply throughout the state. Factory-built structures approved

1 by the commissioner shall be deemed to comply with all building
2 regulations applicable to its manufacture and installation and
3 shall be exempt from any local building regulations.

4 Sec. 10. RULES--PUBLIC HEARING.

5 1. After the formulation of any proposed rule or regulation,
6 including any modification of an existing rule or regulation,
7 the commissioner shall hold public hearings within the state
8 and at reasonable hours. Notice of the hearings, together with
9 a brief general description of the proposed rules or regulations,
10 shall be provided by publication in at least five newspapers of
11 general circulation within separate geographic areas of this
12 state and by any other means the commissioner determines will
13 afford adequate public notice. Public notice shall be given at
14 least seven days prior to the hearings.

15 2. The text of any proposed rule or regulation shall be made
16 available for inspection at the office of the commissioner and
17 shall be distributed to the governmental subdivisions which have
18 adopted the state building code, and to any other person who
19 requests a copy.

20 3. Every rule or regulation adopted by the commissioner
21 shall state the date on which it takes effect.

22 4. Every rule or regulation shall, immediately after adop-
23 tion, be certified by the commissioner and transmitted to the
24 secretary of state for filing in his office and shall then be-
25 come a part of the state building code. Copies shall be sent
26 by the commissioner to all governmental subdivisions which have
27 adopted the state building code.

28 5. The provisions of this section shall not apply to any
29 rule or regulation applicable solely to the organization or in-
30 ternal management of the office of the commissioner and council.

31 Sec. 11. ADOPTION AND WITHDRAWAL--PROCEDURE. The state
32 building code shall be applicable in each governmental subdivi-
33 sion of the state in which the governing body has adopted or
34 enacted a resolution accepting the applicability of the code
35 and shall have filed a certified copy of the resolution in the

1 office of the commissioner and in the office of the secretary
2 of state. The state building code shall become effective in
3 the governmental subdivision upon the date fixed by the govern-
4 mental subdivision resolution, if the date is not more than six
5 months after the date of adoption of the resolution.

6 A governmental subdivision in which the state building code
7 is applicable may by resolution, at any time after one year has
8 elapsed since the code became applicable, withdraw from the ap-
9 plication of the code, if before the resolution shall be voted
10 upon, the local governing body shall hold a public hearing
11 after giving not less than twenty nor more than thirty days'
12 public notice, together with written notice to the commissioner
13 of the time, place, and purpose of the hearing. A certified
14 copy of the vote of the local governing body shall be trans-
15 mitted within ten days after the vote is taken to the commis-
16 sioner and to the secretary of state for filing. The resolution
17 shall become effective at a time to be specified therein, which
18 shall be not less than one hundred eighty days after the date
19 of adoption. Upon the effective date of the resolution, the
20 state building code shall cease to apply to the governmental
21 subdivision except that construction of any building or struc-
22 ture pursuant to a permit previously issued shall not be af-
23 fected by the withdrawal.

24 A governmental subdivision which has withdrawn from the ap-
25 plication of the state building code may, at any time there-
26 after, restore the application of the code in the same manner
27 as specified in this section.

28 Sec. 12. VARIANCES IN CODE. The commissioner may, with the
29 approval of the advisory council, vary the application of any
30 portion of the code:

31 1. To include or exclude specified types of buildings,
32 structures, or areas of the state, when separate classification
33 or regulation is necessary, desirable or proper to effectuate
34 the purposes of this Act.

35 2. Upon request of a governmental subdivision for higher

1 or more restrictive standards for construction in the govern-
2 mental subdivision, if the requested standards are necessary
3 due to special conditions and conform to accepted engineering
4 and fire-prevention practices.

5 The commissioner may, with the approval of the advisory coun-
6 cil, limit the term or duration of a variance, impose conditions
7 on granting a variance, or terminate a variance when necessary,
8 desirable, or proper to effectuate the purposes of this Act.

9 Sec. 13. ADVISORY COUNCIL. There is hereby established a
10 seven member council to be known as the state building code ad-
11 visory council. The council shall elect from its membership a
12 chairman. The members of the council shall be appointed by the
13 governor and shall hold office commencing July 1, 1971, for four
14 years and until their successors are appointed, except that three
15 initial appointees shall be appointed for two-year terms and
16 four initial appointees shall be appointed for four-year terms.
17 The members of the council shall be persons who are qualified
18 by experience or training to provide a broad or specialized
19 expertise on matters pertaining to building construction. ~~At~~
20 least one of the members shall be a registered architect, at
21 least one a professional engineer, and at least one of the mem-
22 bers shall be a member of the building trades, each of whom
23 shall be duly licensed to practice their respective professions
24 in the state. Vacancies shall be filled in the same manner as
25 the original appointments.

26 1. The council shall advise and confer with the commissioner
27 in matters relating to the state building code.

28 2. The council members shall, at the request of the commis-
29 sioner, hold public hearings and perform such other functions
30 as the commissioner requests.

31 3. The council shall approve or disapprove the rules and
32 regulations referred to in section six (6) of this Act and
33 shall approve or disapprove the variances referred to in sec-
34 tion twelve (12) of this Act. A majority vote of the council
35 membership shall be required for these functions.

1 4. Any member of the council may be removed by the governor
2 for inefficiency, neglect of duty, misconduct or malfeasance
3 in office, after being given a written statement of the charges
4 and an opportunity to be heard thereon.

5 5. Each member of the council shall receive per diem compen-
6 sation at the rate of forty dollars per day for each day spent
7 in the performance of his duties, but not to exceed twenty-five
8 hundred dollars per year. All members of the council shall re-
9 ceive necessary expenses incurred in the performance of their
10 duties.

11 6. Five members of the council shall constitute a quorum
12 for the purpose of conducting the business thereof.

13 7. Meetings of the council may be called by the commissioner.

14 Sec. 14. BOARD OF REVIEW. The commissioner shall establish
15 a state building code board of review.

16 1. The board shall be composed of three members of the coun-
17 cil. At least one member of the board shall be a registered
18 architect or professional engineer.

19 2. Members of the board of review shall serve at the plea-
20 sure of the commissioner.

21 3. No member of the board shall pass upon any question in
22 which he or any corporation in which he is a stockholder is
23 interested.

24 4. The commissioner may appoint alternate board members
25 from the membership of the advisory council.

26 Sec. 15. BOARD OF REVIEW--APPEAL.

27 1. Any aggrieved person may appeal to the board for:

28 a. A variance from a code provision which would if strictly
29 complied with:

30 (1) entail practical difficulties;

31 (2) result in unnecessary hardship; or

32 (3) otherwise be unwarranted.

33 b. A reversal, modification, or annulment of any ruling,
34 direction, determination, or order of any state agency or lo-
35 cal building department affecting or relating to the construc-

1 tion of any building or structure, the construction of which
2 is pursuant or purports to be pursuant to the provisions of
3 the state building code.

4 c. Review of the disapproval or failure to approve within
5 sixty days after submission of:

6 (1) An application for permission to construct pursuant to
7 the code, or

8 (2) Plans or specifications for construction pursuant to
9 the code.

10 2. The board may, on satisfactory proof after public hear-
11 ing, vary, modify, reverse, or annul any code provision or ac-
12 tion appealed to the board. However, provision for health,
13 safety, and welfare shall not be substantially modified or
14 varied in an adverse manner, unless equally effective alterna-
15 tives are prescribed.

16 Sec. 16. BOARD OF REVIEW--PROCEDURE. The board shall estab-
17 lish procedures pursuant to which an aggrieved person may appeal
18 to the board.

19 1. The board shall fix a reasonable time and place for a
20 hearing and shall give due notice of a hearing to:

21 a. The applicant.

22 b. The state agency or local building department involved.

23 c. Any other person at the board's discretion.

24 2. Notice shall be by registered mail and shall:

25 a. Name the applicant.

26 b. State the time and place of the hearing.

27 c. State the general nature of the appeal.

28 3. The following may appear and be heard at an appeal hear-
29 ing:

30 a. The applicant, or his agent.

31 b. The state agency or local building department involved.

32 c. Any other person, at the board's discretion.

33 4. The board, in hearings conducted under this section,

34 shall not be bound by common law or statutory rules of evidence
35 or by technical or formal rules of procedure.

1 5. Applications shall be decided promptly. In every case
2 the board shall state generally the reason for its decision.

3 6. The decision of the board shall state the date on which
4 it takes effect, which shall be no earlier than five days sub-
5 sequent to issuance of such decision, and a copy of the deci-
6 sion, 'duly certified by the chairman of the board, shall be
7 filed in the office of the commissioner, and a copy shall be
8 sent to the parties and any state agency or local building
9 department affected.

10 7. The decision of the board of review may be appealed to
11 the commissioner by any party by filing a petition with the com-
12 missioner at any time prior to the effective date of such deci-
13 sion. The commissioner shall consider all questions of fact
14 and law involved and issue his decision pertaining to the same
15 not later than ten days after receipt of the appeal. Any party
16 to the proceedings aggrieved by the decision of the commissioner
17 may, within ten days after receipt of the commissioner's deci-
18 sion, appeal the decision to the district court.

19 8. A record of all decisions of the board and commissioner
20 shall be properly indexed and filed in the office of the com-
21 missioner, and shall be public records as defined in chapter
22 sixty-eight A (68A) of the Code.

23 9. The board may subpoena all of the papers and documents
24 constituting the record upon which the application for a vari-
25 ance, modification, reversal, annulment, or review is based, and
26 the state, county, or municipal officer in charge thereof shall,
27 upon receipt of the subpoena, transmit the papers and documents
28 to the board.

29 10. All decisions of the board shall require the concurrence
30 of at least two of its members.

31 Sec. 17. COURT PROCEEDINGS.

32 1. An appeal shall stay all proceedings on the matter ap-
33 pealed unless there is a showing by the state agency or a local
34 building department that a stay would involve imminent peril to
35 life or property.

1 2. No court shall entertain an action based on the state
2 building code unless all administrative remedies have been ex-
3 hausted, except:

4 a. When the action is instituted by the state or a govern-
5 mental subdivision; or

6 b. When there is good cause for the failure to exhaust ad-
7 ministrative remedies.

8 3. Subject to subsection one (1) of this section, where
9 the construction of a building or structure or use of a build-
10 ing is in violation of any code provision or lawful order of a
11 local building department, the district court may on petition
12 order removal of the building, abatement as a public nuisance,
13 or enjoin further construction.

14 4. Judicial review may be obtained by commencing an action
15 in the county where the cause of action or some part thereof
16 arose. The district court shall hear and decide the matter de
17 novo.

18 5. An appeal from a decision of the district court may be
19 taken to the supreme court as in other cases.

20 Sec. 18. ADMINISTRATION AND ENFORCEMENT. The examination
21 and approval or disapproval of plans and specifications, the is-
22 suance and revocation of building permits, licenses, certificates,
23 and similar documents, the inspection of buildings or structures,
24 and the administration and enforcement of building regulations
25 shall be the responsibility of the governmental subdivisions of
26 the state and shall be administered and enforced in the manner
27 prescribed by local law or ordinance. All provisions of law re-
28 lating to the administration and enforcement of local building
29 regulations in any governmental subdivision shall be applicable
30 to the administration and enforcement of the state building code
31 in the governmental subdivision. An application made to a local
32 building department or to a state agency for permission to con-
33 struct a building or structure pursuant to the provisions of the
34 state building code shall, in addition to any other requirement,
35 be signed by the owner or his authorized agent, and shall contain

1 the address of the owner, and a statement that the application
2 is made for permission to construct in accordance with the pro-
3 visions of the code.

4 In aid of administration and enforcement of the state build-
5 ing code, and in addition to and not in limitation of powers
6 vested in them by law, each governmental subdivision of the
7 state may:

8 1. Examine and approve or disapprove plans and specifica-
9 tions for the construction of any building or structure, the
10 construction of which is pursuant or purports to be pursuant
11 to the provisions of the state building code, and to direct
12 the inspection of buildings or structures during the course
13 of construction.

14 2. Require that the construction of any building or struc-
15 ture shall be in accordance with the applicable provisions of
16 the state building code, subject, however, to the powers of var-
17 iance or modification granted to the board of review in section
18 fifteen (15) of this Act.

19 3. Order in writing any person to remedy any condition found
20 to exist in, or about any building or structure in violation of
21 the state building code. Orders may be served upon the owner or
22 his authorized agent personally or by certified mail at the ad-
23 dress set forth in the application for permission to construct a
24 building or structure. Any local building department may grant
25 in writing such time as may be reasonably necessary for achiev-
26 ing compliance with an order.

27 4. Issue certificates of occupancy or use, permits, licenses,
28 and other documents in connection with the construction of build-
29 ings or structures as may be required by ordinance.

30 A certificate of occupancy or use for a building or structure
31 constructed in accordance with the provisions of the state build-
32 ing code shall certify that the building or structure conforms to
33 the requirements of the code. The certificate shall be in the form
34 the governing body of the governmental subdivision prescribes.

35 Every certificate of occupancy or use shall, until set aside

1 or vacated by the board of review, director, or a court of com-
2 petent jurisdiction, be binding and conclusive upon all state
3 and local agencies, as to all matters set forth and no order,
4 direction, or requirement at variance therewith shall be made
5 or issued by any other state or local agency.

6 5. Make, amend, and repeal rules for the administration and
7 enforcement of the provisions of this section, and for the col-
8 lection of reasonable fees in connection therewith.

9 6. Prohibit the commencement of construction until a permit
10 has been issued by the local building department after a showing
11 of compliance with the requirements of the applicable provisions
12 of the state building code.

13 19. PERMITS--DUTY TO ISSUE.

14 1. If the plans and specifications accompanying an applica-
15 tion for permission to construct a building or structure fail to
16 comply with the provisions of building regulations applicable to
17 the governmental subdivision where the construction is planned,
18 the state or governmental subdivision official charged with the
19 duty shall nevertheless issue a permit, license, certificate,
20 authorization, or other required document, as the case may be,
21 for the construction, if the plans and specifications comply
22 with the applicable provisions set forth in the state building
23 code, whenever such code is operative in such governmental sub-
24 division.

25 2. Any building or structure constructed in conformance with
26 the provisions of the state building code, shall be deemed to
27 comply with all state, county, and municipal building regula-
28 tions, and the owner, builder, architect, lessee, tenant, or
29 their agents, or other interested person shall be entitled, up-
30 on a showing of compliance with the code, to demand and obtain,
31 upon proper payment being made in appropriate cases, any permit,
32 license, certificate, authorization, or other required document,
33 the issuance of which is authorized pursuant to any state or
34 local buildings or structure regulation, and it shall be the duty
35 of the appropriate state or local officer having jurisdiction

S.F. _____ H.F. 6

1 over the issuance to issue the permit, license, certificate,
2 authorization, or other required document, as provided herein,
3 whenever the code is operative in the governmental subdivision.

4 Sec. 20. PENALTY.

5 1. Any person served with an order pursuant to the provi-
6 sions of subsection three (3) of section eighteen (18) of this
7 Act, who fails to comply with the order within thirty days after
8 service or within the time fixed by the local building depart-
9 ment for compliance, whichever is longer, and any owner, builder,
10 architect, tenant, contractor, subcontractor, construction super-
11 intendent or their agents, or any other person taking part or
12 assisting in the construction or use of any building or struc-
13 ture who shall knowingly violate any of the applicable provi-
14 sions of the state building code or any lawful order of a local
15 building department made thereunder, shall be punishable by a
16 fine of not more than one hundred dollars, or thirty days in
17 jail, or by both fine and imprisonment.

18 2. Violation of this Act shall not impose any disability
19 upon or affect or impair the credibility as a witness, or other-
20 wise, of any person.

21 Violations of this section shall be misdemeanors, and munici-
22 pal, police, or mayors' courts shall have exclusive jurisdiction
23 to originally hear and determine charges of violations.

24 3. As an alternative to filing criminal charges as provided
25 in this section, the commissioner may file a petition in the dis-
26 trict court and obtain injunctive relief for any violation of
27 this Act.

28 Sec. 21. CONSTRUCTION OF STATUTE.

29 1. Nothing in this Act shall be construed as prohibiting
30 any governmental subdivision from adopting or enacting any
31 building regulations relating to any building or structure
32 within its limits, but a governmental subdivision in which the
33 state building code has been accepted and is applicable shall
34 not have the power to supersede, void, or repeal or make more
35 restrictive any of the provisions of this Act or of the rules

1 and regulations adopted by the commissioner.

2 2. Nothing in this Act shall be construed as abrogating or
3 impairing the power of any governmental subdivision or local
4 building department to enforce the provisions of any building
5 regulations, or the applicable provisions of the state build-
6 ing code, or to prevent violations or punish violators except
7 as otherwise expressly provided in this Act.

8 3. The powers enumerated in this Act shall be interpreted
9 liberally to effectuate the purposes thereof and shall not be
10 construed as a limitation of powers.

11 Sec. 22. Chapter one hundred (100), Code 1971, is amended
12 by adding the following new section:

13 "Provisions of this chapter in conflict with the state build-
14 ing code shall not apply where the state building code has been
15 adopted or when the state building code applies throughout the
16 state."

17 Sec. 23. Chapter one hundred three (103), Code 1971, is
18 amended by adding the following new section:

19 "Provisions of this chapter in conflict with the state build-
20 ing code shall not apply where the state building code has been
21 adopted or when the state building code applies throughout the
22 state."

23 Sec. 24. Chapter one hundred thirty-five (135), Code 1971,
24 is amended by adding the following new section:

25 "Provisions of this chapter in conflict with the state build-
26 ing code shall not apply where the state building code has been
27 adopted or when the state building code applies throughout the
28 state."

29 Sec. 25. Chapter one hundred thirty-five B (135B), Code
30 1971, is amended by adding the following new section:

31 "Provisions of this chapter in conflict with the state build-
32 ing code shall not apply where the state building code has been
33 adopted or when the state building code applies throughout the
34 state."

35 Sec. 26. Chapter one hundred thirty-five C (135C), Code

S.F. _____ H.F. 6

1 1971, is amended by adding the following new section:

2 "Provisions of this chapter in conflict with the state build-
3 ing code shall not apply where the state building code has been
4 adopted or when the state building code applies throughout the
5 state."

6 Sec. 27. Section one hundred sixty-seven point eleven
7 (167.11), Code 1971, is amended by adding the following new
8 paragraph:

9 "This section shall not apply where the state building code
10 has been adopted or when the state building code applies through-
11 out the state."

12 Sec. 28. Chapter one hundred seventy (170), Code 1971, is
13 amended by adding the following new section:

14 "Provisions of this chapter in conflict with the state build-
15 ing code shall not apply where the state building code has been
16 adopted or when the state building code applies throughout the
17 state."

18 Sec. 29. Section three hundred thirty-two point three (332.3),
19 subsection twenty-two (22), Code 1971, is amended as follows:

20 ~~22. In counties having a population of over thirty thousand,~~
21 to To adopt a building code and to provide for the regulation
22 and inspection of all construction, major repairs and remodeling,
23 and the installation of electrical, heating, ventilating, air
24 conditioning, and plumbing fixtures, apparatus, and equipment
25 and provide for the manner in which such regulations and inspec-
26 tion shall be determined, established and enforced, and from
27 time to time amended, supplemented or changed. However, no such
28 regulation shall become effective until after a public hearing
29 in relation thereto at which parties in interest and citizens
30 shall have an opportunity to be heard. At least fifteen days
31 notice of the time and place of such hearing shall be published
32 in a paper of general circulation in such county. Upon compli-
33 ance with the provisions of this chapter, the regulation shall
34 become effective, the provisions of any other statute to the
35 contrary notwithstanding. Such code shall not be construed to

1 apply within the limits of any incorporated city or town which
2 has the power to adopt a building code under the provisions of
3 section 368.9 or to farm houses or other farm buildings which
4 are primarily adapted, by reason of nature and area, for use
5 for agricultural purposes, while so used or while under con-
6 struction for such use.

7 Sec. 30. Section three hundred sixty-six point seven (366.7),
8 subsection seven (7), Code 1971, is amended by adding the follow-
9 ing new paragraph:

10 "Provisions of this section in conflict with the state build-
11 ing code shall not apply where the state building code has been
12 adopted or when the state building code applies throughout the
13 state."

14 Sec. 31. Chapter three hundred sixty-eight (368), Code 1971,
15 is amended by adding the following new section:

16 "Provisions of this chapter in conflict with the state build-
17 ing code shall not apply where the state building code has been
18 adopted or when the state building code applies throughout the
19 state."

20 Sec. 32. Chapter four hundred thirteen (413), Code 1971, is
21 amended by adding the following new section:

22 "Provisions of this chapter in conflict with the state build-
23 ing code shall not apply where the state building code has been
24 adopted or when the state building code applies throughout the
25 state."

26 Sec. 33. Chapter one hundred four A (104A), Code 1971, is
27 repealed.

28 EXPLANATION

29 This bill provides for a state building code to be developed
30 at the state level. Adoption of the building code is optional
31 with governmental subdivisions. Upon adoption, the code would
32 supersede existing statutory provisions and ordinances. A gov-
33 ernmental subdivision may reject the code after it has been
34 adopted, if one year's time has elapsed.

35 The bill also provides that the state building code will be

1 applicable to factory-built structures which includes mobile
2 homes. The code provisions on factory-built structures will
3 apply in all governmental subdivisions whether or not the code
4 has been adopted.

5 The state building code will apply to state buildings.

6 Present code provisions will not be repealed. They will con-
7 tinue to govern in governmental subdivisions which do not adopt
8 the state code and will govern buildings constructed prior to
9 the adoption of the state code, except when an existing struc-
10 ture is being remodeled.

11
12 1 Amend House File 6, page 19, line 3, by striking
13 2 the words "farm houses or other" and inserting in
14 3 lieu thereof the word "include".

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
Filed - *Lost 3/4*
February 18, 1971

By UBAN of Black Hawk
District 38
WILLITS of Polk
District 57

HOUSE FILE 6

1 Amend House File 6 as follows:
2 1. Page 4, insert after line 15 the following
3 new subsection:
4 "5. Administer and enforce the provisions of
5 chapter one hundred four A (104A), Code 1971."
6 2. Page 19, by striking lines 26 and 27.

Filed - *adopted 3/4*
February 25, 1971

By GRASSLEY of Butler
District 10

1 Amend House File 6 as follows:

2 1. Page 7, by striking line 21 and inserting in lieu
3 thereof the words "shall take effect on July first follow-
4 ing its adoption."

5 2. Page 7, line 25, by inserting after the word
6 "code" the words "on its effective date".

Filed - *Withdrawn 3/29*
March 4, 1971

By SCHROEDER of Pottawattamie
District 54

1 Amend House File 6 as follows:

2 Page 7, by striking lines 22 through 27, inclusive,
3 and inserting in lieu thereof the following:

4 "4. Every rule or regulation shall, immediately
5 after adoption, be certified by the commissioner and
6 transmitted to the offices of the chief clerk of the house
7 and secretary of the senate and by them be prepared for
8 consideration and approval by the general assembly. Such
9 rules and regulations shall become effective July first
10 following approval by the general assembly unless the
11 general assembly shall provide for another effective date."

Offered from the Floor and Lost
March 4, 1971

By SCHROEDER of Pottawattamie
District 54

HOUSE FILE 6

1 Amend the Senate amendment to House File 6 filed
2 February 28, 1972, as follows:
3 1. By inserting the following after the period
4 in line 35:
5 "Amendments or revisions of the code shall be made
6 only once a year and shall take effect on the first
7 day of January following the public hearing. When-
8 ever the commissioner makes copies of the code or
9 rules available or is required to distribute copies
10 he shall provide the copies at cost."
11 2. By inserting the following after line 55:
12 6. Page 5, line 28, by inserting after the word
13 "state" the words "or in a governmental subdivision
14 not subject to the code".
15 7. Page 5, line 32, by inserting after the word
16 "code" the words "if the installation is to be in
17 a governmental subdivision subject to the code".
18 8. Page 5, line 35, by inserting after the word
19 "installation" the words "in a governmental subdivi-
20 sion subject to the code".
21 3. By striking lines 56 through 59 and inserting
22 the following:
23 10. Page 6, line 2, by inserting after the word
24 "code" the words "in the governmental subdivision
25 subject to the code".
26 11. Page 6, line 6, by inserting after the word
27 "commissioner" the words "or the installation is in
28 a governmental subdivision not subject to the code".
29 4. By inserting the following after line 66:
30 15. Page 6, by striking lines 31 through 35, in-
31 clusive.
32 16. Page 7, by striking lines 1 through 3, inclu-
33 sive, and inserting in lieu thereof the following:
34 b. Statewide and shall supersede and take the
35 place of the building code of any governmental
36 subdivision. The code shall supersede the code of
37 any governmental subdivision which has adopted a
38 building code as of the effective date of the state
39 building code and any governmental subdivision which
40 chooses to adopt a building code after the effective
41 date of the state building code must adopt the state
42 building code. The state building code shall not
43 apply to any governmental subdivision which has no
44 building code or has, prior to the effective date
45 of the state building code, repealed its building
46 code. Where the state building code becomes effective
47 in a governmental subdivision under this section it
48 shall be considered to have been adopted by the
49 governmental subdivision and shall not be repealed."

Foot

Foot

Foot

House 7
March 3, 1972

- 50 5. By striking lines 67 through 70, inclusive,
51 and inserting in lieu thereof the following:
52 17. Page 7, by striking lines 31 through 35, in-
53 clusive.
54 18. Page 8, by striking lines 1 through 27, in-
55 clusive.
56 6. By inserting the words "and advisory council"
57 before the period in line 91.
58 7. By inserting the words "with the approval of
59 the advisory council" after the word "commissioner"
60 in line 92.
61 8. By inserting the following after line 137:
62 39. Page 16, by striking lines 29 through 35,
63 inclusive.
64 40. Page 17, by striking line 1 and renumbering
65 the remaining subsections.
66 9. By inserting the following after line 137:
67 46. Page 17, lines 15 and 16, by striking every-
68 thing after the word "adopted" and inserting in lieu
69 thereof a period.
70 47. Page 17, lines 21 and 22, by striking every-
71 thing after the word "adopted" and inserting in lieu
72 thereof a period.
73 48. Page 17, lines 27 and 28, by striking every-
74 thing after the word "adopted" and inserting in lieu
75 thereof a period.
76 49. Page 17, lines 33 and 34, by striking every-
77 thing after the word "adopted" and inserting in lieu
78 thereof a period.
79 50. Page 18, lines 4 and 5, by striking everything
80 after the word "adopted" and inserting in lieu thereof
81 a period.
82 51. Page 18, lines 10 and 11, by striking every-
83 thing after the word "adopted" and inserting in lieu
84 thereof a period.
85 52. Page 18, lines 16 and 17, by striking every-
86 thing after the word "adopted" and inserting in lieu
87 thereof a period.
88 53. Page 19, lines 12 and 13, by striking every-
89 thing after the word "adopted" and inserting in lieu
90 thereof a period.
91 54. Page 19, lines 18 and 19, by striking every-
92 thing after the word "adopted" and inserting in lieu
93 thereof a period.
94 55. Page 19, lines 24 and 25, by striking every-
95 thing after the word "adopted" and inserting in lieu
96 thereof a period.
97 10. By renumbering the amendments to conform to
98 this amendment.

Filed
March 2, 1972

By SCHROEDER of Pottawattamie

HOUSE FILE 6

1 Amend the Senate amendment to House File 6 by
2 striking all of lines 154 through 157 and inserting in
3 lieu thereof the following:

4 40. Page 18, after line 5, insert the following
5 new section:

6 "Sec. _____. Section one hundred thirty-eight point
7 one (138.1), subsections one (1) and sixteen (16),
8 Code 1971, are amended to read as follows:

9 1. 'Migrant labor camp' means one or more build-
10 ings, structures, shelters, tents, trailers, or vehi-
11 cles or any other structure or a combination thereof
12 together with the land appertaining thereto, estab-
13 lished, operated, or maintained as living quarters for
14 ~~seven-or-more~~ migrants or two or more shelters. A
15 camp shall include such land or quarters separate from
16 one another if the migrants housed therein work at any
17 time for the same person ~~and-the-total-number-of~~
18 ~~migrants-in-all-such-camps-is-seven-or-more~~. Such
19 separate camps shall constitute a portion of a migrant
20 labor camp.

21 16. 'Migrant' means any individual who customarily
22 and repeatedly travels from state to state for the
23 purpose of obtaining seasonal employment in agricul-
24 ture or processing of farm products, including but
25 not limited to, poultry, dairy, livestock, fruit,
26 vegetable, and grain products, including the spouse
27 and children of such individuals, whether or not
28 authorized by law to engage in such employment."

29 41. Renumber sections and correct internal refer-
30 ences to correspond with this amendment.

31 42. Page 1, amend the title, line 2, by inserting
32 before the word "and" the following: "provide for the
33 setting of fees, provide for the regulation of
34 buildings to house migrants,"; and line 3 by striking
35 the word "Code" and inserting in lieu thereof the
36 word "code".

Filed - *Public and general 3/13*
March 13, 1972

By GLUBA of Scott
SCOTT of Cerro Gordo

1 Amend the Senate amendment to House File 6 as found
2 on pages 817 through 820 of the House Journal of
3 February 28, 1972 as follows:

- 4 1. By inserting the following after line 100:
5 "20. Page 9, line 13, by striking the numerals
6 '1971' and inserting in lieu thereof the numerals
7 '1972'."
8 2. By renumbering the amendments to conform to
9 this amendment.

Filed - *Adopted (use)*
March 6, 1972

By CAMP of Clinton

House

1 Amend the Senate amendment to House File 6 as amended and
2 passed by the House as follows:

- 3 1. By inserting after line 100 the following:
4 20. Page 9, line 13, by striking the numerals "1971" and
5 inserting in lieu thereof the numerals "1972".
6 2. By renumbering the amendments to conform to this
7 amendment.

Received from the House
March 16, 1972

Senate concurred 3/17/72

1 Amend House File 6, as amended and passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 2 the following new
4 section:

5 "Sec. ____ . STATEMENT OF POLICY. It is found and declared
6 that some governmental subdivisions do not have building codes
7 and that the building codes which do exist in the governmental
8 subdivisions of this state, as enacted and applied, are not
9 uniform and impede the utilization of new and improved
10 technology, techniques, methods, and materials in the
11 manufacture and construction of buildings and structures.

12 Therefore, it is the policy of the state of Iowa to
13 insure the health, safety, and welfare of its citizens
14 through the promulgation and enforcement of a state build-
15 ing code."

16 2. Page 3, line 4, by striking the period and inserting
17 in lieu thereof the following: "except transmission and
18 distribution structures of public utilities."

19 3. Page 3, by inserting after line 31 the following:

20 "18. 'Performance objective' establishes design and
21 engineering criteria without reference to specific methods
22 of construction."

23 4. Page 4, by striking lines 21 through 24 and inserting
24 in lieu thereof the following new section:

25 "Sec. ____ . STATE BUILDING CODE. The state building
26 code commissioner with the approval of the advisory
27 council is hereby empowered and directed to formulate
28 and adopt and from time to time amend or revise and
29 to promulgate, in conformity with and subject to the
30 conditions set forth in this Act, reasonable rules
31 designed to establish minimum safeguards in the erection
32 and construction of buildings and structures, to protect
33 the human beings who live and work in them from fire
34 and other hazards, and to establish regulations to further
35 protect the health, safety and welfare of the public.

36 The rules shall include reasonable provisions for
37 the following:"

- 38 5. Page 5, by striking lines 2 through 7 and inserting in
39 lieu thereof the following:
- 40 "1. Provide uniform standards and requirements for
41 construction, construction materials, and equipment through
42 the adoption by reference of applicable national codes
43 where appropriate and providing exceptions when necessary.
44 The rules adopted shall include provisions imposing require-
45 ments reasonably consistent with or identical to recognized
46 and accepted standards contained in performance criteria as
47 developed by nationally recognized model codes such as the
48 model codes prepared by the Building Officials Conference
49 of America, the International Conference of Building
50 Officials, the Southern Building Codes Congress, the
51 National Fire Protection Association, the American National
52 Standards Institute, the American Insurance Association,
53 the United States Department of Housing and Urban Develop-
54 ment, the American Standards Association, and the Inter-
55 national Association of Plumbing and Mechanical Officials."
- 56 6. Page 6, line 2, by inserting before the period the
57 following: "in the governmental subdivisions which have
58 adopted the state building code or any other building
59 code".
- 60 7. Page 6, lines 7 and 8, by striking the words ", provide
61 for inspection fees,".
- 62 8. Page 6, line 18, by inserting before the period the
63 following: "only in those governmental subdivisons
64 which have adopted the state building code or any other
65 building code".
- 66 9. Page 6, by striking lines 19 through 23.
- 67 10. Page 7, line 34, by inserting after the word "resolution"
68 the words "or ordinance".
- 69 11. Page 7, line 35, by inserting after the word
70 "resolution" the words "or ordinance".
- 71 12. Page 8, line 5, by inserting after the word
72 "resolution" the words "or ordinance".
- 73 13. Page 8, line 5, by inserting after the word
74 "resolution" the words "or ordinance".
- 75 14. Page 8, line 7, by inserting after the word
76 "resolution" the words "or ordinance".
- 77 15. Page 8, line 9, by inserting after the word
78 "resolution" the words "or ordinance".
- 79 16. Page 8, line 16, by inserting after the word
80 "resolution" the words "or ordinance".
- 81 17. Page 8, line 19, by inserting after the word
82 "resolution" the words "or ordinance".
- 83 18. Page 8, by striking lines 28 through 35.
- 84 19. Page 9, by striking lines 1 through 8 and insert-
85 ing in lieu thereof the following:
- 86 "Sec. 12. ALTERNATE MATERIALS AND METHODS OF
87 CONSTRUCTION. The provisions of the state building code
88 shall not prevent the use of any material or method
89 of construction not specifically prescribed therein,

- 90 provided any such alternate has been approved by the
91 building code commissioner.
- 92 The commissioner may approve any alternate if he
93 finds that the proper design is satisfactory and that
94 the material, method, or work offered is, for the pur-
95 pose intended, at least the equivalent of that prescribed
96 in the state building code in quality, strength, effective-
97 ness, fire resistance, durability, and safety.
- 98 The commissioner shall require that sufficient evidence
99 or proof be submitted to substantiate any claim that may
100 be made regarding alternate use."
- 101 20. Page 9, line 19, by striking the word "At".
- 102 21. Page 9, by striking lines 20 through 23.
- 103 22. Page 9, line 24, by striking the words "in the
104 state".
- 105 23. Page 9, line 35, by striking the words "the
106 variances referred to" and inserting in lieu thereof
107 the following: "any alternate materials or methods
108 of construction approved by the commissioner as pro-
109 vided".
- 110 24. Page 10, by striking lines 11 and 12 and inserting
111 in lieu thereof the following:
- 112 "6. Four members of the council shall constitute
113 a quorum. For the purpose of conducting business a
114 majority vote of the council shall be required."
- 115 25. Page 10, line 17, by striking everything after
116 the period.
- 117 26. Page 10, by striking line 18.
- 118 27. Page 10, line 27, by striking the number "1."
- 119 28. Page 10, by striking lines 28 through 32.
- 120 29. Page 10, line 33, by striking the letter "b"
121 and inserting in lieu thereof the numeral "1".
- 122 30. Page 11, line 4, by striking the letter "c"
123 and inserting in lieu thereof the number "2".
- 124 31. Page 11, line 6, by striking the number "(1)"
125 and inserting in lieu thereof the letter "a".
- 126 32. Page 11, line 8, by striking the number "(2)"
127 and inserting in lieu thereof the letter "b".
- 128 33. Page 11, by striking lines 10 through 15.
- 129 34. Page 12, lines 27 and 28, by striking the words
130 "a variance" and inserting in lieu thereof the follow-
131 ing: "the use of alternate materials or methods of
132 construction".
- 133 35. Page 14, lines 16 and 17, by striking the words
134 "of variance or modification".
- 135 36. Page 15, line 19, by striking the word "license,".
- 136 37. Page 15, line 32, by striking the word "license,".
- 137 38. Page 16, line 1, by striking the word "license,".
- 138 39. Page 19, by adding the following new section after
139 line 25:
- 140 "Sec. ____ . FEES. For the purpose of obtaining
141 revenue to defray the costs of administering the pro-
142 visions of this Act, the commissioner shall establish

House 17
February 29, 1972

143 by rule and regulation a schedule of fees based upon
144 the costs of administration which fees shall be collected
145 from persons whose manufacture, installation or construction
146 is subject to the provisions of the state building code.

147 All fees collected by the commissioner shall be
148 deposited in the state treasury to the credit of the
149 general fund.

150 All federal grants to and federal receipts of the
151 office of state building code commissioner are appro-
152 priated for the purpose set forth in the federal grants
153 or receipts."

154 40. Page 1, amend the title, line 2, by inserting before
155 the word "and" and words "provide for the setting of
156 fees,"; and line 3, by striking the word "Code" and insert-
157 ing in lieu thereof the word "code".

Received from the Senate
February 28, 1972

House concurred as amended 3/15/72 (11.22)

HOUSE FILE 6

1 Amend House File 6, as passed and amended by the
2 House, as follows:
3 1. Page 2, by inserting after line 2 the following
4 new section:
5 "Sec. ____ . STATEMENT OF POLICY. It is found and
6 declared that some governmental subdivisions do not
7 have building codes and that the building codes which
8 do exist in the governmental subdivisions of this state,
9 as enacted and applied, are not uniform and impede the
10 utilization of new and improved technology, techniques,
11 methods, and materials in the manufacture and construc-
12 tion of buildings and structures.
13 Therefore, it is the policy of the state of Iowa
14 to insure the health, safety, and welfare of its citizens
15 through the promulgation and enforcement of a state
16 building code."
17 2. Page 3, by inserting the following after line
18 31:
19 "18. 'Performance objective' establishes design
20 and engineering criteria without reference to specific
21 methods of construction."
22 3. Page 4, by striking lines 19 through 22 and in-
23 serting in lieu thereof the following new section:
24 "Sec. ____ . STATE BUILDING CODE. The state building
25 code commissioner with the approval of the advisory

PAGE 2

1 council is hereby empowered and directed to formulate
2 and adopt and from time to time amend or revise and
3 to promulgate, in conformity with and subject to the
4 conditions set forth in this Act, reasonable rules
5 designed to establish minimum safeguards in the erection
6 and construction of buildings and structures, to protect
7 the human beings who live and work in them from fire
8 and other hazards, and to establish regulations to fur-
9 ther protect the health, safety and welfare of the pub-
10 lic.
11 The rules shall include reasonable provisions for
12 the following:
13 4. Page 5, by striking lines 2 through 7 and insert-
14 ing in lieu thereof the following:
15 "1. Provide uniform standards and requirements for
16 construction, construction materials, and equipment
17 through the adoption by reference of applicable national
18 codes where appropriate and providing exceptions when
19 necessary. The rules adopted shall include provisions
20 imposing requirements reasonably consistent with or
21 identical to recognized and accepted standards contained

PAGE 2

22 in performance criteria as developed by nationally
23 recognized model codes such as the model codes prepared
24 by the Building Officials Conference of America, the
25 International Conference of Building Officials, the

PAGE 3

1 Southern Building Codes Congress, the National Fire
2 Protection Association, the American National Standards
3 Institute, the American Insurance Association, the
4 United States Department of Housing and Urban Develop-
5 ment, the American Standards Association, and the
6 International Association of Plumbing and Mechanical
7 Officials."

8 5. Page 6, line 2, by inserting before the period
9 the following:

10 "in the governmental subdivisions which have adopted
11 the state building code or any other building code".

12 6. Page 6, lines 7 and 8, by striking the words
13 ", provide for inspection fees,".

14 7. Page 6, line 18, by inserting before the period
15 the following:

16 "only in those governmental subdivisions which have
17 adopted the state building code or any other building
18 code".

19 8. Page 6, by striking lines 19 through 23.

20 9. Page 7, line 34, by inserting after the word
21 "resolution" the words "or ordinance".

22 10. Page 7, line 35, by inserting after the word
23 "resolution" the words "or ordinance".

24 11. Page 8, line 4, by inserting after the word
25 "resolution" the words "or ordinance".

PAGE 4

1 12. Page 8, line 5, by inserting after the word
2 "resolution" the words "or ordinance".

3 13. Page 8, line 7, by inserting after the word
4 "resolution" the words "or ordinance".

5 14. Page 8, line 9, by inserting after the word
6 "resolution" the words "or ordinance".

7 15. Page 8, line 16, by inserting after the word
8 "resolution" the words "or ordinance".

9 16. Page 8, line 19, by inserting after the word
10 "resolution" the words "or ordinance".

11 17. Page 8, by striking lines 28 through 35.

12 18. Page 9, by striking lines 1 through 8 and in-
13 serting in lieu thereof the following:

14 "Sec. 12. ALTERNATE MATERIALS AND METHODS OF CON-

PAGE 4

15 STRUCTION. The provisions of the state building code
16 shall not prevent the use of any material or method
17 of construction not specifically prescribed therein,
18 provided any such alternate has been approved by the
19 building code commissioner.

20 The commissioner may approve any alternate if he
21 finds that the proper design is satisfactory and that
22 the material, method, or work offered is, for the pur-
23 pose intended, at least the equivalent of that prescribed
24 in the state building code in quality, strength, ef-
25 fectiveness, fire resistance, durability, and safety.

PAGE 5

1 The commissioner shall require that sufficient evi-
2 dence or proof be submitted to substantiate any claim
3 that may be made regarding alternate use."

4 19. Page 9, line 19, by striking the word "At".

5 20. Page 19, by striking lines 20 through 23.

6 21. Page 9, line 24, by striking the words "in the
7 state".

8 22. Page 9, line 33, by striking the words "the
9 variances referred to" and inserting in lieu thereof
10 the words "any alternate materials or methods of con-
11 struction approved by the commissioner as provided".

12 23. Page 10, by striking lines 11 and 12 and insert-
13 ing in lieu thereof the following:

14 "6. Four members of the council shall constitute
15 a quorum. For the purpose of conducting business a
16 majority vote of the council shall be required."

17 24. Page 10, line 17, by striking everything after
18 the period.

19 25. Page 10, by striking line 18.

20 26. Page 10, line 27, by striking the number "1."

21 27. Page 10, by striking lines 28 through 32.

22 28. Page 10, line 33, by striking the letter "b"
23 and inserting in lieu thereof the number "1".

24 29. Page 11, line 4, by striking the letter "c"
25 and inserting in lieu thereof the number "2".

PAGE 6

1 30. Page 11, line 6, by striking the number "(1)"
2 and inserting in lieu thereof the letter "a".

3 31. Page 11, line 8, by striking the number "(2)"
4 and inserting in lieu thereof the letter "b".

5 32. Page 11, by striking lines 10 through 15.

6 33. Page 12, lines 27 and 28, by striking the words
7 "a variance" and inserting in lieu thereof the words
8 "the use of alternate materials or methods of construc-

Senate 10
February 3, 1972

PAGE 6

9 tion".
10 34. Page 14, lines 16 and 17, by striking the words
11 "of variance or modification".
12 35. Page 15, line 19, by striking the word
13 "license,".
14 36. Page 15, line 32, by striking the word
15 "license,".
16 37. Page 16, line 1, by striking the word "license,".
17 38. Page 19, by adding the following new section
18 after line 25:
19 1. "Sec. ____ FEES. For the purpose of obtaining
20 revenue to defray the costs of administering the pro-
21 visions of this Act, the commissioner shall establish
22 by rule and regulation a schedule of fees based upon
23 the costs of administration which fees shall be col-
24 lected from persons whose manufacture, installation
25 or construction is subject to the provisions of the

PAGE 7

1 state building code.
2 All fees collected by the commissioner shall be de-
3 posited in the state treasury to the credit of the gen-
4 eral fund."
5 All federal grants to and federal receipts of the
6 office of state building code commissioner are appro-
7 priated for the purpose set forth in the federal grants
8 or receipts."
9 39. Page 1, line 2, amend the title by inserting
10 before the word "and" the words "provide for the set-
11 ting of fees,".

Filed *as amended 2-24(542)* By COMMITTEE ON COMMERCE
February 2, 1972

SENATE CLIP SHEET
Friday, June 18, 1971

HOUSE FILE 6

1 Amend House File 6, as amended and passed by the
2 House, as follows:
3 1. Page 2, by inserting after line 2 the follow-
4 ing new section:
5 "Sec. ... STATEMENT OF POLICY.
6 It is found and declared that building codes of
7 the governmental subdivisions of this state as enacted
8 and applied are not uniform and impede the utilization
9 of new and improved technology, techniques, methods,
10 and materials in the manufacture and construction
11 of buildings and structures.
12 Therefore, it is the policy of the state of Iowa
13 to insure decent, safe, and sanitary buildings and
14 structures for its citizens through the promulgation
15 and enforcement of a uniform state building code. "
16 2. Page 3, by adding the following after line
17 31:
18 "18. 'Performance objective' establishes design
19 and engineering criteria without reference to specific
20 methods of construction."
21 3. Page 4, by striking lines 19 through 22 and
22 inserting in lieu thereof the following:
23 "Sec. ... STATE BUILDING CODE. The state building
24 code commissioner with the approval of the advisory
25 council is hereby empowered and directed to formulate

PAGE 2

1 and adopt and from time to time amend or revise and
2 to promulgate, in conformity with and subject to the
3 conditions set forth in this Act, reasonable rules
4 designed to establish minimum safeguards in the erec-
5 tion and construction of buildings and structures,
6 to protect the human beings who live and work in them
7 from fire and other hazards, and to establish regula-
8 tions to further protect the health and safety of
9 the public.
10 The rules shall include reasonable provisions for
11 the following:"
12 4. Page 5, by striking lines 2 through 4 and in-
13 sserting in lieu thereof the following:
14 "1. Provide uniform standards and requirements
15 for construction, construction materials, and equipment
16 through the adoption by reference of applicable na-
17 tional codes where appropriate and providing exceptions
18 when necessary. The rules adopted shall include pro-

Senate 2
June 18, 1971

19 visions imposing requirements reasonably consistent
20 with or identical to recognized and accepted standards
21 contained in performance criteria as developed by
22 the National Bureau of Standards or other nationally
23 recognized model codes such as the model codes pre-
24 pared by the Building Officials Conference of America,
25 the International Conference of Building Officials,

PAGE 3

1 the Southern Building Codes Congress, the National
2 Fire Protection Association, the American National
3 Standards Institute, the American Insurance Associa-
4 tion, the United States Department of Housing and
5 Urban Development, the American Standards Associa-
6 tion, the International Association of Plumbing and
7 Mechanical Officials, and the United States of America
8 Standards Institute."
9 5. Page 7, line 34, by inserting after the word
10 "resolution" the words "or ordinance".
11 6. Page 7, line 35, by inserting after the word
12 "resolution" the words "or ordinance".
13 7. Page 8, line 4, by inserting after the word
14 "resolution" the words "or ordinance".
15 8. Page 8, line 5, by inserting after the word
16 "resolution" the words "or ordinance".
17 9. Page 8, line 7, by inserting after the word
18 "resolution" the words "or ordinance".
19 10. Page 8, line 9, by inserting after the word
20 "resolution" the words "or ordinance".
21 11. Page 8, line 16, by inserting after the word
22 "resolution" the words "or ordinance".
23 12. Page 8, line 19, by inserting after the word
24 "resolution" the words "or ordinance".
25 13. Page 10, line 11, by striking the word "five"

PAGE 4

1 and inserting in lieu thereof the word "four".
2 14. Page 15, line 19, by striking the word "li-
3 cense,".
4 15. Page 15, line 32, by striking the word "li-
5 cense,".
6 16. Page 16, line 1, by striking the word "li-
7 cense,".
8 17. By renumbering the bill sections.

Filed *JD 2-28-72 (542)*
June 17, 1971

By RABEDEAUX

HOUSE FILE 6

1 Amend House File 6 as follows:

2 1. Page 17, by adding the following new
3 section after line 22:

4 "Sec. 24. Section one hundred four A point two
5 (104A.2), Code 1971, is amended by adding the
6 following:

7 After the effective date of this Act, the standards
8 and specifications set forth in this chapter shall
9 apply to the construction, substantial alteration
10 or repair of any place of employment or public
11 accommodation subject to the provisions of chapter
12 one hundred five A (105A) of the Code, except that
13 this paragraph shall not apply to:

14 1. The construction, alteration, or repair of
15 rental or leased housing accommodations of less than
16 six units.

17 2. The construction, alteration, or repair of
18 places for employment which will regularly employ
19 less than four individuals.

20 3. The construction, alteration, or repair of
21 any place of employment or public accommodation
22 exempted by rules and regulations adopted by the
23 executive secretary of the governor's committee on
24 employment of the handicapped, pursuant to the
25 provision of chapter seventeen A (17A) of the Code.

Page 2

1 The rules and regulations adopted shall exempt places
2 of employment and public accommodations where
3 handicapped persons cannot reasonably be expected
4 to be employed or make use of the public accommoda-
5 tion and where the burden of complying with this
6 section outweighs the expected benefits to handicapped
7 citizens of this state."

8 2. By renumbering the sections to conform to this
9 amendment.

Filed *Wrt* 2-28-72 (543)
April 5, 1971

By POTTER

EXPLANATION OF AMENDMENT

This amendment provides that the construction or substantial alteration or repair of any place of employment or public accommodation, subject to the provisions of the Iowa Civil Rights Act of 1965, shall comply with the accessibility and functional requirements of chapter 104A for the physically handicapped. Exceptions are provided similar to those of the Civil Rights Act and by rule and regulation.

This amendment is designed to place the enforcement of access rights of disabled veterans, the elderly, and other handicapped citizens on the same level as the prohibition against discrimination for reasons of race, religion, national origin, etc. Presently handicapped persons are denied access to employment opportunities and full enjoyment of their purchasing power due to the failure to include inexpensive design specifications in the construction or remodeling of buildings.

1 Amend House File 6, as amended and passed by the House as follows:
2 Page 3, line 4, by striking the period and adding "except
3 and distribution structures of public utilities." transmission

Filed *Adopted 2-28-72 (543)* By RABEDEAUX
February 8, 1972

1 Amend House File 6, as amended and passed by the House,
2 page 10, line 6, by striking the word "forty" and inserting
3 in lieu thereof the word "thirty".

Filed *Adopted 2-28-72 (543)* By POTGETER
February 14, 1972

1 Amend House File 6 as amended and passed by the House as follows:
2 1. Page 2, line 11, by striking the word, "town,".
3 2. Page 4, line 19, by striking the words, "where required
4 by federal statutes,".
5 3. Page 4, by adding after line 37 the following new paragraph:
6 "A city or county may enact and enforce its own building
7 code. A building code or any part thereof of a city or county shall
8 not contain any standards or requirements lower than those in the
9 state building code. A building code of a city or county may contain
10 standards or requirements higher than those contained in the
11 building code except those standards or provisions pertaining to
12 factory-built structures and mobile homes which shall be the same
13 as those in the state building code."

Filed *Adopted 2-28-72 (544)* By GAUDINEER and POTTER
February 14, 1972

1 Amend the Committee on Commerce amendment, filed February
2 2, 1972 to House File 6, as follows:
3 1. Page 1, line 22, by striking the number "19" and insert in
4 lieu thereof the number "21" and by striking the number "22" and
5 insert in lieu thereof the number "24".
6 2. Page 5, line 8, by striking the number "33" and insert in
7 lieu thereof the number "35".

Filed *Adopted 2-28-72 (542)* By MOWRY
February 14, 1972

1 Amend House File 6, as amended and passed by the
2 House, page 17, by striking lines 17 through 22 inclusive.

Filed *Adopted 2-28-72 (544)* By TAPSCOTT
February 15, 1972

1 Amend House File 6, page 1, line 3, by striking the word
2 "Code" and inserting in lieu thereof the word "code".

Filed - *Adopted 2-28-72 (566)* By RABEDEAUX
February 28, 1972

HOUSE FILE 6

1 Amend House File 6 as follows:

2 1. Page 6, by striking lines 31 and 32 and inserting in
3 lieu thereof the following:

4 "b. In each governmental subdivision of the state."

5 2. Page 6, by striking lines 33 through 35, and inserting
6 in lieu thereof the following:

7 "3. The provisions of the state building code shall be
8 the statewide minimum requirements. Counties, cities, and
9 towns may adopt, amend, and enforce building code provisions
10 which are more restrictive than the state building code.
11 This subsection shall not apply to factory-built structures."

12 3. Page 7, by striking lines 1 through 3.

13 4. Page 7, line 17, by striking the word "the" and by
14 striking the words "which have".

15 5. Page 7, line 18, by striking the words "adopted
16 the state building code,".

17 6. Page 7, lines 26 and 27, by striking the words "which
18 have adopted the state building code".

19 7. Page 7, by striking lines 31 through 35.

20 8. Page 8, by striking lines 1 through 27.

21 9. Page 15, lines 23 and 24, by striking the words
22 ", whenever such code is operative in such governmental
23 subdivision".

24 10. Page 16, lines 2 and 3, by striking the words
25 ", as provided herein, whenever the code is operative in
26 the governmental subdivision".

27 11. Page 16, by striking lines 29 through 35.

28 12. Page 17, by striking line 1.

29 13. Page 17, line 2, by striking the number "2" and
30 inserting the number "1".

31 14. Page 17, lines 4 and 5, by striking the words
32 "of any building regulations, or the applicable provisions".

33 15. Page 17, line 8, by striking the number "3" and
34 inserting in lieu thereof the number "2".

35 16. Page 17, by striking lines 13 through 16, and
36 inserting in lieu thereof the following:

37 "Where provisions of this chapter conflict with the state
38 building code, the state building code shall apply."

39 17. Page 17, by striking lines 19 through 22, and insert-
40 ing in lieu thereof the following:

41 "Where provisions of this chapter conflict with the state
42 building code, the state building code shall apply."

43 18. Page 17, by striking lines 25 through 28, and insert-
44 ing in lieu thereof the following:

45 "Where provisions of this chapter conflict with the state
46 building code, the state building code shall apply."

47 19. Page 17, by striking lines 31 through 34, and insert-
48 ing in lieu thereof the following:

49 "Where provisions of this chapter conflict with the state

*Withdrawn
3/4*

House 4
Feb. 25, 1971

50 building code, the state building code shall apply."
51 20. Page 18, by striking lines 2 through 5, and insert-
52 ing in lieu thereof the following:
53 "Where provisions of this chapter conflict with the state
54 building code, the state building code shall apply."
55 21. Page 18, by striking lines 9 through 11, and insert-
56 ing in lieu thereof the following:
57 "Where provisions of this chapter conflict with the state
58 building code, the state building code shall apply."
59 22. Page 18, by striking lines 14 through 17, and insert-
60 ing in lieu thereof the following:
61 "Where provisions of this chapter conflict with the state
62 building code, the state building code shall apply."
63 23. Page 19, after line 6, by adding the following new
64 sentence: The building code provisions shall not be less
65 restrictive than the state building code and shall not apply
66 to factory-built structures. *with 3/4*
67 24. Page 19, by striking lines 10 through 13, and insert-
68 ing in lieu thereof the following:
69 "Where provisions of this chapter conflict with the state
70 building code, the state building code shall apply."
71 25. Page 19, by striking lines 14 through 19, and insert-
72 ing in lieu thereof the following: *with 3/4*
73 "Sec. 31. Section three hundred sixty-eight point nine
74 (368.9), Code 1971, is amended by adding the following new
75 paragraph:
76 Building regulations adopted may not be less restrictive
77 than the state building code and shall not apply to factory-
78 built structures."
79 26. Page 19, by striking lines 22 through 25, and insert-
80 ing in lieu thereof the following:
81 "Where provisions of this chapter conflict with the state
82 building code, the state building code shall apply."
83 27. Page 19, following line 27, by adding the following
84 new section:
85 The provisions of this Act shall become effective
86 six months after the state building code has been adopted and
87 certified by the commissioner."
88 28. By renumbering the sections and correcting cross
89 references.

EXPLANATION

This amendment provides that the state building code provided in House File 6 will be a mandatory statewide minimum building code.

Filed *Feb 3/4*
February 24, 1971

By KELLY of Woodbury
District 22

HOUSE CLIP SHEET
Monday, February 22, 1971

HOUSE FILE 6

1 Amend House File 6 as follows:

- 2 1. Page 4, line 34, by inserting after the word
3 "code" the words "and shall not be subject to the
4 provisions of chapter seventeen A (17A) of the Code".
5 2. Page 5, by striking lines 2 through 4, and insert-
6 ing in lieu thereof the following:
7 "1. Provide uniform standards and requirements for
8 construction, construction materials, and equipment
9 through the adoption by reference of applicable national
10 specifications, published standards, and model buildings
11 codes where appropriate and providing exceptions when
12 necessary."
13 3. Page 5, line 5, by inserting after the word "Es-
14 tablish" the word "such".
15 4. Page 7, by striking lines 28 through 30, and
16 inserting in lieu thereof the following:
17 "5. The provisions of this section shall not apply
18 to any rule or regulation relating solely to the internal
19 operations of the office of the commissioner and
20 council."
21 5. Page 9, lines 21 and 22, by striking the following
22 words: "and at least one of the members shall be a
23 member of the building trades,".
24 6. Page 9, line 24, by inserting after the period
25 the following new sentence: "At least one of the mem-
26 bers shall be a journeyman member of the building
27 trades."
28 7. Page 12, by striking lines 10 through 18, and
29 inserting in lieu thereof the following:
30 "7. The decision of the board of review may be ap-
31 pealed to the advisory council by any party by filing
32 a petition with the advisory council at any time prior
33 to the effective date of such decision. The advisory
34 council shall consider all questions of fact and law
35 involved and issue its decision pertaining to the same
36 not later than ten days after receipt of the appeal.
37 Any party to the proceedings aggrieved by the decision
38 of the advisory council may, within ten days after
39 receipt of the decision, appeal the decision to the
40 district court."
41 8. Page 12, line 19, by striking the word "commis-
42 sioner" and inserting in lieu thereof the words "ad-
43 visory council".
44 9. Page 18, line 35, by striking the words "Such
45 code" and inserting in lieu thereof the following words:
46 "The state building code or any other code adopted".

Filed - Adopted 3/4
February 19, 1971

By COMMITTEE ON STATE GOVERNMENT
C. Raymond Fisher, Chairman

House 3
March 29, 1971

HOUSE FILE 6

- 1 Amend House File 6 as follows:
2 1. Page 4, by striking lines 16 through 18, inclusive.
3 2. Page 4, by striking lines 19 through 22, inclusive,
4 and inserting in lieu thereof the following:
5 "Sec. 5. STATE BUILDING CODE. The commissioner shall
6 prepare a model code relating to the construction of
7 buildings and structures, which shall include reasonable
8 provisions for the following:"
9 3. Page 4, by striking lines 33 and 34.
10 4. Page 5, by striking lines 22 through 35, inclusive,
11 and inserting in lieu thereof the following:
12 "Sec. 7. EFFECT AND APPLICATION. The code prepared by
13 the commissioner shall not apply to state buildings until
14 it has been adopted by the general assembly, but it may
15 be made applicable in each governmental subdivision if the
16 governing body thereof adopts a resolution accepting the
17 provisions of the code.
18 Sec. 8. PUBLIC HEARINGS. The commissioner shall hold
19 public hearings on the proposed text of the code as the
20 parts thereof are formulated. Notice of the hearings,
21 together with a brief general description of the provisions,
22 shall be provided by publication in at least five news-
23 papers of general circulation in the state and such other
24 means as the commissioner deems adequate. The notice shall
25 be given at least seven days prior to the hearings."
26 5. Page 6, by striking lines 1 through 35, inclusive.
27 6. Page 7, by striking lines 1 through 3, inclusive.
28 7. By renumbering the sections to conform to this
29 amendment.

Filed - *Withdrawn 3/29*
March 26, 1971

By SCHROEDER of Pottawattamie
D. [unclear]