

5 thereof has passed an inspection conducted by a public or private  
6 agency whose inspection standards and requirements are at least equal  
7 to those requirements and standards established by the commissioner  
8 under the provisions of this Act. The annual permit and inspection  
9 fees shall be paid before the commissioner may waive this require-  
10 ment.

1 SEC. 14. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Lee  
3 Town News, a newspaper published in Des Moines, Iowa, and in The  
4 Daily Gate City, a newspaper published in Keokuk, Iowa.

Approved April 20, 1972.

I hereby certify that the foregoing Act, House File 1001, was published in the Lee Town News, Des Moines, Iowa, May 4, 1972, and in The Daily Gate City, Keokuk, Iowa, May 5, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1030 STATE BUILDING CODE

### H. F. 6

AN ACT to establish a state building code, provide for its administration, provide for the setting of fees, and provide a penalty for violation of the code or orders issued thereunder.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **Establishment.** This Act shall be known as the "State  
2 Building Code Act".

1 SEC. 2. **Statement of policy.** It is found and declared that some  
2 governmental subdivisions do not have building codes and that the  
3 building codes which do exist in the governmental subdivisions of this  
4 state, as enacted and applied, are not uniform and impede the utiliza-  
5 tion of new and improved technology, techniques, methods, and mate-  
6 rials in the manufacture and construction of buildings and structures.

7 Therefore, it is the policy of the state of Iowa to insure the health,  
8 safety, and welfare of its citizens through the promulgation and en-  
9 forcement of a state building code.

1 SEC. 3. **Definitions.** As used in this Act, unless the context other-  
2 wise requires:

3 1. "Commissioner" means the state building code commissioner  
4 created by this Act.

5 2. "Council" means the state building code advisory council created  
6 by this Act.

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

9 4. "Governmental subdivision" means any city, town, county, or  
10 combination thereof.

11 5. "Building regulations" means any law, bylaw, rule, resolution,  
12 regulation, ordinance, or code or compilation enacted or adopted, by  
13 the state or any governmental subdivision, including departments,  
14 boards, bureaus, commissions or other agencies, relating to the con-  
15 struction, reconstruction, alteration, conversion, repair or use of  
16 buildings and installation of equipment therein. The term shall not  
17 include zoning ordinances or subdivision regulations.

18 6. "Local building regulations" means building regulations adopted  
19 by a governmental subdivision.

20 7. "Local building department" means an agency of any govern-  
21 mental subdivision charged with the administration, supervision, or  
22 enforcement of building regulations, approval of plans, inspection of  
23 buildings, or the issuance of permits, licenses, certificates and similar  
24 documents, prescribed or required by state or local building regula-  
25 tions.

26 8. "State agency" means a state department, board, bureau, com-  
27 mission, or agency of the state of Iowa.

28 9. "Building" means a combination of any materials, whether port-  
29 able or fixed, to form a structure affording facilities or shelter for  
30 persons, animals or property. The word "building" includes any part  
31 of a building unless the context clearly requires a different meaning.

32 10. "Structure" means that which is built or constructed, an edi-  
33 fice or building of any kind, or any piece of work artificially built up  
34 or composed of parts joined together in some definite manner except  
35 transmission and distribution structures of public utilities. The word  
36 "structure" includes any part of a structure unless the context clearly  
37 requires a different meaning.

38 11. "Equipment" means plumbing, heating, electrical, ventilating,  
39 conditioning, refrigerating equipment, elevators, dumb waiters, esca-  
40 lators, and other mechanical facilities or installations.

41 12. "Factory-built structure" means any structure which is, wholly  
42 or in substantial part, made, fabricated, formed, or assembled in man-  
43 ufacturing facilities for installation or assembly and installation, on  
44 a building site.

45 13. "Manufacture" is the process of making, fabricating, construct-  
46 ing, forming, or assembling a product from raw, unfinished, or semi-  
47 finished materials.

48 14. "Installation" means the assembly of factory-built structures  
49 on site and the process of affixing factory-built structures to land, a  
50 foundation, footings, or an existing building.

51 15. "Construction" means the construction, erection, reconstruc-  
52 tion, alteration, conversion, repair, equipping of buildings, structures  
53 or facilities, and requirements or standards relating to or affecting  
54 materials used in connection therewith, including provisions for safety  
55 and sanitary conditions.

56 16. "Owner" means the owner of the premises, a mortgagee or ven-  
57 dee in possession, an assignee of rents, or a receiver, executor, trust-  
58 tee, lessee or other person in control of a building or structure.

59 17. "State building code" or "code" means the state building code  
60 provided for in section seven (7) of this Act.

61 18. "Performance objective" establishes design and engineering  
62 criteria without reference to specific methods of construction.

1     **SEC. 4. Commissioner.** The director of the division of municipal  
2 affairs, in the office for planning and programming shall, in addition  
3 to his other duties, serve as the state building code commissioner, or  
4 may designate a building code commissioner.

1     **SEC. 5. Commissioner—duties.** The commissioner shall:

2     1. Employ the necessary staff and assistants, within the limit of  
3 available funds, to assist in carrying out the provisions of this Act.

4     2. Appoint necessary consultants and advisors to assist the com-  
5 missioner in carrying out the provisions of this Act.

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

11    4. Do all things necessary or desirable to further and effectuate  
12 the general purposes and specific objectives of this Act.

13    5. Administer and enforce the provisions of chapter one hundred  
14 four A (104A), Code 1971.

1     **SEC. 6. Merit system.** Employees of the commissioner shall,  
2 where required by federal statutes, be covered by the provisions of  
3 chapter nineteen A (19A), Code 1971.

1     **SEC. 7. State building code.** The state building code commissioner  
2 with the approval of the advisory council is hereby empowered and  
3 directed to formulate and adopt and from time to time amend or revise  
4 and to promulgate, in conformity with and subject to the conditions  
5 set forth in this Act, reasonable rules designed to establish minimum  
6 safeguards in the erection and construction of buildings and struc-  
7 tures, to protect the human beings who live and work in them from  
8 fire and other hazards, and to establish regulations to further protect  
9 the health, safety and welfare of the public.

10    The rules shall include reasonable provisions for the following:

11    1. The installation of equipment.

12    2. The standards or requirements for materials to be used in con-  
13 struction.

14    3. The manufacture and installation of factory-built structures.

15    4. Protection of the health, safety, and welfare of occupants and  
16 users.

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

20    These rules and regulations shall comprise and be known as the  
21 state building code and shall not be subject to the provisions of chap-  
22 ter seventeen A (17A) of the Code.

1     **SEC. 8. Standards.** The state building code shall as far as prac-  
2 tical:

3     1. Provide uniform standards and requirements for construction,  
4 construction materials, and equipment through the adoption by refer-  
5 ence of applicable national codes where appropriate and providing  
6 exceptions when necessary. The rules adopted shall include provi-  
7 sions imposing requirements reasonably consistent with or identical

8 to recognized and accepted standards contained in performance cri-  
9 teria as developed by nationally recognized model codes such as the  
10 model codes prepared by the Building Officials Conference of America,  
11 the International Conference of Building Officials, the Southern Build-  
12 ing Codes Congress, the National Fire Protection Association, the  
13 American National Standards Institute, the American Insurance Asso-  
14 ciation, the United States Department of Housing and Urban Devel-  
15 opment, the American Standards Association, and the International  
16 Association of Plumbing and Mechanical Officials.

17 2. Establish such standards and requirements in terms of perform-  
18 ance objectives.

19 3. Establish as the test of acceptability, adequate performance for  
20 the intended use.

21 4. Permit the use of modern technical methods, devices, and im-  
22 provements which tend to reduce the cost of construction without sub-  
23 stantially affecting reasonable requirements for the health, safety,  
24 and welfare of the occupants or users of buildings and structures.

25 5. Encourage the standardization of construction practices, meth-  
26 ods, equipment, material, and techniques.

27 6. Eliminate restrictive, obsolete, conflicting, and unnecessary reg-  
28 ulations and requirements which tend to unnecessarily increase con-  
29 struction costs or retard unnecessarily the use of new materials, or  
30 provide unwarranted preferential treatment to types or classes of  
31 materials or products or methods of construction.

1 SEC. 9. **Factory-built structures.** The state building code shall  
2 contain provisions relating to the manufacture and installation of fac-  
3 tory-built structures.

4 1. Factory-built structures manufactured in Iowa, after the effec-  
5 tive date of the code, shall be manufactured in accordance with the  
6 code, unless the commissioner determines the structure is manufac-  
7 tured for installation outside the state.

8 2. Factory-built structures manufactured outside the state of Iowa,  
9 after the effective date of the code, and brought into Iowa for installa-  
10 tion must, prior to installation, comply with the code.

11 3. Factory-built structures manufactured prior to the effective date  
12 of the code, which prior to that date have never been installed, must  
13 comply with the code prior to installation.

14 4. All factory-built structures, without regard to manufacture date,  
15 shall be installed in accordance with the code in the governmental  
16 subdivisions which have adopted the state building code or any other  
17 building code.

18 5. Factory-built structures required to comply with the code pro-  
19 visions on manufacture, shall not be modified in any way prior to or  
20 during installation, unless prior approval is obtained from the com-  
21 missioner.

22 6. The commissioner shall establish an insignia of approval and  
23 provide that factory-built structures required to comply with code  
24 provisions on manufacture bear an insignia of approval prior to in-  
25 stallation. The insignia may be issued for other factory-built struc-  
26 tures which meet code standards and which were manufactured prior  
27 to the effective date of the state building code.

28 7. The commissioner may contract with local government agencies

29 for enforcement of the code relating to manufacture of factory-built  
30 structures. Code provisions relating to installation of factory-built  
31 structures shall be enforced by the local building departments only  
32 in those governmental subdivisions which have adopted the state  
33 building code or any other building code.

1 **SEC. 10. Effect and application.**

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

4 2. The state building code shall be applicable:

5 a. To all buildings and structures owned by the state or an agency  
6 of the state.

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

9 3. Provisions of the state building code relating to the manufacture  
10 and installation of factory-built structures shall apply throughout the  
11 state. Factory-built structures approved by the commissioner shall  
12 be deemed to comply with all building regulations applicable to its  
13 manufacture and installation and shall be exempt from any local  
14 building regulations.

1 **SEC. 11. Rules—public hearing.**

2 1. After the formulation of any proposed rule or regulation, includ-  
3 ing any modification of an existing rule or regulation, the commis-  
4 sioner shall hold public hearings within the state and at reasonable  
5 hours. Notice of the hearings, together with a brief general descrip-  
6 tion of the proposed rules or regulations, shall be provided by publi-  
7 cation in at least five newspapers of general circulation within sep-  
8 arate geographic areas of this state and by any other means the com-  
9 missioner determines will afford adequate public notice. Public notice  
10 shall be given at least seven days prior to the hearings.

11 2. The text of any proposed rule or regulation shall be made avail-  
12 able for inspection at the office of the commissioner and shall be dis-  
13 tributed to the governmental subdivisions which have adopted the  
14 state building code, and to any other person who requests a copy.

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

17 4. Every rule or regulation shall, immediately after adoption, be  
18 certified by the commissioner and transmitted to the secretary of state  
19 for filing in his office and shall then become a part of the state build-  
20 ing code. Copies shall be sent by the commissioner to all govern-  
21 mental subdivisions which have adopted the state building code.

22 5. The provisions of this section shall not apply to any rule or reg-  
23 ulation relating solely to the internal operations of the office of the  
24 commissioner and council.

1 **SEC. 12. Adoption and withdrawal—procedure.**

2 The state building  
3 code shall be applicable in each governmental subdivision of the state  
4 in which the governing body has adopted or enacted a resolution or  
5 ordinance accepting the applicability of the code and shall have filed  
6 a certified copy of the resolution or ordinance in the office of the com-  
7 missioner and in the office of the secretary of state. The state build-  
8 ing code shall become effective in the governmental subdivision upon  
the date fixed by the governmental subdivision resolution or ordi-

9 nance, if the date is not more than six months after the date of adop-  
10 tion of the resolution or ordinance.

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

28 A governmental subdivision which has withdrawn from the appli-  
29 cation of the state building code may, at any time thereafter, restore  
30 the application of the code in the same manner as specified in this  
31 section.

1 **SEC. 13. Alternate materials and methods of construction.** The  
2 provisions of the state building code shall not prevent the use of any  
3 material or method of construction not specifically prescribed therein,  
4 provided any such alternate has been approved by the building code  
5 commissioner.

6 The commissioner may approve any alternate if he finds that the  
7 proper design is satisfactory and that the material, method, or work  
8 offered is, for the purpose intended, at least the equivalent of that  
9 prescribed in the state building code in quality, strength, effectiveness,  
10 fire resistance, durability, and safety.

11 The commissioner shall require that sufficient evidence or proof be  
12 submitted to substantiate any claim that may be made regarding alter-  
13 nate use.

1 **SEC. 14. Advisory council.** There is hereby established a seven  
2 member council to be known as the state building code advisory coun-  
3 cil. The council shall elect from its membership a chairman. The  
4 members of the council shall be appointed by the governor and shall  
5 hold office commencing July 1, 1972, for four years and until their  
6 successors are appointed, except that three initial appointees shall be  
7 appointed for two-year terms and four initial appointees shall be  
8 appointed for four-year terms. The members of the council shall be  
9 persons who are qualified by experience or training to provide a broad  
10 or specialized expertise on matters pertaining to building construc-  
11 tion. At least one of the members shall be a journeyman member of  
12 the building trades. Vacancies shall be filled in the same manner as  
13 the original appointments.

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

16 2. The council members shall, at the request of the commissioner,  
17 hold public hearings and perform such other functions as the com-  
18 missioner requests.

19 3. The council shall approve or disapprove the rules and regula-  
20 tions referred to in section seven (7) of this Act and shall approve  
21 or disapprove any alternate materials or methods of construction ap-  
22 proved by the commissioner as provided in section thirteen (13) of  
23 this Act. A majority vote of the council membership shall be re-  
24 quired for these functions.

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

29 5. Each member of the council shall receive per diem compensa-  
30 tion at the rate of forty dollars per day for each day spent in the per-  
31 formance of his duties, but not to exceed twenty-five hundred dollars  
32 per year. All members of the council shall receive necessary expenses  
33 incurred in the performance of their duties.

34 6. Four members of the council shall constitute a quorum. For  
35 the purpose of conducting business a majority vote of the council shall  
36 be required.

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

1 SEC. 15. Board of review. The commissioner shall establish a state  
2 building code board of review.

3 1. The board shall be composed of three members of the council.

4 2. Members of the board of review shall serve at the pleasure of  
5 the commissioner.

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

8 4. The commissioner may appoint alternate board members from  
9 the membership of the advisory council.

1 SEC. 16. Board of review—appeal. Any aggrieved person may  
2 appeal to the board for:

3 1. A reversal, modification, or annulment of any ruling, direction,  
4 determination, or order of any state agency or local building depart-  
5 ment affecting or relating to the construction of any building or struc-  
6 ture, the construction of which is pursuant or purports to be pursuant  
7 to the provisions of the state building code.

8 2. Review of the disapproval or failure to approve within sixty  
9 days after submission of:

10 a. An application for permission to construct pursuant to the code,  
11 or

12 b. Plans or specifications for construction pursuant to the code.

1 SEC. 17. Board of review—procedure. The board shall establish  
2 procedures pursuant to which an aggrieved person may appeal to the  
3 board.

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

6 a. The applicant.

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

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

- 9 2. Notice shall be by registered mail and shall:  
10 a. Name the applicant.  
11 b. State the time and place of the hearing.  
12 c. State the general nature of the appeal.  
13 3. The following may appear and be heard at an appeal hearing:  
14 a. The applicant, or his agent.  
15 b. The state agency or local building department involved.  
16 c. Any other person, at the board's discretion.  
17 4. The board, in hearings conducted under this section, shall not  
18 be bound by common law or statutory rules of evidence or by techni-  
19 cal or formal rules of procedure.  
20 5. Applications shall be decided promptly. In every case the board  
21 shall state generally the reason for its decision.  
22 6. The decision of the board shall state the date on which it takes  
23 effect, which shall be no earlier than five days subsequent to issuance  
24 of such decision, and a copy of the decision, duly certified by the  
25 chairman of the board, shall be filed in the office of the commissioner,  
26 and a copy shall be sent to the parties and any state agency or local  
27 building department affected.  
28 7. The decision of the board of review may be appealed to the ad-  
29 visory council by any party by filing a petition with the advisory  
30 council at any time prior to the effective date of such decision. The  
31 advisory council shall consider all questions of fact and law involved  
32 and issue its decision pertaining to the same not later than ten days  
33 after receipt of the appeal. Any party to the proceedings aggrieved  
34 by the decision of the advisory council may, within ten days after re-  
35 ceipt of the decision, appeal the decision to the district court.  
36 8. A record of all decisions of the board and advisory council shall  
37 be properly indexed and filed in the office of the commissioner, and  
38 shall be public records as defined in chapter sixty-eight A (68A) of  
39 the Code.  
40 9. The board may subpoena all of the papers and documents consti-  
41 tuting the record upon which the application for the use of alternate  
42 materials or methods of construction, modification, reversal, annul-  
43 ment, or review is based, and the state, county, or municipal officer  
44 in charge thereof shall, upon receipt of the subpoena, transmit the  
45 papers and documents to the board.  
46 10. All decisions of the board shall require the concurrence of at  
47 least two of its members.

1 **SEC. 18. Court proceedings.**

- 2 1. An appeal shall stay all proceedings on the matter appealed un-  
3 less there is a showing by the state agency or a local building depart-  
4 ment that a stay would involve imminent peril to life or property.  
5 2. No court shall entertain an action based on the state building  
6 code unless all administrative remedies have been exhausted, except:  
7 a. When the action is instituted by the state or a governmental sub-  
8 division; or  
9 b. When there is good cause for the failure to exhaust administra-  
10 tive remedies.  
11 3. Subject to subsection one (1) of this section, where the con-  
12 struction of a building or structure or use of a building is in violation  
13 of any code provision or lawful order of a local building department,



14 the district court may on petition order removal of the building, abate-  
15 ment as a public nuisance, or enjoin further construction.

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

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

1 SEC. 19. **Administration and enforcement.** The examination and  
2 approval or disapproval of plans and specifications, the issuance and  
3 revocation of building permits, licenses, certificates, and similar docu-  
4 ments, the inspection of buildings or structures, and the administra-  
5 tion and enforcement of building regulations shall be the responsibil-  
6 ity of the governmental subdivisions of the state and shall be adminis-  
7 tered and enforced in the manner prescribed by local law or ordi-  
8 nance. All provisions of law relating to the administration and en-  
9 forcement of local building regulations in any governmental subdivi-  
10 sion shall be applicable to the administration and enforcement of  
11 the state building code in the governmental subdivision. An applica-  
12 tion made to a local building department or to a state agency for per-  
13 mission to construct a building or structure pursuant to the provisions  
14 of the state building code shall, in addition to any other requirement,  
15 be signed by the owner or his authorized agent, and shall contain the  
16 address of the owner, and a statement that the application is made for  
17 permission to construct in accordance with the provisions of the code.

18 In aid of administration and enforcement of the state building code,  
19 and in addition to and not in limitation of powers vested in them by  
20 law, each governmental subdivision of the state may:

21 1. Examine and approve or disapprove plans and specifications for  
22 the construction of any building or structure, the construction of  
23 which is pursuant or purports to be pursuant to the provisions of the  
24 state building code, and to direct the inspection of buildings or struc-  
25 tures during the course of construction.

26 2. Require that the construction of any building or structure shall  
27 be in accordance with the applicable provisions of the state building  
28 code, subject, however, to the powers granted to the board of review  
29 in section sixteen (16) of this Act.

30 3. Order in writing any person to remedy any condition found to  
31 exist in, or about any building or structure in violation of the state  
32 building code. Orders may be served upon the owner or his author-  
33 ized agent personally or by certified mail at the address set forth in  
34 the application for permission to construct a building or structure.  
35 Any local building department may grant in writing such time as may  
36 be reasonably necessary for achieving compliance with an order.

37 4. Issue certificates of occupancy or use, permits, licenses, and other  
38 documents in connection with the construction of buildings or struc-  
39 tures as may be required by ordinance.

40 A certificate of occupancy or use for a building or structure con-  
41 structed in accordance with the provisions of the state building code  
42 shall certify that the building or structure conforms to the require-  
43 ments of the code. The certificate shall be in the form the govern-  
44 ing body of the governmental subdivision prescribes.

45 Every certificate of occupancy or use shall, until set aside or va-  
46 cated by the board of review, director, or a court of competent juris-  
47 diction, be binding and conclusive upon all state and local agencies,  
48 as to all matters set forth and no order, direction, or requirement at  
49 variance therewith shall be made or issued by any other state or  
50 local agency.

51 5. Make, amend, and repeal rules for the administration and en-  
52 forcement of the provisions of this section, and for the collection of  
53 reasonable fees in connection therewith.

54 6. Prohibit the commencement of construction until a permit has  
55 been issued by the local building department after a showing of com-  
56 pliance with the requirements of the applicable provisions of the state  
57 building code.

1 **SEC. 20. Permits—duty to issue.**

2 1. If the plans and specifications accompanying an application for  
3 permission to construct a building or structure fail to comply with  
4 the provisions of building regulations applicable to the governmental  
5 subdivision where the construction is planned, the state or govern-  
6 mental subdivision official charged with the duty shall nevertheless  
7 issue a permit, certificate, authorization, or other required document,  
8 as the case may be, for the construction, if the plans and specifications  
9 comply with the applicable provisions set forth in the state building  
10 code, whenever such code is operative in such governmental subdivi-  
11 sion.

12 2. Any building or structure constructed in conformance with the  
13 provisions of the state building code, shall be deemed to comply with  
14 all state, county, and municipal building regulations, and the owner,  
15 builder, architect, lessee, tenant, or their agents, or other interested  
16 person shall be entitled, upon a showing of compliance with the code,  
17 to demand and obtain, upon proper payment being made in appropri-  
18 ate cases, any permit, certificate, authorization, or other required docu-  
19 ment, the issuance of which is authorized pursuant to any state or  
20 local buildings or structure regulation, and it shall be the duty of the  
21 appropriate state or local officer having jurisdiction over the issuance  
22 to issue the permit, certificate, authorization, or other required docu-  
23 ment, as provided herein, whenever the code is operative in the gov-  
24 ernmental subdivision.

1 **SEC. 21. Penalty.**

2 1. Any person served with an order pursuant to the provisions of  
3 subsection three (3) of section nineteen (19) of this Act, who fails  
4 to comply with the order within thirty days after service or within  
5 the time fixed by the local building department for compliance, which-  
6 ever is longer, and any owner, builder, architect, tenant, contractor,  
7 subcontractor, construction superintendent or their agents, or any  
8 other person taking part or assisting in the construction or use of  
9 any building or structure who shall knowingly violate any of the ap-  
10 plicable provisions of the state building code or any lawful order of  
11 a local building department made thereunder, shall be punishable by  
12 a fine of not more than one hundred dollars, or thirty days in jail, or  
13 by both fine and imprisonment.

14 2. Violation of this Act shall not impose any disability upon or

15 affect or impair the credibility as a witness, or otherwise, of any per-  
16 son.

17 Violations of this section shall be misdemeanors, and municipal,  
18 police, or mayors' courts shall have exclusive jurisdiction to originally  
19 hear and determine charges of violations.

20 3. As an alternative to filing criminal charges as provided in this  
21 section, the commissioner may file a petition in the district court and  
22 obtain injunctive relief for any violation of this Act.

1 **SEC. 22. Construction of statute.**

2 1. Nothing in this Act shall be construed as prohibiting any gov-  
3 ernmental subdivision from adopting or enacting any building regu-  
4 lations relating to any building or structure within its limits, but a  
5 governmental subdivision in which the state building code has been  
6 accepted and is applicable shall not have the power to supersede, void,  
7 or repeal or make more restrictive any of the provisions of this Act  
8 or of the rules and regulations adopted by the commissioner.

9 2. Nothing in this Act shall be construed as abrogating or impair-  
10 ing the power of any governmental subdivision or local building de-  
11 partment to enforce the provisions of any building regulations, or  
12 the applicable provisions of the state building code, or to prevent vio-  
13 lations or punish violators except as otherwise expressly provided in  
14 this Act.

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

1 **SEC. 23. Chapter one hundred (100), Code 1971, is amended by**  
2 **adding the following new section:**

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

1 **SEC. 24. Chapter one hundred three (103), Code 1971, is amended**  
2 **by adding the following new section:**

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

1 **SEC. 25. Chapter one hundred thirty-five (135), Code 1971, is**  
2 **amended by adding the following new section:**

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

1 **SEC. 26. Chapter one hundred thirty-five B (135B), Code 1971, is**  
2 **amended by adding the following new section:**

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

1 **SEC. 27. Chapter one hundred thirty-five C (135C), Code 1971, is**  
2 **amended by adding the following new section:**

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

1 SEC. 28. Section one hundred sixty-seven point eleven (167.11),  
2 Code 1971, is amended by adding the following new paragraph:

3 "This section shall not apply where the state building code has  
4 been adopted or when the state building code applies throughout the  
5 state."

1 SEC. 29. Chapter one hundred seventy (170), Code 1971, is  
2 amended by adding the following new section:

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

1 SEC. 30. Section three hundred thirty-two point three (332.3),  
2 subsection twenty-two (22), Code 1971, is amended as follows:

3 22. ~~In counties having a population of over thirty thousand, to~~ To  
4 adopt a building code and to provide for the regulation and inspection  
5 of all construction, major repairs and remodeling, and the installation  
6 of electrical, heating, ventilating, air conditioning, and plumbing fix-  
7 tures, apparatus, and equipment and provide for the manner in which  
8 such regulations and inspection shall be determined, established and  
9 enforced, and from time to time amended, supplemented or changed.  
10 However, no such regulation shall become effective until after a  
11 public hearing in relation thereto at which parties in interest and  
12 citizens shall have an opportunity to be heard. At least fifteen days  
13 notice of the time and place of such hearing shall be published in a  
14 paper of general circulation in such county. Upon compliance with  
15 the provisions of this chapter, the regulation shall become effective,  
16 the provisions of any other statute to the contrary notwithstanding.  
17 The state building code or any other code adopted shall not be con-  
18 strued to apply within the limits of any incorporated city or town  
19 which has the power to adopt a building code under the provisions of  
20 section 368.9 or to farm houses or other farm buildings which are  
21 primarily adapted, by reason of nature and area, for use for agri-  
22 cultural purposes, while so used or while under construction for such  
23 use.

1 SEC. 31. Section three hundred sixty-six point seven (366.7), sub-  
2 section seven (7), Code 1971, is amended by adding the following new  
3 paragraph:

4 "Provisions of this section in conflict with the state building code  
5 shall not apply where the state building code has been adopted or  
6 when the state building code applies throughout the state."

1 SEC. 32. Chapter three hundred sixty-eight (368), Code 1971, is  
2 amended by adding the following new section:

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

1 SEC. 33. Chapter four hundred thirteen (413), Code 1971, is  
2 amended by adding the following new section:

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

1     **SEC. 34. Fees.** For the purpose of obtaining revenue to defray the  
 2 costs of administering the provisions of this Act, the commissioner  
 3 shall establish by rule and regulation a schedule of fees based upon  
 4 the costs of administration which fees shall be collected from per-  
 5 sons whose manufacture, installation or construction is subject to the  
 6 provisions of the state building code.  
 7     All fees collected by the commissioner shall be deposited in the  
 8 state treasury to the credit of the general fund.  
 9     All federal grants to and federal receipts of the office of state build-  
 10 ing code commissioner are appropriated for the purpose set forth in  
 11 the federal grants or receipts.

Approved April 21, 1972.

## CHAPTER 1031

### CIVIL RIGHTS OF PHYSICALLY AND MENTALLY HANDICAPPED PERSONS

S. F. 1148

AN ACT relating to the civil rights of physically and mentally handicapped persons.

*Be It Enacted by the General Assembly of the State of Iowa:*

1     **SECTION 1.** Section one hundred five A point two (105A.2), Code  
 2 1971, is amended by adding the following new subsection:  
 3     “‘Disability’ means the physical or mental condition of a person  
 4 which constitutes a substantial handicap. In reference to employ-  
 5 ment, under this chapter, ‘disability’ also means the physical or mental  
 6 condition of a person which constitutes a substantial handicap, but is  
 7 unrelated to such person’s ability to engage in a particular occupa-  
 8 tion.”

1     **SEC. 2.** Section one hundred five A point six (105A.6), subsection  
 2 one (1), paragraphs “a” and “b”, Code 1971, are amended to read as  
 3 follows:

- 4     a. To refuse or deny to any person because of race, creed, color,  
 5 sex, national origin, ~~or~~ religion, *or disability* the accommodations,  
 6 advantages, facilities, services, or privileges thereof, or otherwise to  
 7 discriminate against any person because of race, creed, color, sex, na-  
 8 tional origin, ~~or~~ religion, *or disability* in the furnishing of such ac-  
 9 commodations, advantages, facilities, services, or privileges.  
 10     b. To directly or indirectly advertise or in any other manner indi-  
 11 cate or publicize that the patronage of persons of any particular race,  
 12 creed, color, sex, national origin, ~~or~~ religion, *or disability* is unwel-  
 13 come, objectionable, not acceptable, or not solicited.

1     **SEC. 3.** Section one hundred five A point seven (105A.7), subsec-  
 2 tion one (1), Code 1971, is amended to read as follows:

- 3     1. It shall be an unfair or discriminatory practice for any:  
 4     a. Person to refuse to hire, accept, register, classify, or refer for  
 5 employment, to discharge any employee, or to otherwise discriminate  
 6 in employment against any applicant for employment or any employee