

## CHAPTER 160

### BUILDING CODE

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**160.01 INTERNATIONAL BUILDING CODE ADOPTED.** Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Building Code of the City that certain Building Code known as the *International Building Code, 2018 Edition and International Residential Code, 2018 Edition*, First Printings, as prepared and edited by the International Code Council, Inc. and the provisions of said Building Code shall be controlling in the construction of buildings and other structures and in all matters covered by said Building Code within the corporate limits of the City and shall be known as the Marion Building Code.

**160.02 AMENDMENTS TO THE BUILDING CODE.** Certain sections and portions of sections of the *International Building Code, 2018 Edition and International Residential Code, 2018 Edition*, are hereby amended, deleted, modified or added to as more specifically set forth in the following sections of this chapter.

**160.03 NAME OF JURISDICTION.** The Marion Building Code is hereby amended by inserting “City of Marion” as the name of jurisdiction into Section 101.1 of the *International Building Code, 2018 Edition*, and Section R101.1 of the *International Residential Code, 2018 Edition*.

**160.04 WORK EXEMPT FROM PERMIT. IBC DECKS** The Marion Building Code is hereby amended by adding a new numbered item to Section 105.2 of the *International Building Code, 2018 Edition*, as follows:

**Building:**

14. Unenclosed residential dwelling unit platforms or decks not more than 30 inches above adjoining grade and not over any basement or story and not supporting a roof or unusual loads.

**160.05 WORK EXEMPT FROM PERMIT. IRC SHEDS** The Marion Building Code is hereby amended by repealing Section R105.2 Building: Exception #1 of the *International Residential Code, 2018 Edition*, and by replacing said Exception with new Exception, as follows:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.

**160.06 WORK EXEMPT FROM PERMIT. IRC DECKS** The Marion Building Code is hereby amended by repealing Section R105.2 Building: Exception #10 of the *International Residential Code, 2018 Edition*, and by replacing said Exception with new Exception, as follows:

**Building:**

10. Unenclosed platforms or decks not more than 30 inches above adjoining grade and not over any basement or story and not supporting a roof or unusual loads.

**160.07 EXPIRATION.** The Marion Building Code is hereby amended by adding a new Section 105.5.1 to the *International Building Code, 2018 Edition and International Residential Code, 2018 Edition*, as follows:

- 105.5.1 EXPIRATION. Every building permit issued under the provisions of the Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as set forth in Table 1-A SCHEDULE OF FEES as adopted by resolution of the Marion City Council, and provided no changes have been made in plans or location. No permit shall be renewed more than once.

**160.08 SCHEDULE OF PERMIT FEES.** The Marion Building Code is hereby amended by repealing Section 109.2 of the *International Building Code, 2018 Edition* and Section R108.2 of the *International Residential Code, 2018 Edition*, and by replacing said sections with a new section as follows:

- 108.2 **Schedule of Permit Fees.** On buildings, structures or alterations requiring a permit, a fee for each permit shall be paid as set forth in Table 1-A SCHEDULE OF FEES as adopted by resolution.

**160.09 VALUATION.** The Marion Building Code is hereby amended by adding a new Section 109.3.1 to the *International Building Code, 2018 Edition* and Section R108.3.1 to the *International Residential Code, 2018 Edition*, as follows:

108.3.1 **Valuation.** Valuation for the purpose of establishing permit fees for new construction, additions or alterations to existing buildings shall be determined by the Building Official from the MARION VALUATION SHEET as adopted by resolution of the City of Marion City Council.

**160.10 RE-INSPECTION FEES.** The Marion Building Code is hereby amended by adding a new Section 109.7 to the *International Building Code, 2018 Edition* and Section R108.7 to the *International Residential Code, 2018 Edition*, as follows:

108.7 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection card is not posted or otherwise available on the work site, the property and building address are not properly posted, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

**160.11 CERTIFICATE OF OCCUPANCY.** The Marion Building Code is hereby amended by repealing Section 111.2 Number (3) of the *International Building Code, 2018 Edition* and Section R110.3 Number (3) of the *International Residential Code, 2018 Edition* and leaving said section numbers (3) blank.

**160.12 BOARD OF APPEALS.** The Marion Building Code is hereby amended by repealing Section 113.1 from the *International Building Code, 2018 Edition* and Section R112.1 of the *International Residential Code, 2018 Edition*, and by replacing said Sections with new Sections as follows:

113.1/R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals, consisting of The members of the Construction Codes Review Board as established in City of Marion Code of Ordinances Section 30.05. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board.

The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall hold a regular meeting on the fourth Tuesday of each month, unless there are no appeals or business on file for a hearing.

Nominal appeal fee to the Board of Appeals shall be paid as set forth in Table 1-A SCHEDULE OF FEES as adopted by resolution of the City Council. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

**160.13 VIOLATIONS AND PENALTIES.** The Marion Building Code is hereby amended by repealing Section 114.4 of the *International Building Code, 2018 Edition*, and Section R113.4 of the *International Residential Code, 2018 Edition*, and by replacing said Sections with new Sections, as follows:

114.4/R113.4 VIOLATIONS AND PENALTIES. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this Code is committed, continued, or permitted and upon conviction of any such violations such person shall be punished in a manner provided in Chapter 4 of the Code of Ordinances.

**160.14 TOWNHOUSE.** The Marion Building Code is hereby amended by repealing the definition of Townhouse in Section 202 of the *International Building Code, 2018 Edition*, and *International Residential Code, 2018 Edition* and inserting in lieu thereof the following:

**TOWNHOUSE.** A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

**160.15 DESIGN CRITERIA.** The Marion Building Code is hereby amended by inserting climate and geographical design criteria into Table R301.2(1) of the *International Residential Code, 2018 Edition* as follows:

**160.16 EXTERIOR WALLS.** The Marion Building Code is hereby amended by repealing

Ground Snow Load	Wind Speed Mph	Topo. Special Wind Debris	Seismic Design Category	Subject To Damage From				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards		Air Freezing Index	Mean Annual Temp
				Weathering	Frost Line Depth	Termite	Decay			NFIP Adoption	FIRM Maps		
30 PSF	115	NO	A	Severe	42"	Moderate-Heavy	Slight-Moderate	-5 F	YES	1982	7/5/82	1784	48.9

Sections R302.1 Exception 2. of the *International Residential Code, 2018 Edition* and by replacing said Exception with a new Exception 2. as follows:

Exception 2. Fire separation distance based on an imaginary line between two buildings on the same lot shall not apply to walls separating dwellings from their accessory structures.

**160.17 TWO-FAMILY DWELLINGS.** The Marion Building Code is hereby amended by repealing Section R302.3 of the *International Residential Code, 2018 Edition* and by replacing said section with a new Section R302.3 as follows:

R302.3 **Two-family dwellings.** Dwelling units in two-family dwellings shall be considered as townhouses and shall be separated from each other with wall assemblies in compliance with Section R302.2 or shall be constructed as a two-unit dwelling in compliance with the International Building Code.

Exception: Wall assemblies separating two-unit townhouses need not extend through attic spaces when the ceiling is protected by not less than 5/8 inch Type X gypsum board and an attic draft stop constructed as specified in Section R302.12.1 is provided above and along the wall assembly separating dwellings. The structural framing supporting the ceiling shall also be protected by not less than 1/2 inch gypsum board or equivalent.

**160.18 OPENING PROTECTION.** The Marion Building Code is hereby amended by repealing Sections R302.5.1 of the *International Residential Code, 2018 Edition* and by replacing said section with a new Section R302.5.1 as follows:

R302.5.1 **Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches thick, or 20-minute fire-rated doors.

**160.19 FIRE PROTECTION OF FLOORS.** The Marion Building Code is hereby amended by repealing Section R302.13 of the *International Residential Code, 2018 Edition* and leaving said section blank.

**160.20 GLAZING ADJACENT TO DOORS.** The Marion Building Code is hereby amended by repealing Section R308.4.3 of the *International Residential Code, 2018 Edition* and by replacing said section with a new Section R308.4.3 as follows:

R308.4.3 **Glazing adjacent to doors.** Glazing in an individual fixed or operable panel adjacent to a door where the nearest vertical edge of the glazing is within a 24 inch arc of either vertical edge of the door in a closed position and where the

bottom exposed edge of the glazing is less than 60 inches above the floor or walking surface shall be considered to be a hazardous location.

Exceptions:

1. Decorative glazing.
2. Where there is an intervening wall or other permanent barrier between the door and the glazing.
3. Where access through the door is to a closet or storage area 3 feet or less in depth. Glazing in this application shall comply with Section R308.4.3.
4. Glazing that is adjacent to the fixed panel of patio doors.

**160.21 REPEAL OF SECTION (WINDOW SILLS).** The Marion Building Code is hereby amended by repealing Section 1015.8 of the *International Building Code, 2018 Edition* and Section R312.2.1 of the *International Residential Code, 2018 Edition*, and leaving said sections blank.

**160.22 AUTOMATIC FIRE SPRINKLER SYSTEMS.** The Marion Building Code is hereby amended by repealing Section R313 of the *International Residential Code, 2018 Edition*, and by replacing said section with a new section as follows:

### **SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS**

**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed throughout all attached townhouse dwelling units when any of the following conditions exist:

1. The townhouses are constructed in a group of more than four attached units.
2. Any individual townhouse dwelling unit of a structure with four or fewer attached townhouses has a floor area greater than 4000 square feet on any one story or greater than 8,000 square feet of total floor area for all stories, excluding non-habitable areas separated from the rest of the building by a minimum of one-hour fire-resistive construction and containing smoke or heat detection interconnected with the dwelling unit smoke alarms.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904.

**R313.2 One and two-family dwellings automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in one and two-family dwellings when the following conditions exist:

1. The one or two-family dwelling has a floor area greater than 4000 square feet on any one story or greater than 8000 square feet of total floor area for all

stories, excluding non-habitable areas separated from the rest of the building by a minimum of one-hour fire-resistive construction and containing smoke or heat detection interconnected with the dwelling unit smoke alarms.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing one- and two-family dwellings that do not have an automatic residential fire sprinkler system installed.

**R313.2.1 Design and installation.** Automatic residential fire sprinkler systems for one-and two-family dwellings shall be designed and installed in accordance with Section P2904.

**R313.3 Alternative Methods.** Maximum floor area square footages of Sections R313.1 and R313.2 may be increased by 25% for buildings or floors containing more than one egress door as specified in Section R311.2 or more than one vertical egress as specified in Section R311.4 or other approved alternate methods of building occupant egress enhancement.

**160.23 SMOKE ALARMS.** The Marion Building Code is hereby amended by repealing Sections R314 of the *International Residential Code, 2018 Edition* and by replacing said section with a new Section R314 as follows:

#### **SECTION R314 SMOKE ALARMS**

**R314.1 Smoke detection and notification.** Smoke alarms shall be listed and labeled in accordance with UL 217 and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

**R314.2 Smoke detection systems.** Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification devices installed as required by this section for smoke alarms, shall be permitted.

**R314.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each story of the dwelling including basements.

**R314.3.1 Alterations, repairs and additions.** When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the dwelling unit shall be equipped with smoke alarms in locations as required in R314.3 for new dwellings.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of an open porch or deck, are exempt from the requirements of this section.

2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

**R314.4 Power source.** Smoke alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exception: Hard wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring without the removal of interior finishes.

**R314.5 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of any one alarm.

Exception: Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without removal of interior finishes.

**160.24 SWIMMING POOL DRAINAGE SYSTEMS.** The Marion Building Code is hereby amended by adding a new Section R326.1.1 to the *International Residential Code, 2018 Edition*, as follows:

**R326.1.1 Swimming pool drainage discharge.** Swimming pools shall be designed and constructed so as to provide for appropriate drainage of water resulting from overflowing, draining, and maintenance operations. The site plan for a proposed swimming pool shall indicate where pool drainage is to be directed in such a manner that:

- (A) Swimming pool drainage water shall be directed away from any structure foundation.
- (B) Ponding of surface water shall be avoided
- (C) Swimming pool drainage water shall whenever possible be directed to available drainage tile or storm sewer systems.
- (D) Surface water shall not be discharged to any adjacent private property except upon drainage easements or established waterways shall not be altered so that upstream water flow is adversely affected.
- (E) Water flow shall be controlled to avoid excessive volume or velocity which could cause soil erosion or create other possible hazards.



**160.25 CHIMNEY ENCLOSURES.** The Marion Building Code is hereby amended by adding a new Section 429 to the *International Building Code, 2018 Edition* and Section R328 to the *International Residential Code, 2018 Edition*, respectively as follows:

429/R328 CHIMNEY ENCLOSURES. All enclosed chimneys serving solid fuel burning fireplaces and appliances shall be separated from the structure to which they are attached by installation of materials approved for one-hour fire resistive construction on the chimney side of the enclosure. The separation shall extend from the base of the appliance to the outer roofline.

**160.26 REPEAL OF SECTION – LIGHTING SYSTEMS.** The Marion Building Code is hereby amended by repealing Section N1104.1 of the *International Residential Code, 2018 Edition* and leaving said section blank.

**160.27 INCIDENTAL USES AREA LIMITATIONS.** The Marion Building Code is hereby amended by repealing Section 509.3 of the *International Building Code, 2018 Edition* and leaving said section blank.

**160.28 NFPA 13R SPRINKLER SYSTEMS.** The Marion Building Code is hereby amended by repealing Section 903.3.1.2 of the *International Building Code, 2018 Edition*, and by replacing said section with a new section as follows:

**903.3.1.2 NFPA 13R Sprinkler Systems.** Automatic sprinkler systems in Group R occupancies of twelve or fewer dwelling units or twelve or fewer sleeping rooms and up to and including four stories in height in buildings not exceeding 60 feet in height above grade plane, are permitted to be installed throughout in accordance with NFPA 13R.

The number of stories of Group R occupancies constructed in accordance with sections 510.2 and 510.4 shall be measured from the horizontal assembly creating separate buildings.

**160.29 FIRE ALARMS GROUP R-2.** The Marion Building Code is hereby amended by repealing Section 907.2.9.1 of the *International Building Code, 2018 Edition*, and by replacing said section with a new section as follows:

**907.2.9.1 Group R-2.** A fire alarm system shall be installed in Group R-2 occupancies where:

1. Any dwelling unit is located three or more stories above the lowest level of exit discharge;
2. Any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit;
3. The building contains 12 or more dwelling units; or
4. Any dwelling unit, or portion thereof, is located more than one story above any other dwelling unit in the same building.

**Exceptions:**

1. A fire alarm system is not required in buildings not over two stories in height where all dwelling units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit has an exit directly to a public way, exit court or yard.
2. A separate fire alarm system is not required in buildings that are equipped throughout with an approved, supervised automatic sprinkler system installed in accordance with Section 903.3.1.1 or Section 903.3.1.2 and which have a local alarm that meets the notification requirements of Section 907.5.2.1.

For purposes of this section, firewalls shall not define separate buildings.

**160.30 REPEAL OF EXCEPTION (“THIS DOOR TO REMAIN UNLOCKED”).** The Marion Building Code is hereby amended by deleting Section 1010.1.9.4, item 2. of the *International Building Code, 2018 Edition* and leaving said item blank.

**160.31 FUEL GAS PIPING.** The Marion Building Code is hereby amended by repealing Sections G2415.3 of the *International Residential Code, 2018 Edition* and by replacing said section with a new Section G2415.3 as follows:

**G2415.3 Prohibited Locations.** Piping shall not be installed in or through a duct supply, return or exhaust, or a clothes chute, chimney or gas vent, dumbwaiter or elevator shaft.

**160.32 EXCEPTION (BACKWATER VALVE).** The Marion Building Code is hereby amended by adding a new exception to Section P3008.1 of the *International Residential Code, 2018 Edition*, as follows:

EXCEPTION: The requirements of this Section shall apply only at locations determined necessary by the City Engineer based on local conditions.

**160.33 FROST CLOSURE.** The Marion Building Code is hereby amended by deleting Section P3103.2 from the *International Residential Code, 2018 Edition*, and inserting in lieu thereof the following:

**P3103.2 Frost Closure.** Where the 97.5-percent value for outside design temperature is 0°F or less, every vent extension through a roof or wall shall be not less than 3 inches in diameter. Any increase in the size of the vent shall be made inside the structure at a point not less than 1 foot below the roof or inside the wall.

**160.34 SLAB ON GRADE FOUNDATIONS.** The Marion Building Code is hereby amended by adding a new Exception (4) to Section 1809.5 of the *International Building Code, 2018 Edition* and new exception (5) to Section R403.1.4.1 of the *International Residential Code, 2018 Edition*, respectively, as follows:

Exception:

- 4/5 Slab-on-Grade Foundations. The Building Official may approve slab-on-grade foundation designs for wood or metal frame, detached buildings of Group U Occupancy or accessory to buildings constructed under the provisions of the *International Residential Code* and 1250 square feet in floor

area or less, without additional engineering, providing the design meets all of the following:

1. Foundations supporting wood shall extend at least six inches above the adjacent finish grade.
2. The entire perimeter of the foundation shall be provided with a thickened portion of slab with cross section dimensions of 10 inches minimum width and 10 inches minimum thickness.
3. The slab floor shall be a minimum of 4 inches thick concrete with 6" x 6" reinforcing mesh or #4 reinforcing bars 24" on center front-to-back and side-to-side.
4. Slab floor and thickened edge shall be one continuous pour, interconnected with reinforcing.
5. Vertical distance from the top of the foundation floor to the lowest point of the footing base shall not be more than 24 inches.

**160.35 FOUNDATION DRAINAGE SYSTEMS.** The Marion Building Code is hereby amended by repealing Section 1805.4.3 of the *International Building Code, 2018 Edition* and by replacing said section with a new Section 1805.4.3 and by adding a new Section R401.3.1 to the *International Residential Code, 2018 Edition*, as follows:

1805.4.3/R401.3.1 **Drainage discharge.** The floor base and foundation perimeter drain shall discharge by gravity or mechanical means into an approved drainage system that complies with the following:

- (A) At least one sump pit located inside building. Exception: Sump pit/s may be omitted if drainage tile can be designed with natural fall and drain on the same property if approved by the City Engineer.
- (B) For each required sump pit installed, a pump discharge pipe shall be provided running continuous from a point directly outside the sump pit to the City storm sewer or other approved discharge location.
- (C) Pump discharge pipe shall be installed as per the requirements of the City of Marion Plumbing Code with connections to City storm sewer as per City of Marion Engineering Specifications.
- (D) Installation of sump pump if one is found by the Building Official to be necessary. It shall be equipped to automatically provide for discharge of sump pit water outside the basement wall and above grade and/or approved by the City Engineer.

FPN: A sump pump will be considered to be necessary if water inside the sump pit will not recede to a level four inches or more below the lowest basement floor surface by gravity or absorption into the earth within a reasonable period of time.

- (E) Where ground water conditions warrant, the Building Official may require additional drain tile and/or sump pits as he/she deems necessary.

Final graded lots shall comply with the grading plan and any terms of the memorandum of agreement for the approved subdivision.

**160.36 CODE ON FILE.** An official copy of the Marion Building Code hereby adopted, including a certificate by the Clerk as to its adoption and the effective date thereof, shall be on file in the Office of the Clerk in City Hall and shall be kept there on file, and copies shall be available for public inspection. Copies of this chapter shall be available in the Building Department Office. A copy of the Marion Building Code hereby adopted shall also be placed in the collection of the Marion Public Library for public reference.

**160.37 CONDOMINIUM CONVERSIONS.** No person shall record in the office of the Linn County Recorder, a condominium conversion relating to property within the corporate limits of the City of Marion, without first complying with the provisions of Section 499B.3 of the Iowa Code and having satisfactorily corrected any deficiency noted in the city inspection and having received a certificate of compliance.

For the purposes of condominium conversion, structures completed prior to the date of adoption of this Code, and thereafter converted to a horizontal property regime (condominium) are not required to be updated to comply with the building code in effect at the time of the conversion, except the following building code provisions shall be complied with:

1. Fire Protection Systems
2. Means of Egress
3. Structural and Life-Safety concerns specifically noted

The Building Official may waive compliance with any or all of the above exceptions where he determines compliance to be unduly burdensome or not practical or reasonable given the nature of the structure.

*(Ch. 160 - Ord. 18-11 – Aug. 18 Supp.)*