

TITLE V PROPERTY AND LAND USE

CHAPTER 1 BUILDING CODE

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5-1-1 **PURPOSE**

An ordinance regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings and/or structures in the unincorporated areas of Bremer County, Iowa, to provide minimum standards to safeguard life or limb, health, property and public welfare.

5-1-2 **TITLE**

Building Code – Except as herein after added to, deleted, modified or amended, there is hereby adopted as the Building Code of Bremer County, Iowa, that certain Building Code known as the,

International Building Code 2018 edition (herein after known as the IBC)

International Residential Building Code 2018 edition (herein after known as the IRC)

International Plumbing Code 2018 edition (herein after known as the IPC)

International Mechanical Code 2018 edition (herein after known as the IMC)

International Fire Code 2018 edition (herein after known as the IFC)

International Fuel Gas Code 2018 edition (herein after known as the IFGC)

International Existing Building Code 2018 edition (herein after known as the IEBC),

ALL as published by the International Code Council, Inc. in cooperation with International Conference of Building Officials of Whittier, California and the,

National Electric Code 2017 edition (herein after known as the NEC) as published by National Fire Protection Association.

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 unincorporated area of Bremer County, Iowa, and shall be known as the Bremer County Building Code. The appendices are approved for reference only.

5-1-3 TRANSITION PERIOD

1. A construction project that is subject to the provisions of any rule contained in this code may comply with the requirements established either in the edition of the codes adopted herein or the requirements established in the edition of the same code previously in effect if the project is commenced no later than 120 days after the effective date of this code. For this provision to become applicable the submitter must have obtained signed contracts for the project prior to the effective date of this code and provide documentation to this effect to the Building Department.

5-1-4 PERMIT FEES, EXEMPTION FROM PERMIT

1. Fees pertaining to permits and actions required by this Ordinance shall be in accordance with the schedule of fees, as determined and adopted by resolution of the Bremer County Board of Supervisors. A copy of the schedule of fees shall be on file in the office of the Building Official. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation fee in an amount equal to the permit fee or \$250.00, whichever is higher, shall be collected whether or not a permit is subsequently issued.

2. Work Exempt From Permit-

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Permits shall not be required for the following:

Building:

- a. 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.
- b. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

- d. Sidewalks and driveways.
- e. Painting, papering, tiling, carpeting, and similar finish work.
- f. Prefabricated swimming pools that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
- g. Swings and other playground equipment.
- h. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- i. Replacement of storm doors, entrance doors and garage doors provided the size of the opening remains unchanged.

Electrical:

- a. Listed cord-and-plug connected temporary decorative lighting.
- b. Replacement of switches, receptacles and lighting fixtures to existing branch circuits.
- c. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
- d. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- e. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved, permanently installed receptacles.

Gas:

- a. Portable heating, cooking or clothes drying appliances.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- c. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

- a. Portable heating appliances.
- b. Portable ventilation appliances.
- c. Portable cooling units.

- d. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
- e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- f. Portable evaporative coolers
- g. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
- h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

- a. The stopping of leaks in drains, water, soil, waste or vent pipe, provided however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

5-1-5 BOARD OF APPEALS

In order to hear and decide appeals concerning the suitability of alternate materials and methods of construction and to hear and decide appeals of determinations made by the Building Official or designated representative concerning interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of nine (9) members whose place of business, residence, or work is located in the jurisdictions served by the Bremer County, Iowa Building Department, and who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official or designee shall be an ex-officio member and shall act as Secretary of the Board of Appeals involving this Code. The Board of Appeals shall be appointed by the Bremer County Board of Supervisors and the Mayors of Denver, Dunkerton, Readlyn, Janesville, Waverly & Tripoli. Each jurisdiction shall appoint one member with the exception of Bremer County and Waverly, who shall appoint two (2). The present Board members shall serve the remainder of their appointed terms or until their successors are duly appointed and qualified. All successive appointments or reappointments shall be for five-year terms. 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. The Board shall have no authority to waive requirements of this Code.

5-1-6 BONDING AND INSURANCE

1. General Contractor Insurance. No person, firm or corporation shall engage in the business of general contracting in Bremer County without first supplying Bremer County Building Department with a certificate of liability insurance with minimum liability limits of \$50,000. No insurance shall be required for the following described work:
 - a. Homeowners (owner/occupants) qualifying for the Homestead Tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures.

5-1-7 ELECTRICAL LICENSES

1. Licensing and Permit Acquisition. No person, firm or corporation shall engage in the business of Electrical contracting in Bremer County without first supplying the Bremer County Building Department with a Certificate of Liability Insurance with minimum liability limits of \$50,000, and supplying the Building Department with a copy of their electrical license and the electrical license of any and all employees employed by the contractor, firm or corporation for a wage or salary issued by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103.
 - a. Electrical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103. A responsible person or an electrician licensed by the State of Iowa Electrical Examining board as a "Master A or B" may sign and obtain a permit for the contractor for which they are employed only when said responsible person or "Master A or B" has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.
 - b. A State of Iowa licensed electrical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed electrical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 103 shall perform the work for which the permit was obtained.
 - c. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, state of Iowa licensing or other such documents.

- d. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.
- e. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for electrical work, not to include dwelling service upgrade, replacement or the construction of new single family dwellings pursuant to Iowa code Chapter 103.22.
- f. Annual Permits. An industrial plant may apply for an annual permit to perform electrical work, for the maintenance and repair of electrical equipment, provided that the following requirements are satisfied:
 - 1. The work must be performed on the premises of the industrial plant for the exclusive use of such plant.
 - 2. The work must be performed by at least one Licensed Journeyman Electrician; and all other persons employed by the firm to perform electrical work must be under the direct supervision of the Journeyman Electrician, all of whom shall possess a valid license as issued by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103.
 - 3. The work performed under the annual permit shall not include the installation of electrical power or distribution equipment to a new structure or extension to an existing structure.

5-1-8 PLUMBING LICENSES

- 1. Licensing and permit acquisition. No person, firm or corporation shall engage in the business of Plumbing or HVAC contracting in Bremer County without first supplying the Bremer County Building Department with a Certificate of Liability Insurance with minimum liability limits of \$50,000, and supplying the Bremer County Building Department with a copy of their Plumbing and HVAC license and the license of any and all employees employed by the contractor, firm or corporation for a wage or salary issued by the State of Iowa Plumbing and Mechanical Systems Board.
 - a. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board. A plumber licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which they are employed only when said "Master" has provided proof of employment by said licensed contractor. Any

permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

- b. A State of Iowa licensed plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed plumbing contractor has secured such a permit, only the employees of such contractor shall perform the work for which the permit was obtained.
- c. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, state of Iowa licensing, or other such documents.
- d. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.
- e. Homeowners (owner/occupants) qualifying for the Homestead Tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for plumbing work, not to include connection within the public right-of-way to the public main of sewer, water and storm lines, or any private on site wastewater treatment system.

5-1-9 MOVED BUILDINGS AND TEMPORARY BUILDINGS

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permits from the Building Official or issuing authority for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistance or time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

5-1-10 UNSAFE BUILDINGS

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in

accordance with procedures provided by local or state law. The Building Official is authorized to exercise emergency measures to protect the health, safety and public welfare of the community by certain procedures as follows:

1. Inspect the building and surrounding premises to determine the extent of dilapidation, damage, obsolesce, fire hazard and risk as an attractive nuisance.
2. Inform the owner or owner's agent of the unsafe, dangerous or hazardous condition which causes such building to be unsafe or an attractive nuisance.
3. Inform the owner or owner's agent of the applicable provisions of the Building Code and demand a commitment regarding a time schedule and manner of compliance with said Code.
4. Order the prompt boarding up of the windows, doors, and other openings of unsafe or vacant buildings to prevent unauthorized access or the perpetuation of an attractive nuisance during the time which is necessary to gain compliance with the Building Code.
5. Order the disconnection of any electricity supply to a building or structure when it is ascertained that the equipment or any portion thereof has become hazardous or unsafe.
6. Upon the failure of the owner or the owner's agent to comply with the order to close, board up and secure an unsafe building within a twenty-four (24) hour time period after receiving such order, the Building Official may cause the openings boarded up and secured, or the premises barricaded and fenced, and the unsafe conditions abated, with the cost of such construction, barricading, fencing and abatement to be assessed against the property.

5-1-11 UNSAFE APPENDAGES

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in this Code, are hereby designated unsafe and as such are public nuisances and shall be abated in accordance with the local or state laws governing.

5-1-12 FLOOD PLAIN

All references to construction standards in the flood plain found in the IBC & IRC shall be referred to those standards as adopted in state and local ordinances.

5-1-13 INTERNATIONAL BUILDING CODE

The I.B.C. shall be adopted in its entirety except for the following:

1. Section 101.4.4 Property Maintenance: Delete reference to International Property Maintenance Code and insert in lieu thereof the following:

2018 International Building Code.
2. Section 105.2, Work exempt from a permit. Delete the section. Refer to section 5-1-4 (2) this ordinance.
3. Section 113, Board of Appeals – Delete section. Reference 5-1-5
4. Delete Chapter 13 Energy Efficiency and insert in lieu thereof International Energy Conservation Code, as adopted by the State of Iowa and any subsequent amendments thereto.
5. Delete Section 1608.2 and insert in lieu thereof the following:

Ground Snow Load. The ground snow load to be used in determining the design snow load for roofs is hereby established at 35 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.
6. Chapter 27, Electrical – Delete chapter. Reference 2017 National Electrical Code.
7. Appendix Chapter's A, B, C, D, E, F, G, H, I, J, K, L, M and N are for reference only.

5-1-14 INTERNATIONAL RESIDENTIAL CODE

The I.R.C. shall be adopted in its entirety except for the following:

1. Section R105.2 Work Exempt From Permit – Delete the section. Refer to Section 5-1-4 (2) of this ordinance.
2. Section R112 Board of Appeals. Delete section. Reference 5-1-5
3. Table R301.2(1), shall read as follows:
 - a. Ground Snow Load -- 35 PSF
 - b. Wind Speed—115 MPH (3 second gust)
 - c. Topographic effect --No
 - d. Seismic Design Category—A
 - e. Subject to Weathering Damage From, Weathering (Severe), Frost line depth (42”), Termite (slight to moderate)
 - f. Winter Design Temperature -- -10 degrees

- g. Ice Barrier Underlayment Required –Yes
 - h. Flood Hazards—FIRM dated 03/04/08
 - i. Air Freezing Index—2500
 - j. Mean Annual Temp—45 degrees
4. Table R 302.1. (1) Amend by changing the fire-resistance rating of projections to 0-hours in lieu of 1-hour on the underside.
 5. Delete Section R 302.2.2 Common Walls.
 6. Delete Section R302.3& exceptions and insert a new section R302.3 to read as follows:
Two Family Dwellings- Dwelling units in two family dwellings shall be separated from each other in accordance with section R302.2.1
 7. Delete Section R302.13 Fire Protection of Floors.
 8. Section R310.2.1 Delete Exception.
 9. Delete Section R311.7.5.1. and insert a new Section R311.7.5.1 to read as follows:

Riser Height - The maximum riser height shall be 8 inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch, except at the top or bottom riser of an interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the riser exceed the maximum height of 8 inches. The riser shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter sphere.
Exception: The opening between adjacent treads is not limited on stairs with a total rise of 30 inches or less or on exterior stairs serving individual dwelling units
 10. Section R311.7.8.4 - add an exception #3 to read as follows:

Handrails within a dwelling unit or serving an individual dwelling unit shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.
 11. Delete Sections 312.2, 312.2.1, 312.2.2, window fall protection.
 12. Delete Section R313
 13. Delete Section R322 – Reference the ordinance Section 5-1-12.
 14. Section R403.1.4.1- Delete exceptions #1& #2 and insert a new exception #1 and #2 to read as follows:

Detached one story accessory buildings of light frame construction may be provided with a floating slab which shall include a thickened edge of a minimum 8 inches plus slab thickness and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick and reinforced with a minimum of # 4 reinforcement bars on two foot centers.

The perimeter or grade beam shall be reinforced with a minimum of two continuous #4 bars around the perimeter. The floor slab and grade beam shall be made in one continuous pour. The sub grade shall be free from all sod or other foreign material and shall be provided with a minimum 3 inches compacted aggregate backfill prior to installing the floor.

15. Delete Chapter 11 Energy Efficiency and insert in lieu thereof International Energy Conservation Code as adopted by the State of Iowa and any subsequent amendments thereto.

16. Table P2906.4 Water Service Pipe, amend table by deleting types WK, L, WL, M, WM from line under copper or copper alloy tubing

17. Section P3114.3- Amend by adding a third sentence to read as follows:

Air admittance valves may only be used in conjunction with remodel & repair projects where in the opinion of the Building Official it would be impractical to install a vent which conforms to the venting provisions of this Code.

18. Adopt Appendix F: Radon Control Methods.

19. Appendix Chapters A, B, C, D, E, G, H, I, J, K, L, M, N, O, P, Q, R, S and T are for reference purposes only.

5-1-15 INTERNATIONAL PLUMBING CODE

The I.P.C. shall be adopted in its entirety except for the following amendments:

1. Section 106.2 Exempt Work – Delete section. Refer to Section 5-1-4 (2) of this ordinance.
2. Section 109, Means Of Appeal. Delete section. Reference 5-1-5.
3. Section 605.3 Water Service Pipe – Amend Table 605.3 by deleting types WK, L, WL, M, and WM.
4. Section 608.18- Delete section and insert in lieu thereof the following:
Protection of Individual Water Supplies- All private water supplies shall be regulated by Iowa Administrative Code 567-Chapter 49
5. Section 903.1. Insert 12”

6. Section 918. 3- Amend by adding a second sentence to read as follows:

Air admittance valves may only be used in conjunction with remodel & repair projects where in the opinion of the Building Official it would be impractical to install a vent which conforms to the venting provisions of this Code.

7. In addition to the requirements found in Section 1003, Table A shall also be used as minimum sizing for grease interceptors.

TABLE A

Gravity Grease Interceptor Sizing

Fixture Units	Interceptor Volume
8 – 20	500 Gallons
21 - 34	751 Gallons
35 – 171.....	1000 Gallons
172 – 215.....	1500 Gallons
216 – 341.....	2000 Gallons
More than 341.....	3000 Gallons

8. Appendix chapters A, B, C, D, E, and F are for reference only.

5-1-16 INTERNATIONAL MECHANICAL CODE

The IMC shall be adopted in its entirety except:

1. Section 106.2 Permits not Required- Delete Section. Refer to Section 5-1-4 (2) of this Ordinance
2. Section 109- Delete section. Reference 5-1-5
3. Appendix chapters A and B are for reference only.

5-1-17 INTERNATIONAL FIRE CODE

The IFC shall be adopted in its entirety except:

1. Section 105- Delete section.
2. Section 109 – Delete Section - Reference 5-1-5
3. Appendix chapters A, B, C, D, E, F, G, H, I, J, K, L, M and N are for reference only.

5-1-18 INTERNATIONAL FUEL GAS CODE

The IFGC shall be adopted in its entirety except for the following:

1. Section 109, Delete section. Reference 5-1-5
2. Appendix Chapters A, B, C and D are for reference only.

5-1-19 INTERNATIONAL EXISTING BUILDING CODE

The IEBC shall be adopted in its entirety except for the following:

1. Section 105.2 Delete Section. Refer to Section 5-1-4 (2) of this ordinance
2. Appendix Chapters A, B, and C are for reference only.

5-1-20 NATIONAL ELECTRICAL CODE

The provisions of the National Electrical Code, 2017 edition as published by the National Fire Protection Association and as adopted by the State of Iowa in Iowa Administrative Code 661 Chapter 504 and any subsequent amendments thereto shall be adopted as the electrical code for Bremer County.

5-1-21 ENFORCEMENT

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a Municipal Infraction. A Municipal Infraction is a civil offense punishable by a civil penalty of not more than five hundred dollars (\$500.00) for each violation, or if the infraction is a repeat offense a civil penalty not to exceed seven hundred fifty dollars (\$750.00) for each repeat offense. Nothing herein contained shall prevent Bremer County from taking such other lawful action as is necessary to prevent or remedy any violation.

5-1-22 REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

5-1-23 SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

5-1-24 EFFECTIVE DATE

This ordinance shall be in effect on the 1 day of July 2019, after its final passage, approval and publication as provided by law. (ORD 19-04)

TITLE V PROPERTY AND LAND USE
CHAPTER 2 AIRPORT TALL STRUCTURE

- 5-2-1 Title**
- 5-2-2 Statutory Authorization, Findings of Fact and Purpose**
- 5-2-3 Definitions**
- 5-2-4 Airport Zones and Airspace Height Limitations**
- 5-2-5 Use Restrictions and Lighting**
- 5-2-6 Administration**

5-2-1 TITLE

This Chapter shall be known as the Airport Tall Structure - Zoning Ordinance.

5-2-2 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- A. Statutory authorization. This ordinance is adopted pursuant to the authority conferred on the City of Waverly and the Bremer County Board of Supervisors by Iowa State Code, Section 329.3.
- B. Findings of fact.
 - 1. The creation and/or establishment of an airport hazard is a public nuisance and an injury to the City/County served by the Waverly Municipal Airport.
 - 2. That it is necessary and in the interest of the public health, public safety and general welfare that creation of airport hazards be prevented.
 - 3. That this should be accomplished, to the extent legally possible, by proper exercise of the police power.
 - 4. That the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the City of Waverly and Bremer County may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.
- C. Short title. This ordinance shall be known and may be cited as the "Waverly Municipal Airport Height Zoning Ordinance".

5-2-3 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the they have in common usage and to give this ordinance its most reasonable application.

- A. Airport. The Waverly Municipal Airport.
- B. Airport elevation. The highest point of the airport's usable landing area measured in feet above mean sea level, which elevation is established to be 991 feet.
- C. Airport hazard. Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen Code of Federal Regulations, Sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty- five (77.25) as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing, or takeoff at an airport or is otherwise hazardous to such landing or taking, off of aircraft.
- D. Airport primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway shall be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- E. Airspace height. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- F. Control zone. Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
- G. Instrument runway. A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
- H. Minimum descent altitude. The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
- I. Minimum enroute altitude. The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- J. Minimum obstruction clearance altitude. The specified altitude in effect between radio fixes on VOT airways, off-airway routes, or route segments which meets obstruction clearance

requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.

- K. Runway. A defined area in an airport prepared for landing and takeoff of aircraft along its length.
- L. Visual. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted by the FAA by competent authority.

5-2-4 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

In order to carryout the provisions of this ordinance, there are hereby created and established certain zones which are depicted on the Waverly Municipal Airport Height Zoning Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Airport height zones.

1. Horizontal zone. The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:
 - a. Swing arc of five thousand (5,000) feet radii from the center of each end of the primary surface of runways 17 and 35 and 10 and 28 ,and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed one hundred fifty (150) feet the established airport elevation in the horizontal zone as depicted on the Waverly Municipal Airport Height Zoning Map.
2. Conical zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand (4,000) feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Waverly Municipal Airport Height Zoning Map.
3. Approach Zone. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface, as follows:
 - a. The inner edge of the approach surface is:
 1. Five handed (500) feet wide for runway 17 and 35.
 2. Two handed fifty (250) feet wide for runway 10 and 28.
 - b. The outer edge of the approach surface is:

1. Two thousand (2,000) feet for runway 17 and 35.
 2. One thousand two hundred fifty (1,250) feet for runway 10 and 28.
- c. The approach zone extends for a horizontal distance of five thousand (5,000) feet at a slope of 20 to 1 for runways 17 and 35 and 10 and 28.

No structure shall exceed the approach surface to any runway as depicted on the Waverly Municipal Airport Height Zoning Map.

3. Transitional zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. No structure shall exceed the transitional surface, as depicted on the Waverly Municipal Airport Height Zoning Map.
4. No structure shall be erected in Waverly or Bremer County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any Federal airway in Waverly or Bremer County.
5. Excepted height limitations. Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

5-2-5 USE RESTRICTIONS AND LIGHTING

- A. Use restrictions. Notwithstanding any other provisions of Section IV, no use may be made of land or water within the City of Waverly or Bremer County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.
 1. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Waverly Municipal Airport or in the vicinity thereof.
 2. No operations from any use within three (3) statute miles of any usable runway of the Waverly municipal Airport shall produce smoke, glare or other visual effects that are hazardous or dangerous to aircraft operating from the Waverly municipal Airport.
 3. No operations from any use in the City Of Waverly or Bremer County shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.

B. Lighting.

1. Notwithstanding the provisions of Section V, paragraph A, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of this ordinance and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Circular 7464-ID and amendments.

Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Waverly or Bremer County at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

5-2-6 ADMINISTRATION

- A. Variations. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this ordinance, may apply to the Board of Adjustments for variance from such regulations. No application for variance to the requirements of this ordinance may be considered by the Board of Adjustments unless a copy of the application has been submitted to the City Administrator for an opinion as to the aeronautical effects of such a variance. If the City Administrator does not respond to the Board of Adjustments within thirty (30) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.
- B. Board of adjustments. For purposes of this ordinance the Board of Adjustments shall be the established City Zoning Board of Adjustments or the Bremer County Zoning Board of Adjustments and shall exercise the following powers:
 1. To hear and decide appeals from any order, requirement, decision or determination made by the City Administrator or the County Zoning Officer in the enforcement of this ordinance; and
 2. To hear and decide special ordinance exemptions to the terms of this ordinance upon which such Board of Adjustments under such regulations may be required to pass; and
 3. To hear and decide specific variances.

The Board of Adjustments shall have the powers established in the Iowa Code, Section 414.12. The concurring vote of a majority of the members of the Board of Adjustments shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect variations of this ordinance.

- C. Judicial review. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustments, may appear to the Court of Record as provided in Iowa Code, Section 414.15.
- D. Administrative authority. It shall be the duty of the City Administrator and the County Zoning Officer to administer the regulations prescribed herein. Applications for permits and variances shall be made to the City administrator or the County Zoning Officer on forms furnished by him. Applications required by this ordinance to be submitted to the administrative officer shall be promptly considered and granted or denied. Application for action by the Board of Adjustments shall be forthwith transmitted by the City Administrator or the County Zoning Officer.
- E. Penalties. Each violation of this ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than one hundred dollars (100.00) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.