

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner hereby gives Notice of Intended Action to amend Chapter 300, "State Building Code—Administration," Chapter 301, "State Building Code—General Provisions," and Chapter 303, "State Building Code—Energy Conservation in Construction," Iowa Administrative Code, with the approval of the Building Code Advisory Council.

Iowa Code section 103A.7 authorizes and requires the Building Code Commissioner to adopt the State Building Code, and Iowa Code chapter 103A provides for the adoption of a State Building Code. The amendments proposed herein update editions of national codes adopted by reference and revise administrative provisions of the State Building Code to make them clearer, easier to understand, and more tightly integrated with administrative provisions contained in nationally recognized codes adopted by reference.

While many of the changes made by adoption of new editions of the codes are likely not to be controversial, there is one change that has received a lot of attention. The new edition of the International Residential Code includes a provision that will require all new homes constructed on or after January 1, 2011, to be fully sprinklered. The State Fire Marshal convened an ad hoc advisory committee to provide input on this requirement prior to the preparation of this Notice. After consideration of the committee's input and other factors, such as the cost involved in installing residential sprinklers, the Building Code Commissioner is proposing in this Notice to retain the residential sprinkler requirement as included in the 2009 edition of the International Residential Code, but to delay its implementation by two additional years, until January 1, 2013. Consideration was given to other delays, especially considering the financial condition of the construction industry, but it was determined that the timely adoption of new editions of the nationally recognized codes adopted by reference as part of the State Building Code would minimize disruption to the industry and allow the earliest possible implementation of features of the new editions which enhance the safety of the public.

A public hearing to receive comments on the amendments proposed herein will be held in the First Floor Public Conference Room (Room 125) at the State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, at 10:15 a.m. on October 13, 2009. Additional public hearings will be held at 4 p.m. on October 14, 2009, at the Carroll Recreation Center, 716 N. Grant Road, Carroll, Iowa, and at 4:30 p.m. on October 15, 2009, at Iowa State Patrol Post #11, 5400 16th Avenue S.W., Cedar Rapids, Iowa. All three public hearings will be held jointly with public hearings considering proposals by the State Fire Marshal to amend the rules of the State Fire Marshal, the core of which is the adoption of the 2009 edition of the International Fire Code.

Persons wishing to speak at a public hearing should contact the Agency Rules Administrator by telephone at (515)725-6185 or E-mail to admrule@dps.state.ia.us at least one day prior to the hearing.

Comments on these proposed amendments may also be made by E-mail to admrule@dps.state.ia.us, by telephone to (515)725-6185, or by mail to the Agency Rules Administrator, Iowa Department of Public Safety, 215 East 7th Street, Des Moines, Iowa 50319.

Comments should be submitted by 4:30 p.m. on October 16, 2009.

These amendments are not subject to waiver but instead are subject to provisions for requesting approval of “alternative materials or methods of construction,” as provided in Iowa Code section 103A.13.

These amendments are intended to implement Iowa Code chapter 103A.

The following amendments are proposed.

ITEM 1. Amend paragraphs **300.4(1)** “c,” “d” and “f” as follows:

c. Plans, specifications and other supporting information shall be sufficiently clear and complete to show in detail that the proposed work will comply with the requirements of the applicable provisions of the state building code ~~and with sections 106.1 and 106.1.1 of the International Building Code, 2006 edition.~~

d. In sections ~~106.1 and 106.1.1~~ 107.1 and 107.2.5 of the International Building Code, ~~2006~~ 2009 edition, the word “permit” shall be replaced by the words “plan review.”

f. No project for which a life cycle cost analysis is required to be completed pursuant to Iowa Code section 470.2 shall be approved for construction prior to receipt by the commissioner of the life cycle cost analysis, final approval of the life cycle cost analysis by the commissioner and the ~~department of natural resources~~ office of energy independence pursuant to Iowa Code section 470.7, and the completion of all applicable requirements established in Iowa Code section 470.7.

ITEM 2. Adopt the following **new** exception in subrule **300.5(1)**:

EXCEPTION: Construction which is limited to building renovations or repairs shall not be subject to inspection by the commissioner.

ITEM 3. Amend subrule **300.5(2)**, exception, as follows:

EXCEPTION: Construction which is limited to building ~~additions~~, renovations or repairs shall not be subject to inspection by the commissioner.

ITEM 4. Amend rule ~~661—301.2(103A)~~, definition of “State plumbing code,” as follows:

“*State plumbing code*” means the state plumbing code adopted by the ~~Iowa department of public health~~ state plumbing and mechanical systems board, pursuant to Iowa Code ~~section 135.11, subsection 5~~ chapter 105.

NOTE: As of January 1, 2007, the state plumbing code is found in 641—Chapter 25.

ITEM 5. Adopt the following **new** definitions of “Responsible design professional” and “State fire code” in rule ~~661—301.2(103A)~~:

“*Responsible design professional*” means a registered architect or licensed professional engineer who stamps and signs the documents submitted, pursuant to Iowa Code chapters 542B and 544A.

“*State fire code*” means the state fire code as adopted by the state fire marshal, pursuant to Iowa Code section 100.1, subsection 5.

ITEM 6. Amend rule ~~661—301.3(103A)~~ as follows:

661—301.3(103A) General provisions. The provisions of the International Building Code, ~~2006~~ 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, are hereby adopted by reference as the general requirements for building construction, with the following amendments:

~~Delete sections 101 through 115 except for sections 106.1, 106.1.1, and 106.1.1.1.~~

~~Delete section 101.1.~~

~~Delete section 101.2 and insert in lieu thereof the following new section:~~

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings

(townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code, as amended by rule 661—301.8(103A).

Delete section 101.4 and sections therein.

Delete section 102.6 and insert in lieu thereof the following new section:

102.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the building code commissioner for the general safety and welfare of the occupants and the public.

Delete sections 103, 104, 105 and sections therein.

Delete section 106.2.

Delete section 107.1 and insert in lieu thereof the following new section:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in one or more sets with each plan review application. The construction documents shall be prepared by a responsible design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the commissioner is authorized to require additional construction documents to be prepared by a responsible design professional.

Exception: The commissioner is authorized to waive the submission of construction documents and other data not required to be prepared by a responsible design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Delete sections 107.3, 107.4, and 107.5 and sections therein.

Delete sections 109, 110, 111, 112, 113, 114, 115, and 116 and sections therein.

Delete section 906.1 and insert in lieu thereof the following new section:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Delete section 907.2.2 and insert in lieu thereof the following new section:

907.2.2 Group B. A manual fire alarm system shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 500 or more.
2. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The Group B fire area contains a Group B ambulatory health care facility.
4. The Group B fire area contains an educational occupancy for students above the twelfth grade with an occupant load of 50 or more persons.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler waterflow.

Delete section 907.2.3 and insert in lieu thereof the following new section:

907.2.3 Group E. In the absence of a complete automatic sprinkler system, a complete automatic detection system shall be installed throughout the entire Group E occupancy. A Group E occupancy with a complete automatic sprinkler system shall be provided with a fire alarm system with a minimum of corridor smoke detection, at a maximum spacing of 30 feet on center, and heat or smoke

detection in any hazardous or nonoccupied areas. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

Exceptions:

1. Group E occupancies with an occupant load of less than 50.

2. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:

2.1. Interior corridors are protected by smoke detectors with alarm verification.

2.2. Auditoriums, cafeterias, gymnasiums and the like are protected by heat detectors or other approved detection devices.

2.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

2.4. Off-premises monitoring is provided.

2.5. The capability to activate the evacuation signal from a central point is provided.

2.6. In buildings where normally occupied spaces are provided with a two-way communication system between such spaces and a constantly attended receiving station from which a general evacuation alarm can be sounded, except in locations specifically designated by the fire code official.

3. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system, the notification appliances will activate on sprinkler water flow and manual activation is provided from a normally occupied location.

Add the following new section 1003.8:

1003.8 Location of Preschool through Second Grade Students. In Group E occupancies, rooms normally occupied by preschool, kindergarten or first grade students shall not be located above or below the level of exit discharge. Rooms normally occupied by second grade students shall not be located more than one story above the level of exit discharge.

Add the following new section 1100:

1100. Any building or facility which is in compliance with the applicable requirements of 661—Chapter 302 shall be deemed to be in compliance with any applicable requirements contained in the International Building Code concerning accessibility for persons with disabilities.

Delete chapter 29.

Amend section 3001.2 by adding the following new unnumbered paragraph after the introductory paragraph:

Notwithstanding the references in Chapter 35 to editions of national standards adopted in this section, any editions of these standards adopted by the elevator safety board in 875—Chapter 72 are hereby adopted by reference. If a standard is adopted by reference in this section and there is no adoption by reference of the same standard in 875—Chapter 72, the adoption by reference in this section is of the edition identified in Chapter 35.

Amend section 3401.3 by deleting “International Private Sewage Disposal Code” and inserting in lieu thereof “567 Iowa Administrative Code Chapter 69.”

Delete appendices A through K.

Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

Delete all references to the “ICC Electrical Code” and insert in lieu thereof “National Electrical Code, ~~2005~~ 2008 edition as amended by rule 661—301.5(103A).”

Delete all references to the “International Fuel Gas Code” and insert in lieu thereof “rule 661—301.9(103A).”

301.3(1) No change.

301.3(2) Reserved.

ITEM 7. Amend rule 661—301.4(103A) as follows:

661—301.4(103A) Mechanical requirements. The provisions of the International Mechanical Code, ~~2006~~ 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls

Church, VA 22041, are hereby adopted by reference as the requirements for the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings, with the following amendments:

~~Delete chapter 1.~~

~~Delete section 101.1.~~

~~Delete sections 103, 104, 105, 106, 107, 108, 109, and 110 and sections therein.~~

Delete section 403 and insert in lieu thereof the following new section:

SECTION 403

MECHANICAL VENTILATION

Mechanical ventilation systems shall be designed in accordance with the provisions of ASHRAE Standard 62.1-~~2004~~ 2007, "Ventilation for Acceptable Indoor Air Quality," published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, 1791 Tullie Circle, N.E., Atlanta, GA 30329.

Delete appendices A and B.

Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code."

Delete all references to the "ICC Electrical Code" and insert in lieu thereof "National Electrical Code, ~~2005~~ 2008 edition as amended by rule 661—301.5(103A)."

Delete all references to the "International Fuel Gas Code" and insert in lieu thereof "rule 661—301.9(103A)."

ITEM 8. Amend rule 661—301.6(103A) as follows:

661—301.6(103A) Plumbing requirements. Provisions of the state plumbing code, 641—Chapter 25, adopted by the ~~Iowa department of public health~~ state plumbing and mechanical systems board pursuant to Iowa Code chapter ~~435~~ 105, apply to plumbing installations in ~~cities or which are connected to municipal water systems or municipal wastewater treatment systems~~ this state.

EXCEPTION: Factory-built structures, as referenced by Iowa Code section 103A.10(3), that contain plumbing installations are allowed to comply with either the state plumbing code or with International Plumbing Code, 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041. The manufacturer's data plate must indicate which plumbing code was utilized for compliance with this rule, as required by 661—paragraph 16.610(15) "e."

Private sewage disposal systems shall comply with 567—Chapter 69.

~~—301.6(1) Plumbing installations which are not subject to the state plumbing code, 641—Chapter 25, and which are in buildings or facilities subject to the state building code shall comply either with the state plumbing code or with the International Plumbing Code, 2006 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, except that any assembly occupancy, restaurant, pub or lounge constructed on or after January 1, 1991, shall comply with the provisions of subrule 301.6(2) regarding the provision of minimum plumbing facilities.~~

~~If the International Plumbing Code, 2006 edition, is used, section 708.3.3 is deleted and the following new section is inserted in lieu thereof:~~

~~708.3.3 Changes of direction. Cleanouts shall be installed at each fitting with a change of direction greater than 45 degrees (0.79 rad) in the building sewer, building drain and horizontal waste or soil lines. Where more than one change of direction occurs in a run of piping, only one cleanout shall be required for each 40 feet (12 192 mm) of developed length of the drainage piping.~~

~~301.6(2)~~ **301.6(1)** Places of public assembly, restaurants, pubs and lounges constructed on or after January 1, 1991, shall provide at least the numbers of plumbing facilities required in the Uniform Plumbing Code, ~~2000~~ 2009 edition, Table 4-1, published by the International Association of Plumbing and Mechanical Officials, 5001 E. Philadelphia St., Ontario, CA 91761. Additions to, or adding seating capacity in, these types of occupancies shall require the installation of additional fixtures based upon the added number of occupants unless it can be shown that the existing facilities comply for the

total number of occupants including the additional occupants.

All water closets installed pursuant to this subrule shall be water-efficient water closets complying with requirements of the U.S. Department of Energy.

This subrule is intended to implement Iowa Code section 104B.1.

~~301.6(3)~~ **301.6(2)** Fuel gas piping shall comply with the requirements established in rule 661—Chapter 302 ~~Chapter 51~~ 301.9(103A).

ITEM 9. Amend rule 661—301.7(103A) as follows:

661—301.7(103A) Existing buildings.

301.7(1) Definition. “Existing building” means a building erected prior to January 1, ~~2007~~ 2010 ; ~~or for which plans have received approval from the building code bureau of the fire marshal division of the department of public safety prior to January 1, 2007.~~

301.7(2) Adoption. The provisions of the International Existing Building Code, ~~2006~~ 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, are hereby adopted by reference as the requirements for repair, alteration, change of occupancy, addition, and relocation of existing buildings, with the following amendments:

~~Delete chapter 1.~~

Delete section 101.1.

Delete section 101.4.2 and insert in lieu thereof the following new section:

101.4.2 Buildings Previously Occupied. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the building code commissioner for the general safety and welfare of the occupants and the public.

Delete section 101.5.4.

Delete section 101.5.4.1.

Delete section 101.5.4.2.

Delete section 101.7.

Delete sections 103, 104, and 105 and sections therein.

Delete sections 106.1, 106.3.1, 106.3.3, 106.5, and 106.6.

Delete sections 108, 109, 110, 112, 113, 114, 115, 116 and 117 and sections therein.

Delete section 605.

Delete section 706.

Delete section 806.

Delete section 912.8.

Delete chapters A1 through A5.

Adopt appendix B, with the following amendments:

Delete section B101 and insert in lieu thereof the following new section:

Any building or facility subject to this rule shall comply with the provisions of 661—Chapter 302.

Delete sections B102, B103, and B104.

Delete appendix B and insert in lieu thereof the following new section:

Any building or facility subject to this rule shall comply with the provisions of 661—Chapter 302.

Delete resource A.

Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

Delete all references to the “ICC Electrical Code” and insert in lieu thereof “National Electrical Code, ~~2005~~ 2008 edition as amended by rule 661—301.5(103A).”

Delete all references to the “International Fuel Gas Code” and insert in lieu thereof “rule 661—301.9(103A).”

ITEM 10. Amend rule 661—301.8(103A) as follows:

661—301.8(103A) Residential construction requirements. The provisions of the International

Residential Code, ~~2006~~ 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, are hereby adopted by reference as the requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures, with the following amendments:

~~Delete chapters 1 and 11.~~

~~Delete section R101.1.~~

~~Delete sections R103 to R114 and sections therein.~~

NOTE: The values for table R301.2(1) shall be determined by the location of the project and referenced footnotes from table R301.2(1).

~~Delete chapter 11.~~

Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

Delete section R310.1 and insert in lieu thereof the following new section:

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above an adjacent permanent interior standing surface. The adjacent permanent interior standing surface shall be no less than 36 inches wide and 18 inches deep and no more than 24 inches high. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

EXCEPTION: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).

~~Delete section R313.2 and insert in lieu thereof the following new section:~~

R313.2 One- and two-family dwellings automatic fire sprinkler systems. Effective January 1, 2013, an automatic fire sprinkler system shall be installed in one- and two-family dwellings.

EXCEPTION: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic fire sprinkler system.

Amend section R324.1.6 by striking the words “Chapter 3 of the International Private Sewage Disposal Code” and inserting in lieu thereof “567 Iowa Administrative Code Chapter 69.”

~~Delete chapter 24 and sections therein and insert in lieu thereof the following new section:~~

All fuel gas piping installations shall comply with rule 661—301.9(103A).

~~Delete chapters 25 to 33 and sections therein, except for section P2904, and insert in lieu thereof the following new section:~~

All plumbing installations shall comply with the state plumbing code as adopted by the state plumbing and mechanical systems board pursuant to Iowa Code chapter 105.

EXCEPTION: Factory-built structures, as referenced by Iowa Code section 103A.10(3), that contain plumbing installations are allowed to comply with either the state plumbing code or with the International Plumbing Code, 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041. The manufacturer’s data plate must indicate which plumbing code was utilized for compliance with this rule, as required by 661—paragraph 16.610(15)“e.”

Add the following new sections:

~~P2500. Chapter 25 shall not apply to construction of a residence if the residence is within the boundaries of an incorporated municipality or if the plumbing in the residence is connected to a municipal water system or a municipal wastewater treatment system.~~

~~P2600. Chapter 26 shall not apply to construction of a residence if the residence is within the boundaries of an incorporated municipality or if the plumbing in the residence is connected to a municipal water system or a municipal wastewater treatment system.~~

~~P2700. Chapter 27 shall not apply to construction of a residence if the residence is within the boundaries of an incorporated municipality or if the plumbing in the residence is connected to a municipal water system or a municipal wastewater treatment system.~~

~~P2800. Chapter 28 shall not apply to construction of a residence if the residence is within the boundaries of an incorporated municipality or if the plumbing in the residence is connected to a municipal water system or a municipal wastewater treatment system.~~

~~P2900. Chapter 29 shall not apply to construction of a residence if the residence is within the boundaries of an incorporated municipality or if the plumbing in the residence is connected to a municipal water system or a municipal wastewater treatment system.~~

~~P3000. Chapter 30 shall not apply to construction of a residence if the residence is within the boundaries of an incorporated municipality or if the plumbing in the residence is connected to a municipal water system or a municipal wastewater treatment system.~~

~~P3100. Chapter 31 shall not apply to construction of a residence if the residence is within the boundaries of an incorporated municipality or if the plumbing in the residence is connected to a municipal water system or a municipal wastewater treatment system.~~

~~P3200. Chapter 32 shall not apply to construction of a residence if the residence is within the boundaries of an incorporated municipality or if the plumbing in the residence is connected to a municipal water system or a municipal wastewater treatment system.~~

Delete chapters 34 to 43 and sections therein and insert in lieu thereof the following new section:

All electrical installations shall comply with National Electrical Code, 2008 edition, as amended by rule 661—301.5(103A).

Delete appendices A through Q.

ITEM 11. Adopt the following **new** rule 661—301.9(103A):

661—301.9(103A) Fuel gas piping requirements. Fuel gas piping shall comply with the requirements of 661—Chapter 221. Liquefied petroleum gas facilities and appliances shall comply with rule 661—226.1(101).

ITEM 12. Adopt the following **new** rule 661—301.10(103A):

661—301.10(103A) Transition period. A construction project that is subject to the provisions of any rule in 661—Chapter 301 or 661—Chapter 303 which requires compliance with provisions of the 2009 edition of any code published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, may comply with the requirements established either in the edition of the code adopted herein or the requirements established in the edition of the same code previously in effect if the project is commenced between January 1, 2010, and March 31, 2010.

ITEM 13. Amend rule 661—303.2(103A) as follows:

661—303.2(103A) Residential energy code. The International Energy Conservation Code, 2006 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, is adopted by reference as the residential energy code of the state of Iowa building code, applicable to residential construction limited to three or fewer stories throughout the state of Iowa, with the following amendments:

1. Delete sections 101, 103, 104, 105, and 106, and all sections contained within each of these.

Delete section 101.1.

Delete section 101.2.

Delete section 101.4.2.

Delete section 103.3.1.

Delete section 103.3.2.

Delete section 103.3.3.

Delete section 103.4.

Delete section 103.5.

Delete sections 104, 107, 108, and 109 and all sections contained within each of these.

2. Strike section 403.2.2 and adopt the following new section 403.2.2 in lieu thereof:

403.2.2 Sealing. All ducts, air handlers, filter boxes, and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.3.1 of the International Residential Code. Air handlers with a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested at an air pressure of 1 inch water gauge when all air inlets, air outlets, and condensate drain port(s) are sealed shall be deemed sealed. Air handlers with filter boxes shall be tested with the filter box in place.

3. Delete chapter 5.

ITEM 14. Amend rule 661—303.3(103A) as follows:

661—303.3(103A) Adoption of nonresidential energy code. The International Energy Conservation Code, 2006 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, is hereby adopted by reference as the nonresidential energy code of the state building code, applicable to commercial construction or residential construction of four or more stories within the state of Iowa, with the following amendments:

1. Delete sections 101, 103, 104, 105, and 106, and all sections contained within each of these.

Delete section 101.1.

Delete section 101.2.

Delete section 101.4.2.

Delete section 103.3.1.

Delete section 103.3.2.

Delete section 103.3.3.

Delete section 103.4.

Delete section 103.5.

Delete sections 104, 107, 108, and 109 and all sections contained within each of these.

2. Delete chapter 4.

ITEM 15. Amend subrule 303.4(2) as follows:

303.4(2) Notification by state agency. Any public agency which is a state agency as defined in Iowa Code section 7D.34 shall, within 60 days of final selection of a design architect or engineer, notify the commissioner and the ~~department of natural resources~~ office of energy independence of the methodology to be used to perform the life cycle cost analysis. Notice shall be given on the forms provided by the ~~department of natural resources~~ office of energy independence for this purpose. A life cycle cost analysis prepared by a state agency shall be submitted in sufficient time ahead of the release of plans for bids to allow for revisions or additions which may be made to the plans. Public funds shall not be used for the construction or renovation of a facility unless the design for the work is prepared in accordance with Iowa Code chapter 470 and the actual construction or renovation is consistent with the design.

ITEM 16. Amend paragraphs **303.4(3)“b,” “c” and “d”** as follows:

b. The public agency shall implement all recommendations of the life cycle cost analysis except those which have been approved for exemption by the commissioner and the director of ~~natural resources~~ the office of energy independence.

EXCEPTION: The public agency is not required to implement any recommendation which would

result in a violation of any other provision of law. If the public agency determines that compliance with any recommendation of the life cycle cost analysis would result in a violation of law, the public agency shall so notify the commissioner.

c. The commissioner and the director of ~~natural resources~~ the office of energy independence shall evaluate each request for an exemption on a case-by-case basis.

d. The commissioner and the director of ~~natural resources~~ the office of energy independence shall consider the following factors in determining whether or not to grant an exemption:

(1) to (6) No change.