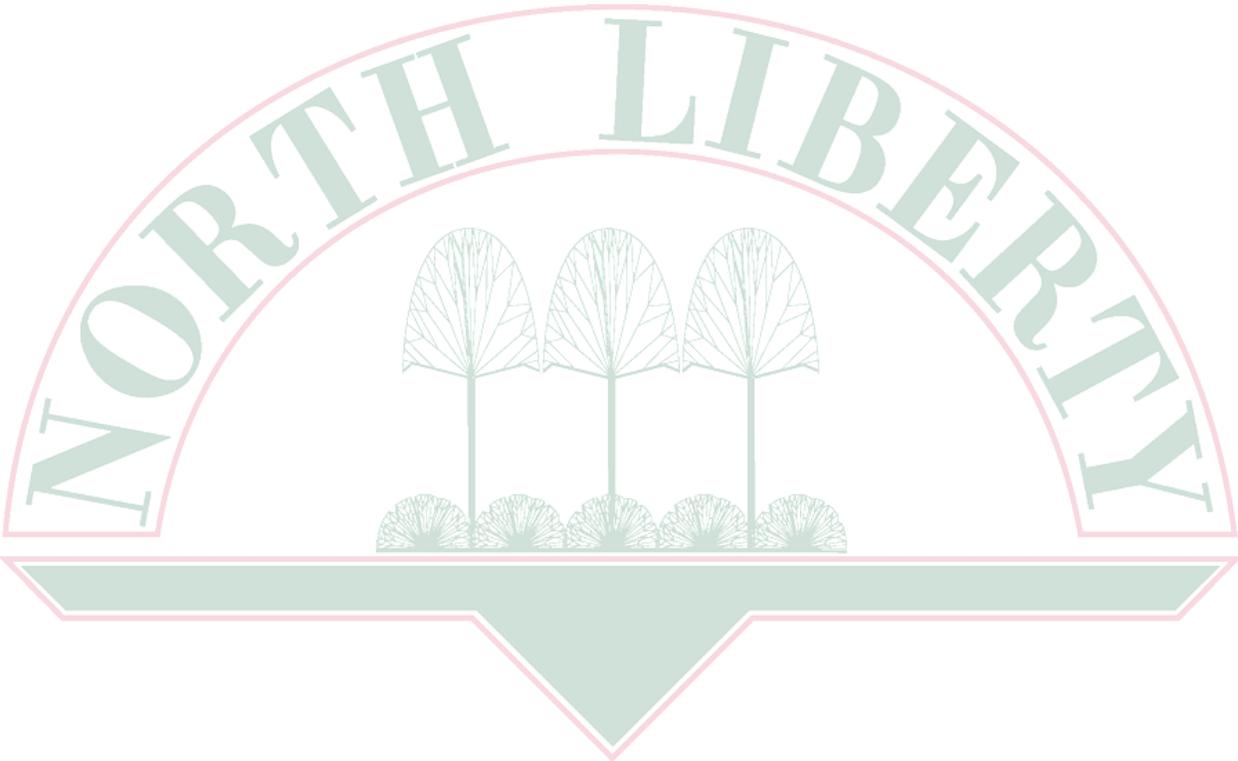




**North Liberty
City Council**

September 27, 2016
Regular Session

City Administrator Memo





City Council Memo

for September 27, 2016
from the desk of Ryan C. Heiar

Meetings & Events

Tuesday, Sep 27 at 6:30p.m.
City Council

Monday, Oct 3 at 6:00p.m.
Telecommunications
Commission

Tuesday, Oct 4 at 6:00p.m.
Planning Commission

Thursday, Oct 6 at 7:00p.m.
Parks & Recreation
Commission

Tuesday, Oct 11 at 6:00p.m.
City Council Work Session &
Meeting

Wednesday, Oct 12 at 7:00p.m.
Tree & Storm Water Board

Consent Agenda

The following items are on the consent agenda and included in your packet:

- City Council Minutes (09/13/16)
- Claims
- August Revenues
- Pay Application #14, East Growth Water and Sewer Extensions, Langman Construction, \$27,582.49

Beer Burger Liquor Permit

The owners of Beer Burger are seeking a special waiver through the liquor license process to operate a "Pour My Beer" dispensing system. This system is currently in use at the Iowa Chop House in Iowa City, also owned by the proprietors of Beer Burger. Included in your packet is a detailed description of how the "Pour My Beer" dispensing system works. In addition, a representative from Beer Burger will be at Tuesday's meeting to answer any questions. The Iowa Alcohol Beverage Division has reviewed the application and has granted the necessary waiver, which is included in your packet. Staff is recommending approval of the liquor license for Beer Burger.

Water System Improvement Project (New Water Plant)

There are several Water System Improvement Project items on the agenda Tuesday that Steve Troyer with Fox Engineering and Greg Metternich the City's Water Superintendent will be at the meeting to discuss. First, Steve and Greg will provide a brief project update. In addition, Steve will summarize the discussions we've had with the IDNR regarding the Jordan and Silurian aquifers. He will also explain the need for an ordinance establishing separation distances from our new wells as required by the State Administrative Code. Excerpts from the code and a sample ordinance is included in the packet.

Ryan C. Heiar, City Administrator

rheiar@northlibertyiowa.org • office (319) 626-5700 • fax (319) 626-3288 • cell (319) 541-8404

Three bids were received on Tuesday, September 20 for Division 3 of the Water System Improvements Project, consisting of the construction of two new wells and related components. The low bid was submitted by Gingrich Well and Pump of Kalona at \$2,880,094, approximately 10% less than the engineer's estimate of \$3,168,000. Include in your packet is a bid tab summary as well as a letter from Steve recommending award to Gingrich Well and Pump.

And finally, the agenda includes a revised scope of work agreement with Fox Engineering to include quality control testing services and Davis Bacon and American Iron and Steel Act compliance monitoring. These scopes were not included in the original agreement for the water improvements project, but like with our other projects, these are services we rely on from the engineering firm and their subcontractors. The additional scope of work, estimated to cost \$72,000 is included in our project budget and this amendment is recommended for approval.

SEATS Contract (City Route)

After much anticipation and negotiations between the City, County, ECICOG and the IDOT, a transit contract, as it relates to our intercity bus route, is ready for your consideration. The contract is consistent with the discussions and agreed-upon terms by the City Council and Transit Task Force in previous meetings. If approved Tuesday night, service could start as early as Monday, October 3. On a related note, after one more test run of the route, the starting location has changed. Instead of starting at the North Liberty Food Pantry the bus will begin service at the North Liberty Living Center on Ashley Court. A revised map is included in your packet.

Archery Ordinance, Second & Third Reading

The Police Department is asking for a code amendment in Chapter 41 as it relates to discharging weapons within City limits. The current code does not mention shooting of arrows and the department believes this provision should be included. A proposed amendment is included in your packet and the revision simply adds language to include shooting of "arrows or similar instruments" to the specific code section. The first reading was approved unanimously at the 9/13 meeting. Staff is requesting to condense the second and third readings at the 9/27 meeting as this particular section of the code is safety sensitive. With hunting season approaching, it would be beneficial to have this language codified immediately.

Precinct Boundaries

The Secretary of State is requesting a minor amendment to our precinct boundaries to include recently annexed property within a existing precincts. One area in question is the approximately 30 acres recently purchased for the expansion of the wastewater plant. This area is all City owned and no one lives on the property. Nonetheless, in order to have all of the corporate limits within a precinct, this area must be added into the code. The second area is the land just southeast of the intersection of North Liberty Road and Dubuque Street that were annexed in late 2015.

Lighting Ordinance

The City's current lighting ordinance requires control of high intensity lighting through the use of glare shields, and through maximum amounts of light engineered to be emitted at property boundaries. The latter requirements might be met a number of different ways, including number of lights, height of poles, light head specifications, light locations, light intensity, and other factors; however, lighting for athletic fields such as those found at high schools is virtually impossible to control to the same extent. Staff is proposing, and Planning Commission has recommended, an amendment to address these very limited circumstances – athletic field lighting on public property. The proposal would provide for Commission and Council review and approval, but would require that every reasonable effort be made to control the lighting "to the maximum extent technologically possible" in place of the absolute specifications.

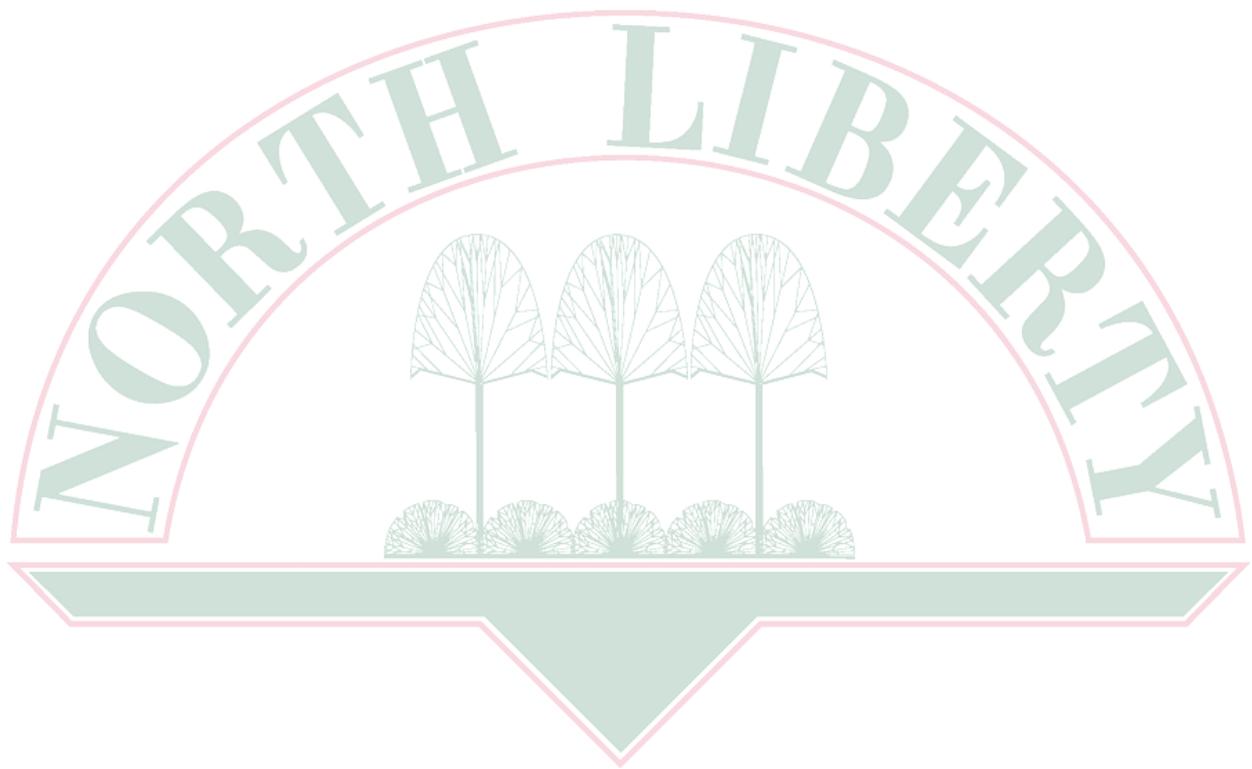
Building Code Ordinance, First Reading

The Board of Appeals recently met with Code Official Tom Palmer and Assistant Fire Chief Bryan Hardin to discuss and act upon the 2015 International Building Codes. Staff and the Board of Appeals are recommending approval of the 2015 Codes, with the exception of various amendments. Said amendments are included in the packet as well as are the minutes of the Board of Appeals meeting. Tom Palmer will be in attendance Tuesday evening to provide an overview of the process and answer any questions.

IamResponding Contract

For several years the Fire Department has been using software called IamResponding, which monitors the response of firefighters to the station. This is a useful tool as it allows the department to monitor who is responding to a call via a computer screen at the station or a mobile app. Staff is recommending renewal of the contract with Emergency Services Marketing Corp.

Agenda





AGENDA
North Liberty City Council
September 27, 2016
Regular Session
6:30 p.m.
City Council Chambers

1. Call to order
2. Roll call
3. Approval of the Agenda
4. Consent Agenda
 - A. City Council Minutes, Regular Session, September 13, 2016
 - B. Claims
 - C. August Revenues
 - D. East Growth Area Water and Sewer Extensions, Pay Application Number 14, Langman Construction, \$27,582.49
5. Public Comment
6. City Planner Report
7. City Engineer Report
8. City Attorney Report
9. Assistant City Administrator Report
10. Mayor Report
11. BeerBurger Liquor License Application
 - A. Consideration of the Liquor License Application for Beerburger, Class C Liquor License with Catering Privilege, Outdoor Service and Sunday Sales endorsements and with waiver for one year for wall remote vending system
12. Water Project
 - A. Project update from Steve Troyer, FOX Engineers
 - B. Resolution Number 2016-101, A Resolution approving Task Order 3373-15A, Amendment No. 1 between the City of North Liberty and FOX Engineering Associates for services relating to Phase 1, Water System Improvements Project

- C. Resolution Number 2016-102, A Resolution accepting the bid and authorizing execution of the contract for the Phase I Water System Improvements – Division 3 – Well Construction and Rehabilitation

13. SEATS

- A. Resolution Number 2016-103, A Resolution approving the Contract for Purchase of Transit Services between the City of North Liberty and Johnson County SEATS and ECICOG

14. Archery Ordinance

- A. Second consideration of Ordinance Number 2016-11, An Ordinance amending Chapter 41 of the North Liberty Code of Ordinances by amending Sections 41.05 and 41.06 regarding shooting arrows in City limits
- B. Consideration of waiving the requirement for three separate readings on three separate dates
- C. Third consideration and adoption of Ordinance Number 2016-11, An Ordinance amending Chapter 41 of the North Liberty Code of Ordinances by amending Sections 41.05 and 41.06 regarding shooting arrows in City limits

15. Precinct Boundaries

- A. Public hearing regarding proposed precinct boundary amendments
- B. First consideration of Ordinance Number 2016-12, An Ordinance amending Chapter 6 of the North Liberty Code of Ordinances by amending Section 6.07 “Voting Precincts”

16. Lighting Ordinance

- A. Public hearing regarding proposed lighting ordinance amendment
- B. First consideration of Ordinance Number 2016-13, An Ordinance amending Chapter 169 of the North Liberty Code of Ordinances by amending Subsection 169.12(1)(I) to establish process for approval of outside lighting on public property

17. Building Code Ordinance

- A. Public Hearing regarding proposed building code ordinance amendments
- B. First consideration of Ordinance Number 2016-14, An Ordinance amending Chapter 157 of the North Liberty Municipal Code entitled, “Building Code” by repealing Chapter 157 and adopting in lieu thereof new Chapter 157 to adopt the 2015 International Building Code and Chapter 158 entitled “Fire Code” by repealing Chapter 158 and adopting in lieu thereof a new Chapter 158 to adopt the 2015 International Fire Code to be utilized by the City

18. IamResponding Contract

- A. Resolution Number 2016-104, A Resolution approving the Subscription Renewal Agreement with Emergency Services Marketing Corp, Inc. for certain administrative services for the Fire Department

19. Old Business

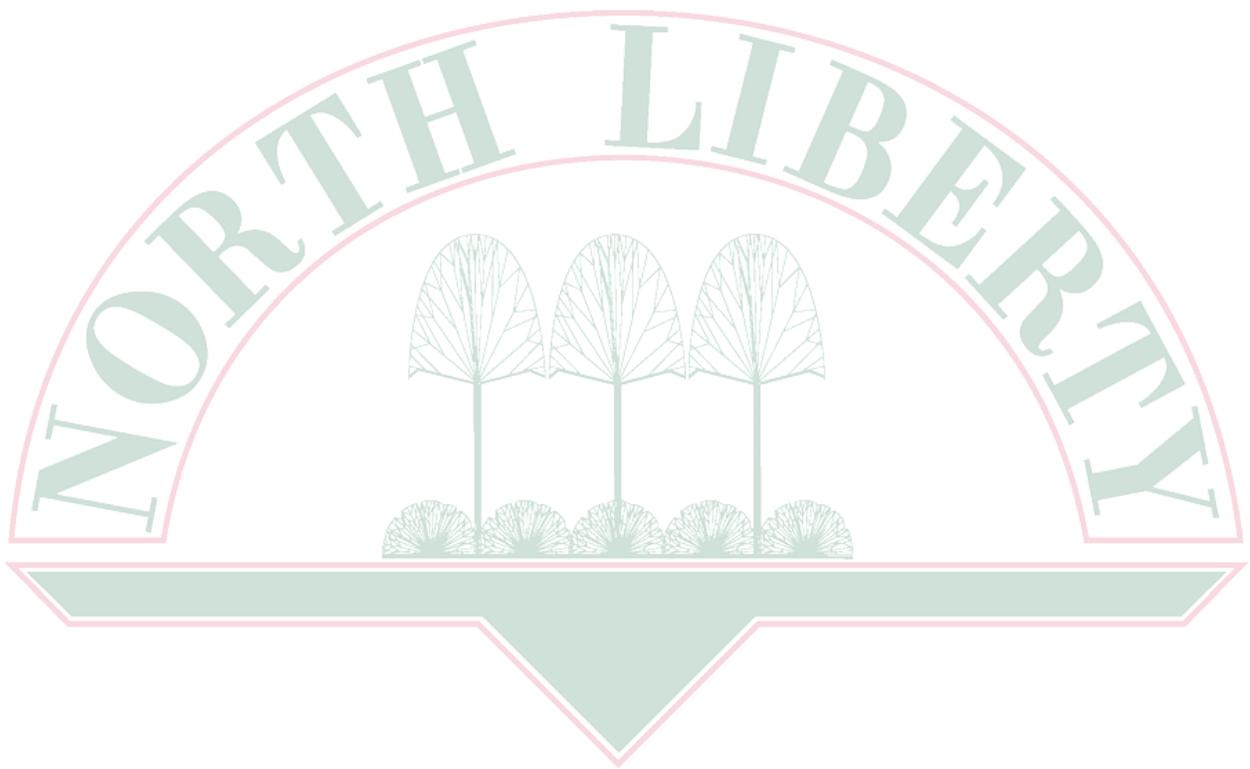
20. New Business

21. Closed Session

- A. Recommendation of City Attorney regarding proposed closed session
- B. Possible closed session pursuant to Iowa Code Section 21.5(1)(c) to discuss litigation

22. Adjournment

Consent Agenda





MINUTES
North Liberty City Council
September 13, 2016
Work Session/Regular Session

Call to order

Mayor Pro Tem Terry Donahue called the September 13, 2016 Work Session of the North Liberty City Council to order at 6:00 p.m. Council members present: Terry Donahue, Chris Hoffman, Annie Pollock, Jim Sayre and Brian Wayson.

Also Present: Ryan Heiar, Scott Peterson, Dean Wheatley, Mary Byers, Michael Pentecost, Kelly Beckler and IDOT Representatives Linda Narigon, Newman Abuissa, Ryan Miller, Eric VanRoekel, Anna Nessa and other interested citizens.

Approval of the Agenda

Pollock moved, seconded by Wayson, to approve the Agenda with the removal of BeerBurger's Class C Liquor License with Catering Privilege, Outdoor Service and Sunday Sales endorsements with waiver for one year for wall remote vending system. The vote was all ayes. Consent Agenda was approved.

Work Session.

Representatives of the Iowa Department of Transportation presented the City Council an overview of the upcoming Forevergreen Road Projects, including the interchange and improvements east of Kansas Avenue.

Mayor Nielsen arrived at 6:13 p.m.

Mayor Nielsen called the Regular Session of the September 13, 2016 to order at 6:35 p.m.

Consent Agenda

Donahue moved, seconded by Hoffman, to approve the Consent Agenda including City Council Minutes, Regular Session, August 23, 2016; Claims; Liquor License Renewal, Mirabito's Restaurant, Class C Liquor License (Beer/Wine); Liquor License Renewal; Gasby's, Class C Beer Permit with Sunday Sales endorsement; Liquor License Application; Penn Meadows Park Splash Pad, Change Order Number 1, Calacci Construction, (\$188.58); Penn Meadows Park Splash Pad, Final Pay Application and acceptance; Calacci Construction, \$6,523.92; WWTP Improvements Project, Pay Application Number 12, Tricon Construction, \$709,744.81; SRF Sponsored Water Quality Project, Pay Application Number 1, Metro Pavers, Inc., \$88,642.58; North Liberty Road/Dubuque Street Project, Change Order Number 7, Streb Construction, \$5,325.83; North Liberty Road/Dubuque Street Project, Pay Application Number 6, Streb Construction, \$603,570.31; Penn Street ICAAP Improvements Project, Change Order Number 7, Metro Pavers, \$2,119.14; Penn Street ICAAP Improvements Project, Pay Request Number 6, Metro Pavers, \$99,592.40. The vote was all ayes. Consent Agenda approved.

Mayor Nielsen arrived at 6:13p.m.

Public Comment

No public comment was offered.

City Planner Report

Wheatley presented new maps of North Liberty to the City Council. Wheatley also reported that there is a new link on the North Liberty Website that shows the policy for determining the standards for placing a Yield/Stop Sign at intersections.

City Attorney Report

City Attorney Peterson reported that he continues to work on the agreement for the NL Transit Service Seats Transit Service and hopes to get it to the City Council soon. Peterson hopes to have Mayor/Administrator portion of the Code of Ordinances completed for the Work Session in October. The Weinman Trial went was last week and Peterson reported that the outcome was favorable for North Liberty. Council discussed the report with Peterson.

City Administrator Report.

City Administrator Heiar reported on the progress on North Liberty Road and Dubuque Street Project and anticipates this project will be completed by mid-October. The Penn Street widening Project is scheduled for a September 30th completion. The Parks Department is installing the new play equipment in Beaver Kreek Park. The Inauguration of President Harold is Friday at 3:00 p.m. Heiar will be attending the League of City Conference Wednesday through Friday. Heiar reported the school traffic issues are diminishing somewhat since the first week of school. Council discussed the report with Heiar.

Mayor Report

Mayor Nielsen read two Proclamations for PLAYVolution Proclamation and Preventing Lost Potential Day Proclamation.

Eric VanRoekel and Anna Nessa addressed the Council on Have Life of Johnson County, a non-profit organization that helps kids 10 to 15 years of age participate in Music, Athletics and Arts that cannot afford to otherwise. They gave \$20,000.00 this year to the youth.

Nielsen also reported that she attended the CBJ Luncheon, the Weinman Trial, and the Annual Reception of League of Women Voters.

Psychiatric Associates Site Plan

City Planner presented the Site Plan and Planning Commission recommended approval.

Applicant presentation: Kelly Beckler of MMS C was available for questions.

Donahue moved, seconded by Hoffman, to approve Resolution Number 2016-91, A Resolution approving the Site Plan for Corridor Commercial Part 1A, Lot 8, North Liberty, Iowa. After discussion, the vote was: ayes—Pollock, Sayre, Donahue, Hoffman, Wayson. Motion carried.

Dubuque Street Speeds

Hoffman moved, seconded by Sayre, to approve Resolution Number 2016-92, A Resolution approving Special Speed Limits in the City of North Liberty, Iowa. After discussion the vote was: ayes—Sayre, Donahue, Hoffman, Wayson; nays—Pollock. Motion carried.

Parking (Birch)

Donahue moved, seconded by Hoffman, to approve Resolution Number 2016-93, A Resolution approving Parking Control Devices in the City of North Liberty, Iowa. After discussion, the vote was: ayes—Wayson, Donahue, Hoffman, Pollock, Sayre; nays—none. Motion carried.

Water System – Wells Component

Public hearing was open at 7:45 p.m. regarding proposed plans, specifications, etc. for the wells component of the Water System Project. There were no comments and the Public Hearing was closed.

Hoffman moved, seconded by Pollock, to approve Resolution Number 2016-94, A Resolution finally approving and confirming plans, specifications, form of contract and estimate of cost for the Phase 1 Water System Improvements Project, Division III – Well Construction and Rehabilitation. After discussion, the vote was: ayes—Pollock, Hoffman, Wayson, Sayre, Donahue. Motion carried.

Creekside South

Donahue moved, seconded by Hoffman, to approve Resolution Number 2016-95, A Resolution approving the Development Agreement between the City of North Liberty and Hodge Construction Company that establishes the terms and conditions under which Creekside South will be developed in the City of North Liberty, Iowa. After discussion, the vote was: ayes—Donahue, Wayson, Pollock, Hoffman, Sayre. Motion carried.

Penn Street Project

Donahue moved, seconded by Hoffman, to approve Resolution Number 2016-96, A Resolution approving the Federal-aid Agreement for a Surface Transportation Program Project between the Iowa Department of Transportation and the City of North Liberty for Project Number STP-U-5557(620)—70-52; Iowa DOT Agreement Number 6-16-STPU-34 for the Penn Street PCC Pavement Project. After discussion, the vote was: ayes—Wayson, Hoffman, Donahue, Pollock, Sayre. Motion carried.

Highway 965 Project

Hoffman moved, seconded by Sayre, to approve Resolution Number 2016-97, A Resolution approving the Federal-aid Agreement for a Surface Transportation Program Project between the Iowa Department of Transportation and the City of North Liberty for Project Number STP-U-5557(618)—70-52; Iowa DOT Agreement Number 6-16-STPU-33 for the Highway 965 PCC Pavement Project. The vote was: ayes—Hoffman, Pollock, Sayre, Wayson, Donahue. Motion carried.

Assessment Resolution

Wayson moved, seconded by Pollock, to approve Resolution Number 2016-98, A Resolution of Assessment of amounts owed to the City of North Liberty, Iowa to individual property taxes. The vote was: ayes—Donahue, Sayre, Hoffman, Wayson, Pollock. Motion carried.

Smigel Second Addition

Public Hearing regarding disposal of property was opened at 7:55 p.m. There were no comments from the public and the Public Hearing was closed.

Hoffman moved, seconded by Donahue, to approve Resolution Number 2016-99, A Resolution approving the conveyance of property owned by the City of North Liberty and authorizing the

Mayor to sign and the City Clerk to attest a Quit Claim Deed for the conveyance of property. The vote was: ayes—Pollock, Donahue, Sayre, Hoffman; nays—Wayson. Motion carried.

Archery Ordinance

Public Hearing was open at 8:01 p.m. regarding proposed amendment to the Public Health and Safety Chapter of the City Code. North Liberty Police Officer Chris Shine said this is a safety issue and if anyone wanted to shoot there is an archery club in the county outside of North Liberty.

Pollock moved, seconded by Donahue, to approve the First consideration of Ordinance Number 2016-11, An Ordinance amending Chapter 41 of the North Liberty Code of Ordinances by amending Sections 41.05 and 41.06 regarding shooting arrows in City limits. The vote was: ayes—Wayson, Hoffman, Donahue, Sayre, Pollock. Motion carried.

Council was in favor of condensing the second and third consideration at the next meeting.

SRF Sewer Loan

Public Hearing was open at 8:10 p.m. regarding proposed SRF Sewer Loan. Hoffman moved, seconded by Wayson, to approve Resolution Number 2016-100, A Resolution authorizing and approving a Loan and Disbursement Agreement and providing for the issuance and securing the payment of \$22,337,000 taxable Sewer Revenue Improvement and Refunding Bonds. The vote was: ayes—Hoffman, Pollock, Wayson, Sayre, Donahue. Motion carried.

Street Superintendent Appointment

Hoffman moved, seconded by Wayson, to approve the appointment of Michael Pentecost to the Street Superintendent was all ayes and the motion carried.

Donahue wanted to thank Dan Lange for doing a good job in the interim.

Old Business

Pollock reported that the Splash Pad is a big hit.

New Business

Donahue received a letter from the North Liberty Living Center on some concerns they have. Donahue will forward the letter to Heiar.

Adjournment

At 8:15 pm, Mayor Nielsen adjourned the meeting.

CITY OF NORTH LIBERTY

Amy Nielsen, Mayor

ATTEST

Mary Byers, Deputy City Clerk

AUGUST 31ST, 2016

	MONTH-TO-DATE BALANCE	YEAR-TO-DATE BALANCE
010-GENERAL FUND	340,510.84	794,002.19
011-FIRE EQUIPMENT CAPITA	0.00	0.00
012-LIBRARY CAPITAL FUND	6,435.50	7,862.90
013-RECREATION CAPITAL FU	0.00	0.00
014-POLICE CAPITAL FUND	1,880.00	2,818.52
015-TRANSPORTATION IMPACT	331,802.00	338,130.86
016-STORMWATER IMPACT FEE	0.00	0.00
017-TREE PROGRAM	0.00	0.00
018-PARK CAPITAL FUND	0.00	0.00
019-YOUTH SPORTS SCHOLARS	1,595.21	2,772.71
020-EQUIPMENT REVOLVING	392.18	915.57
021-TELECOMMUNICATIONS EQ	0.00	0.00
022-LIBRARY TAG	0.00	0.00
023-LIBRARY ENDOWMENT	0.00	0.00
024-DRUG TASK FORCE	0.00	0.00
025-POLICE SEIZED FUNDS	0.00	0.00
060-ROAD USE TAX FUND	182,898.72	307,365.07
061-STREET CAPITAL PROJEC	0.00	0.00
062-IJOBS STREETS	0.00	0.00
090-TIF FUND	783.02	15,940.31
110-DEBT SERVICE FUND	164.92	6,803.13
210-TRUST AND AGENCY	212.82	9,965.25
280-CUSTOMER DEPOSITS	26,020.00	55,960.00
310-COMMUNITY CENTER II C	0.00	0.00
311-FRONT STREET RECONSTR	0.00	0.00
312-CHERRY STREET RECONST	0.00	0.00
313-TIF PROJECTS	0.00	0.00
314-ENTRYWAY DEVELOPMENT	0.00	0.00
315-HIGHWAY 965 IMPROVEME	283,799.87	283,799.87
316-COMMUNITY CENTER PHAS	0.00	0.00
317-TRAIL PROJECTS	0.00	0.00
318-EC DEVELOPMENT PROJEC	0.00	0.00
319-PENN STREET IMPROVEME	0.00	0.00
320-LIBERTY CENTER PROJEC	0.00	0.00
321-LAND/FACILITIES	0.00	0.00
322-LIBRARY BUILDING FUND	10.53	21.00
323-LIBERTY CENTRE BLUES/	0.00	0.00
324-RANSHAW HOUSE PROJECT	0.00	0.00
510-WATER FUND	290,647.43	570,892.48
511-WATER CAPITAL RESERVE	0.00	0.00
512-WATER SINKING FUND	77,057.08	154,114.16
513-WATER BOND RESERVE	0.00	0.00
514-WATER CAPITAL PROJECT	0.00	0.00
520-SEWER FUND	344,453.94	683,096.77
521-SEWER CAPITAL RESERVE	24,985.00	42,110.00
522-SEWER SINKING FUND	113,135.33	226,270.66
523-WASTEWATER TREATMENT	1,258,263.23	2,368,120.73
524-SEWER TRUNK AND I&I	0.00	0.00
525-SEWER DEBT SERVICE RE	0.00	0.00
530-STORMWATER MANAGEMENT	18,042.00	34,647.00
532-STORMWATER SINKING FU	0.00	0.00
GRAND TOTAL REVENUE	3,303,089.62	5,905,609.18

Unit Price Contract

Contractor's Application for Payment No. 14

Project:	East Growth Area Water & Sewer Extensions	From (Contractor):	Langman Construction	Application Date:	9/8/2016
To (Owner):	City of North Liberty	Owner's Project No.:		Period From:	5/16/2016
Via (Engineer):	FOX Engineering	Engineer's Proj. No.:	2489-13A	Period To:	9/8/2016

Approved Change Order Summary:			
No.	Date Approved	Additions	Deductions
1	6/26/2015	\$12,669.51	
2	9/10/2015	\$4,403.40	
3	9/29/2015		-\$6,380.00
4	11/10/2015	\$4,572.17	
5	5/25/2016	\$13,699.20	
TOTALS		\$35,344.28	-\$6,380.00
NET CHANGE BY CHANGE ORDERS			\$28,964.28

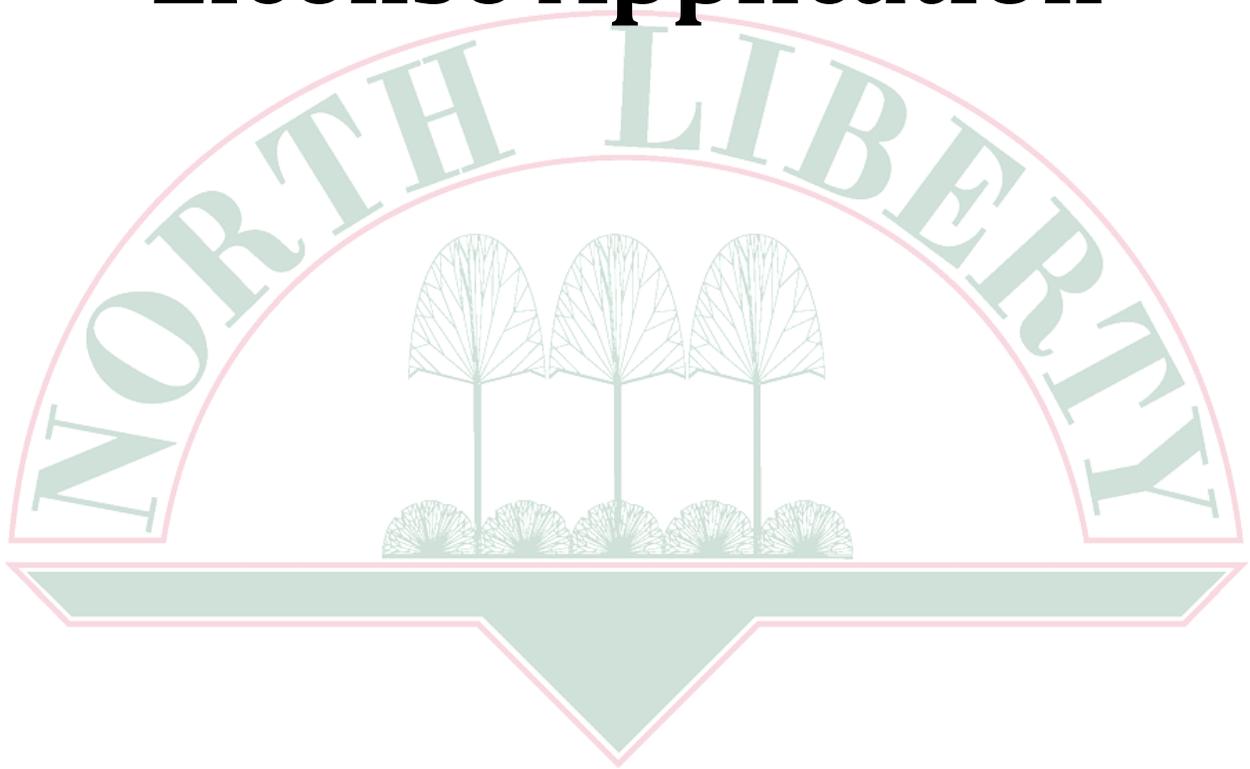
1. ORIGINAL CONTRACT PRICE.....	\$ 4,864,867.50
2. Net change by Change Orders.....	\$ 28,964.28
3. Current Contract Price (Line 1 + 2).....	\$ 4,893,831.78
4. TOTAL COMPLETED AND STORED TO DATE	
(Column F on Progress Estimate).....	\$ 4,749,396.88
5. RETAINAGE:	
a. 5% X \$4,749,396.88 Work Completed.....	\$ 237,469.84
b. 5% X _____ Stored Material.....	\$ _____
c. Less Total Retainage Released Early.....	\$ _____
d. Total Retainage (Line 5a + Line 5b - Line 5c).....	\$ 237,469.84
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$ 4,511,927.04
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 4,484,344.55
8. AMOUNT DUE THIS APPLICATION.....	\$ 27,582.49
9. BALANCE TO FINISH, PLUS RETAINAGE	
(Column G on Progress Estimate + Line 5 above).....	\$ 381,904.74

Contractor's Certification	
The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.	
By: <u>Brison Gaul</u>	Date: <u>9/8/16</u>

Payment of:	\$ <u>27,582.49</u>
	(Line 8 or other - attach explanation of the other amount)
is recommended by:	_____ <u>9.13.2016</u> (Engineer) (Date)
Payment of:	\$ <u>27,582.49</u>
	(Line 8 or other - attach explanation of the other amount)
is approved by:	_____ (Owner) (Date)

Endorsed by the Construction Specifications Institute.

BeerBurger Liquor License Application



Applicant License Application ()

Name of Applicant:	<u>575 LLC</u>		
Name of Business (DBA):	<u>BEERBURGER</u>		
Address of Premises:	<u>575 CAMERON WAY</u>		
City	<u>North Liberty</u>	County:	<u>Iowa</u> Zip: <u>52245</u>
Business	<u>(319) 631-4909</u>		
Mailing	<u>BEERBURGER c/o MAINGREDIENT</u>		
City	<u>IOWA CITY</u>	State	<u>IA</u> Zip: <u>52245</u>

Contact Person

Name	<u>JOHN BURCHERT</u>		
Phone:	<u>(319) 631-4909</u>	Email	<u>JOHN@MAINGREDIENT.COM</u>

Classification Class C Liquor License (LC) (Commercial)

Term:12 months

Effective Date: 09/01/2016

Expiration Date: 01/01/1900

Privileges:

Catering Privilege

Class C Liquor License (LC) (Commercial)

Outdoor Service

Sunday Sales

Status of Business

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>812349812</u>	Federal Employer ID	<u>812349812</u>

Ownership

JOHN BURCHERT

First Name: JOHN **Last Name:** BURCHERT
City: IOWA CITY **State:** Iowa **Zip:** 52245
Position: MGR
% of Ownership: 50.00% **U.S. Citizen:** Yes

ROBERT THOMPSON

First Name: ROBERT **Last Name:** THOMPSON
City: IOWA CITY **State:** Iowa **Zip:** 52240
Position: MGR
% of Ownership: 50.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company: Grinnell Mutual Group

Policy Effective Date: 09/01/2016

Policy Expiration 09/01/2017

Bond Effective

Dram Cancel Date:

Outdoor Service Effective

Outdoor Service Expiration

Temp Transfer Effective

Temp Transfer Expiration Date:



North Liberty Police Department

5 E Cherry St•PO Box 77•North Liberty, Iowa•52317•(319) 626-5724/Fax: 5743

July 20, 2016

Liquor License Check

Business: Beerburger
575 Cameron Way
North Liberty, IA 52317

Owners: John Burchert (DOB: 1976)
Robert Thompson (DOB: 1982)

The North Liberty Police department does not have any documented contacts for the above owners or the new business.

I recommend the license be granted.

This record check was conducted by Sergeant Chris Shine.



City of North Liberty
Inspection Report for Alcoholic Beverage Licensing
Chapter 15.04 of the Municipal Code

License Type Beer/Liquor Sunday Sales New Renewal Amended

Outdoor Serv. - Catering

Legal Name of Applicant: Beerburger

Name of Business (DBA): "

Address of Business: 575 Cameron Way N Liberty Ia 52317

Contact Phone: 319/631-4909

Section 5.04.100 of the Municipal Code requires approval from the following City and County Departments

City of North Liberty Inspection Department:

The above mentioned property is located within a zoning district permitting the sale or consumption of alcoholic beverage.

[Signature]

Code Official

7-11-19

Date

An inspection was performed at the above referenced property to verify fire extinguisher maintenance program and exit requirements.

Designated Fire Inspector

Date

Johnson County Health Department:

The above mentioned food facility at the listed address is: (check one)

Is currently license in accordance with Iowa Food Code.

In the process of becoming licensed in accordance with the Iowa Food Code.

[Signature]

Johnson County Health Official

8/5/16

Date

City of North Liberty

Iworq Permit _____

License Expires _____

State License # _____

Renewal letter _____

Official e-mail _____

Council Agenda date _____



Terry E. Branstad *Governor of Iowa*
Kim Reynolds *Lieutenant Governor*
Stephen Larson *Administrator*

IN THE MATTER OF THE PETITION
FOR WAIVER BY:

W16-014

575 LLC
d/b/a BeerBurger
575 Cameron Way
North Liberty, Iowa 52245

RULING

Pursuant to Iowa Code § 17A.9A and 185 Iowa Administrative Code chapter 19, the Iowa Alcoholic Beverages Division (“Division”) makes the following ruling on the Petition for Waiver submitted by John Burchert on behalf of 575 LLC d/b/a BeerBurger (“Petitioner”):

COURSE OF PROCEEDINGS

The Petitioner is a limited liability company seeking a class “C” liquor control license for BeerBurger, located at 575 Cameron Way, North Liberty. Mr. Burchert shares ownership of the Petitioner with Robert Thompson. Mr. Burchert now petitions the Division for a waiver of 185 Iowa Administrative Code § 4.41.

RELEVANT FACTS

According to information provided by Mr. Burchert in the Petition for Waiver and Petition for Waiver Supplement, the Petitioner desires to operate a Pour My Beer built-in wall remote dispensing system on its premises. The self-serve system contains 36 taps that are located within the Petitioner’s business and is intended to be accessed and used by the Petitioner’s patrons.

The Pour My Beer dispensing system allows the Petitioner’s trained employees to issue and activate RFID cards using an RFID card equipped with administrative privileges. These administrative RFID cards are distributed by managers to only trained employees and are collected at the end of the each business day. Prior to utilizing the Pour My Beer dispensing system, the Petitioner’s trained employees will verify the patron’s age by ID. Each patron consuming beer from the Pour My Beer dispensing system is issued one RFID card and their information is maintained in the Pour My Beer dispensing system software. The card is embedded with an RFID chip that, when placed in front of the RFID reader located next to the tap, will permit the tap to dispense the selected beer without further assistance from the Petitioner’s employees. The RFID chip collects data on the type and amount of beer dispensed, and patron service is paused after the preselected amount (28 ounces) has been dispensed from the system, requiring the Petitioner’s employee to deem the patron eligible for more servings.

The RFID cards are pre-programmed with technology that allows the Petitioner's employees the ability to view each transaction, including the amount of beer dispensed in each transaction for each card. The Petitioner's trained employees have the ability to remotely suspend the Pour My Beer dispensing system, which restricts the dispensing of beer from all taps. The Petitioner keeps a tab on each patron using the Pour My Beer dispensing system, with the patron making payment to the Petitioner prior to the end of the business day. The patron is only charged for beer dispensed from the Pour My Beer dispensing system, even if the preselected amount has not been reached.

The Petitioner can deactivate RFID cards at the end of each business day so any remaining ounces on the RFID cards are depleted. The RFID cards are also pre-programmed with geographic information software which deactivates the RFID card when a patron leaves the licensed premises. The Petitioner's trained employees must reactive a returning patron's RFID card prior to the patron using the Pour My Beer dispensing system.

SUMMARY OF LAW

The Division's administrative rules prohibit alcoholic beverages from being dispensed from a vending machine. Specifically, 185 Iowa Administrative Code § 4.41 provides that:

A liquor control licensee or beer or wine permittee shall not install or permit the installation of vending machines on the licensed premises for the purpose of selling, dispensing or serving alcoholic beverages. A vending machine is defined as a slug, coin, currency or credit card operated mechanical device used for dispensing merchandise, including single cans of beer or other alcoholic beverages, and includes a mechanical device operated by remote control and used for dispensing single cans of beer or other alcoholic beverages. A vending machine is not a unit installed in individual hotel or motel rooms used for the storage of alcoholic beverages and intended for the personal use of hotel or motel guests within the privacy of the guests' rooms.

Unless waived, this rule prohibits the Petitioner's use of the Pour My Beer dispensing system at its place of business. The purpose of this rule is to prevent underage consumption and over consumption of alcoholic beverages in unsupervised settings.

The Division may, in its sole discretion, issue an order waiving in whole or in part the requirements of a rule if it finds, based upon clear and convincing evidence, that all of the criteria set forth in 185 Iowa Administrative Code § 19.2(1) have been met. The criteria include:

- a. Application of the rule would result in hardship or injustice to the person for whom the waiver is requested.

- b. Waiver from the rule on the basis of the particular circumstances would not prejudice the substantial legal rights of any person.
- c. Provisions of the rule subject to the request for a waiver are not specifically mandated by statute or another provision of law.
- d. Where applicable, substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

If granted, a waiver “shall provide the narrowest exception possible to the provisions of a rule.” 185 Iowa Administrative Code § 19.2. The burden of persuasion rests with the Petitioner to demonstrate by clear and convincing evidence that the Division should exercise its discretion to grant a waiver from a rule. 185 Iowa Administrative Code § 19.3(3).

CRITERIA FOR WAIVER

The application of the rule would impose an undue hardship on the person for whom the waiver is requested:

The application of 185 Iowa Administrative Code § 4.41 would pose a financial burden to the Petitioner. The Petitioner’s business relies upon the novelty of the Pour My Beer dispensing system to attract patrons to its place of business.

The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person:

There is no prejudice in the substantial legal rights of any person by the granting of this waiver. Waivers have previously been submitted and granted concerning the rule in question. An evaluation of these criteria will be made on a case-by-case basis for future waiver requests and renewals.

The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law:

No provisions of Iowa Code chapter 123 or other applicable statutes prohibit the waiver of 185 Iowa Administrative Code § 4.41.

Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested:

So long as the Petitioner’s employees, in the supervision and operation of the Pour My Beer dispensing system, take all necessary precautions to prevent underage consumption and the

service of intoxicated patrons, the public health, safety, and welfare will not be compromised or otherwise placed at risk should the Division grant the requested waiver in this case.

IT IS THEREFORE ORDERED:

The requirements of 185 Iowa Administrative Code § 4.41 that prohibit the use of vending machines for the dispensing of alcoholic beverages are waived for the use of the Pour My Beer dispensing system, containing no more than **36 taps**, upon the premises located at 575 Cameron Way, North Liberty, Iowa, subject to the following conditions:

- Only a trained employee of BeerBurger may authorize the Pour My Beer dispensing system and activate RFID cards to dispense beer. Individual patrons shall not be authorized to independently purchase beer through the Pour My Beer dispensing system without the assistance and involvement of a trained employee of BeerBurger.
- The Pour My Beer dispensing system shall only dispense beer as defined in Iowa Code §§ 123.3(7) and 123.3(19).
- BeerBurger shall employ an adequate number of employees to ensure each person consuming beer is of legal drinking age and no person being served beer is intoxicated.
- BeerBurger's employees shall exercise all necessary care to ensure that each purchase through the Pour My Beer dispensing system is made by a person of legal drinking age and that all beer dispensed through the Pour My Beer dispensing system is only consumed by persons of legal drinking age.
- BeerBurger employees shall exercise all necessary care to ensure that no person served beer through the Pour My Beer dispensing system is intoxicated.
- The Pour My Beer dispensing system shall program each RFID card to pause patron service after 28 ounces of beer has been dispensed from the system, requiring a BeerBurger trained employee to deem the patron eligible for more servings prior to the patron's continued use of the device. The RFID card shall be programmed to pause patron service after every 28 ounces of beer dispensed. This amount (28 ounces) is consistent with previously granted waivers for a similar device that dispenses beer.
- The Pour My Beer dispensing system shall be operated in the manner detailed in the Petition for Waiver along with the Petition for Waiver Supplement prepared and submitted by Mr. Burchert, attached hereto.

- BeerBurger employees shall deactivate all RFID cards at the end of each business day. Remaining ounces on an RFID card shall be depleted, requiring a returning patron to check-in with the Petitioner to activate the RFID card.

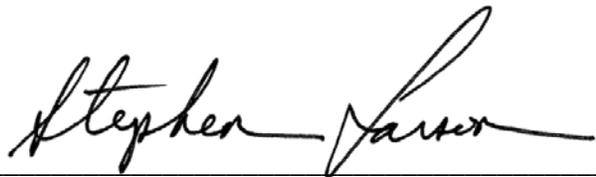
Upon consideration of comments received from the City of North Liberty, this waiver is granted, expiring **September 11, 2017**, but will terminate upon the cancellation or transfer of the liquor control license covering the premises located at 575 Cameron Way, North Liberty, Iowa. To request a continuance of the waiver, contact the Division by **July 5, 2017**.

This waiver is contingent upon the Pour My Beer dispensing system being operated in the manner described in the Petition for Waiver along with the Petition for Waiver Supplement, in addition to the explanation outlined in this waiver, including the conditions set forth above. The approval of this waiver is conditioned upon the City of North Liberty's authorization of the operating procedures as detailed in the Petition for Waiver along with the Petition for Waiver Supplement. Any modifications to the above-listed description or operating conditions are not approved. A new Petition for Waiver shall be submitted to the Division to seek approval to modify the above-listed description and/or operating conditions. Deviation from the above-listed description or operating conditions without Division approval shall render this waiver null and void and subject the Petitioner to the penalty provisions of Iowa Code § 123.39, including fine, license suspension, and/or license revocation.

The waiver granted through this ruling is location and license specific. A separate waiver must be obtained from the Division for each licensed premises upon which a liquor control licensee or beer permittee desires to use the Pour My Beer dispensing system or other similar device prior to installation. The Division reserves the right to re-examine the grant of this waiver at any time as circumstances warrant.

DATED this 12th Day of September, 2016, in Ankeny, Iowa.

IOWA ALCOHOLIC BEVERAGES DIVISION

A handwritten signature in black ink, appearing to read "Stephen Larson", written over a horizontal line.

STEPHEN LARSON
Administrator

Copy to:

John Burchert
BeerBurger c/o MAingredient
308 E. Burlington #287
Iowa City, Iowa 52245

John Lundquist
Assistant Attorney General
Department of Justice
Hoover State Office Building
Des Moines, Iowa 50319

Police Chief Diane Venenga
City of North Liberty Police Department
5 E. Cherry Street
North Liberty, Iowa 52317

Tracey Mulcahey
City Clerk
City of North Liberty
3 Quail Creek Circle
North Liberty, Iowa 52317

DEPARTMENT OF COMMERCE
IOWA ALCOHOLIC BEVERAGES DIVISION
1918 SE HULSIZER ROAD, ANKENY, IOWA 50021
Telephone: 515-281-7400 Toll Free 1-866-IOWAABD
Licensing and Regulation Fax: 515-281-7375

FORM FOR
PETITIONS FOR WAIVERS FROM ADMINISTRATIVE RULES

This form may be used to seek a waiver or variance from an administrative rule adopted by the Alcoholic Beverages Division. A waiver, if granted, may excuse the petitioner from the requirements of a rule in its entirety or in part, or may modify the requirements of a rule, for a period of time or permanently. The process for seeking a waiver from an administrative rule and the standards under which the petition will be evaluated are described in 185 Iowa Administrative Code chapter 19. Please keep in mind that the Alcoholic Beverages Division is not allowed to waive or alter a statutory duty or requirement.

Criteria for a waiver includes clear and convincing evidence that:

1. The application of the rule would impose undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver was requested.

PETITION INFORMATION (please type or print clearly)	
Name of Business (D/B/A): <u>Beer Burger</u>	Licensee/Permit Number: _____
Address of Business: <u>575 Cameron Way, North Liberty, IA</u>	Contact Name: <u>John Burchert</u>
Business Telephone: _____	Contact Number(s): _____
Fax Number: _____	<u>319-631-4909</u>

List the number and a description of the rule from which you are requesting a waiver (i.e. 185 - 4.41).
185 Iowa Administrative Code § 4.41, Rules prohibit alcoholic beverages from being dispensed from a vending machine.

WAIVER REQUESTED

Briefly describe the nature of the waiver that you are requesting and the period of time you want the waiver to last.

Request: to operate a Pour My Beer built-in wall remote dispensing system, to be accessed and used by BeerBurger Patrons. We want the Waiver to last for one year, or as long as the ABD will allow.

SPECIFIC INFORMATION ABOUT THE WAIVER YOU ARE REQUESTING

What are the facts and reasons that, in your opinion, provide "clear and convincing evidence" supporting a waiver of the rule? Be sure to explain in your answer why you feel the rule poses an undue hardship on you.

Read Attached Sheet - Not Enough Space
on here

List the name, address and telephone number of any person or entity that would be adversely affected by the granting of this waiver.

No Person or Entity would be adversely affected
by the granting of this waiver.

List the name, address and telephone number of any other state or federal boards or agencies, or local governmental bodies, such as a city or county, which also regulates the area in question, or which might be affected by the granting of this waiver.

City of North Liberty

How will the public health, safety and welfare be protected if your request for a waiver is granted?

Only trained Beer Burger employees will have the ability to issue, activate, and deactivate wristbands for patrons. Trained employees also have the ability to suspend the Pour My Beer system, which restricts the dispensing of Beer from all taps. Tabs are kept for each Patron that uses the Pour My Beer System, payment is due for the tab prior to the end of each business day. Each patron is only charged for beer dispensed from the Pour My Beer system, even if the preselected amount has not been reached.

Provide a history of any prior contacts between you and the Alcoholic Beverages Division relating to the regulated activity or license affected by the proposed waiver, including a description of each affected license held by you, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity or license within the past five years.

We currently hold liquor licenses for both EDEN Lounge and The Iowa Chop House. The Iowa Chop House has been issued a waiver for the same Pour My Beer system.

Do you know how the Alcoholic Beverages Division has treated similar situations?

Yes

No

If yes, describe how similar situations were handled.

The Iowa Chop House in Iowa City, IA was granted a waiver to operate the same system.

List the name, address and telephone number of any persons with knowledge of the relevant facts relating to the proposed waiver.

Hayden Burchard

920-216-8968

Click Submit Form at the top to email this form to Info@IowaABD.com or save form and attach saved form to an email.

SIGNATURE

I attest to the accuracy and truthfulness of the information contained in this petition. I authorize any persons with knowledge of the relevant facts relating to the requested waiver to release any information to the Alcoholic Beverage Division to which this petition is directed.



Signature

7/25/16

Date

SPECIFIC INFORMATION ABOUT THE WAIVER YOU ARE REQUESTING

What are the facts and reasons that, in your opinion, provide "clear and convincing evidence" supporting a waiver of the rule?

The Petitioner desires to operate a Pour My Beer built-in wall remote dispensing system on its premises. The self-serve system contains 36 taps that are located within the Petitioner's business and are intended to be accessed and used by the Petitioner's patrons.

According to information provided in the waiver petition and supporting documentation, the Pour My Beer device continues to allow the Petitioner's employees to remotely activate RFID Cards to be used at any of the Pour My Beer taps to dispense beer. The RFID Cards are pre-programmed with technology that allows the Petitioner's employees the ability to view each transaction, including the amount of beer dispensed in each transaction for each RFID Card.

Each patron consuming beer from the Pour My Beer system is issued one RFID chipped Card. The RFID Card is embedded with an RFID chip that, when placed in front of the RFID reader located next to the tap, will permit the tap to dispense the selected beer without further assistance from the Petitioner's employees. The RFID chip collects data on the type and amount of beer dispensed, and patron service is paused after the preselected amount (28 ounces) has been dispensed from the system, requiring the Petitioner's employee to deem the patron eligible for more servings.

The Petitioner's trained supervisors continue to be the only employees allowed to issue, activate, and deactivate the RFID Cards. The Petitioner's trained supervisors also have the ability to suspend the Pour My Beer system, which restricts the dispensing of beer from all taps. The Petitioner keeps a tab on each person using the Pour My Beer system, with the patron making payment to the Petitioner prior to pouring their beer. The patron is only charged for beer dispensed from the Pour My Beer system, even if the preselected amount has not been reached.

The Pour My Beer System automatically deactivates all RFID Cards at the end of each business day, any remaining balance on the RFID card is deactivated. This requires a returning patron to check-in with the Petitioner to reactivate their RFID Card.

consistent with previously granted waivers for a similar device that dispenses beer.

- The Pour My Beer remote dispensing system shall be operated in the manner detailed in the petition for waiver, along with the supporting documentation prepared and submitted by BeerBurger.
- All BeerBurger RFID chipped cards automatically deactivate at the end of each business day. Remaining ounces on an RFID chipped card shall be deactivated, requiring a returning patron to check-in with the Petitioner to re-activate the RFID Card.

Petition for Waiver Supplement

575 LLC
d/b/a BeerBurger
575 Cameron Way
North Liberty, IA 52245

- 1) In your Petition for Waiver, you state that wristbands are issued to patrons. In the attached sheet, you state RFID Cards are issued. What does the patron receive? The patron will receive an RFID Card, not a wristband.
- 2) What forms of ID are accepted and who is authorized to issue, activate, and deactivate the cards/wristbands? A supervisor or any trained employee? The card can only be issued and activated by a trained employee that has a special RFID card with PourMyBeer Administrative privileges. Those cards will be distributed by Managers/Executives each day, and gathered at the end of the night. For forms of ID from the patrons, only forms deemed acceptable by the Iowa ABD will be allowed.
 - a. Is patron information maintained? Yes, we will house basic information on the customer, that will be referenced when the customer wishes to utilize the PourMyBeer system, re-activate a card, etc.
 - b. Can cards/wristbands be shared amongst patrons? No, as with alcoholic drinks in general, cards are not to be shared. The Beer Tap Attendants, and the respective Managers/Servers/Bartenders will be monitoring this.
- 3) What other measures are in place to prevent underage consumption and/or over consumption of alcohol?
 - a. In terms of staff, how many trained employees will be monitoring patrons using the Pour My Beer system? First, there will be specially trained employees dedicated to monitoring the taps and the PourMyBeer system. There will be one at each tap station, for a total of two. Additionally, all Hosts, Servers, Bartenders, Supervisors, and Managers will be trained to monitor consumption and use of the system. This will ensure that a minimum of 2 trained employees will be monitoring each patron; the Server/Bartender at their table/seat, and the Beer Tap Attendant specifically at the beer taps.
 - b. Is video surveillance used to monitor the Pour My Beer System? If yes, how long is footage maintained? We will be using multiple security cameras throughout the establishment. We will maintain footage for 30 days.
- 4) What training programs are required of BeerBurger employees? First, every employee will be IPAC certified prior to employment. Additionally, during their initial training period they will be trained on both the PourMyBeer system, along with enhanced ID/age verification, signs of intoxication, etc. Throughout their employment they will be required to attend various training sessions with the Management staff, reinforcing best practices and compliance measures.
- 5) Can the entire Pour My Beer system be deactivated at any given time by BeerBurger? Yes.

- 6) When cards/wristbands are deactivated at the close of business day, what are the procedures of reactivating the card the next day or at a later date? Upon arriving to BeerBurger, the patron will be required to have their card activated by a trained staff member, after the employee verifies their age with proper identification, before their card is activated.
- 7) What is the sentence on the second page of the attached sheet referring to? If you are referring to “No person or entity would be adversely affected by the granting of this waiver,” we are stating that there will be no adverse effects to any individual or entity should be this waiver be granted. If you are referring to another sentence, please let us know!

From: Cam, Jeffrey [ABD]
To: ["Tracey Mulcahey"](#)
Subject: RE: Beerburger Petition for Waiver
Date: Tuesday, August 30, 2016 8:08:00 AM

Thank you Tracey.

Jeff Cam | Compliance Officer

Iowa Alcoholic Beverages Division • 1918 SE Hulsizer Road, Ankeny, IA 50021
[ph] 515.725.2985 • [e] cam@iowaabd.com • <https://abd.iowa.gov/>

From: Tracey Mulcahey [mailto:tmulcahey@northlibertyiowa.org]
Sent: Monday, August 29, 2016 4:30 PM
To: Cam, Jeffrey [ABD]
Cc: Schaffer, Heather [ABD]
Subject: RE: Beerburger Petition for Waiver

Jeffrey,

North Liberty is ok with the waiver for one year. The City would like to revisit the issue each year to make sure all is good.

Thanks!

Tracey Mulcahey
Assistant City Administrator/City Clerk
City of North Liberty, Iowa
3 Quail Creek Circle
P.O. Box 77
North Liberty, IA 52317

319.626.5712 – phone

Note the email address change....tmulcahey@northlibertyiowa.org

Please remember that items sent and received on this account may become public record.

From: Cam, Jeffrey [ABD] [mailto:Cam@iowaabd.com]
Sent: Wednesday, August 17, 2016 10:01 AM
To: Tracey Mulcahey
Cc: Schaffer, Heather [ABD]
Subject: Beerburger Petition for Waiver

Tracey:

Thank you for taking time out to speak with me this morning regarding the 575 LLC d/b/a Beerburger

Petition for Waiver. The Iowa Alcoholic Beverages Division (Division) is reviewing the Petition for Waiver submitted by Beerburger located at 575 Cameron Way in North Liberty. At this time, the Division would like to provide the City of North Liberty and the Police Department an opportunity to voice any concerns or comments regarding the Petition for Waiver.

Please provide comments by July 26, 2016 and thank you for your attention to this matter. If you have any questions or need additional time, please contact me via email or phone.

Thanks,

Jeff Cam | Compliance Officer

Iowa Alcoholic Beverages Division • 1918 SE Hulsizer Road, Ankeny, IA 50021

[ph] 515.725.2985 • [e] cam@iowaabd.com • <https://abd.iowa.gov/>

Petition for Waiver Supplement

575 LLC
d/b/a BeerBurger
575 Cameron Way
North Liberty, IA 52245

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DEPARTMENT OF COMMERCE
IOWA ALCOHOLIC BEVERAGES DIVISION
1918 SE HULSIZER ROAD, ANKENY, IOWA 50021
Telephone: 515-281-7400 Toll Free 1-866-IOWAABD
Licensing and Regulation Fax: 515-281-7375

FORM FOR
PETITIONS FOR WAIVERS FROM ADMINISTRATIVE RULES

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1. The application of the rule would impose undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver was requested.

PETITION INFORMATION (please type or print clearly)	
Name of Business (D/B/A): <u>Beer Burger</u>	Licensee/Permit Number: _____
Address of Business: <u>575 Cameron Way, North Liberty, IA</u>	Contact Name: <u>John Burchert</u>
Business Telephone: _____	Contact Number(s): _____
Fax Number: _____	<u>319-631-4909</u>

List the number and a description of the rule from which you are requesting a waiver (i.e. 185 - 4.41).
185 Iowa Administrative Code § 4.41, Rules prohibit alcoholic beverages from being dispensed from a vending machine.

WAIVER REQUESTED

Briefly describe the nature of the waiver that you are requesting and the period of time you want the waiver to last.

Request: to operate a Pour My Beer built-in wall remote dispensing system, to be accessed and used by BeerBurger Patrons. We want the Waiver to last for one year, or as long as the ABD will allow.

SPECIFIC INFORMATION ABOUT THE WAIVER YOU ARE REQUESTING

What are the facts and reasons that, in your opinion, provide "clear and convincing evidence" supporting a waiver of the rule? Be sure to explain in your answer why you feel the rule poses an undue hardship on you.

Read Attached Sheet - Not Enough Space
on here

List the name, address and telephone number of any person or entity that would be adversely affected by the granting of this waiver.

No Person or Entity would be adversely affected
by the granting of this waiver.

List the name, address and telephone number of any other state or federal boards or agencies, or local governmental bodies, such as a city or county, which also regulates the area in question, or which might be affected by the granting of this waiver.

City of North Liberty

How will the public health, safety and welfare be protected if your request for a waiver is granted?

Only trained Beer Burger employees will have the ability to issue, activate, and deactivate wristbands for patrons. Trained employees also have the ability to suspend the Pour My Beer system, which restricts the dispensing of Beer from all taps. Tabs are kept for each Patron that uses the Pour My Beer System, payment is due for the tab prior to the end of each business day. Each patron is only charged for beer dispensed from the Pour My Beer system, even if the preselected amount has not been reached.

Provide a history of any prior contacts between you and the Alcoholic Beverages Division relating to the regulated activity or license affected by the proposed waiver, including a description of each affected license held by you, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity or license within the past five years.

We currently hold liquor licenses for both EDEN Lounge and The Iowa Chop House. The Iowa Chop House has been issued a waiver for the same Pour My Beer system.

Do you know how the Alcoholic Beverages Division has treated similar situations?

Yes

No

If yes, describe how similar situations were handled.

The Iowa Chop House in Iowa City, IA was granted a waiver to operate the same system.

List the name, address and telephone number of any persons with knowledge of the relevant facts relating to the proposed waiver.

Hayden Burchard

920-216-8968

Click Submit Form at the top to email this form to Info@IowaABD.com or save form and attach saved form to an email.

SIGNATURE

I attest to the accuracy and truthfulness of the information contained in this petition. I authorize any persons with knowledge of the relevant facts relating to the requested waiver to release any information to the Alcoholic Beverage Division to which this petition is directed.



Signature

7/25/16

Date

SPECIFIC INFORMATION ABOUT THE WAIVER YOU ARE REQUESTING

What are the facts and reasons that, in your opinion, provide “clear and convincing evidence” supporting a waiver of the rule?

The Petitioner desires to operate a Pour My Beer built-in wall remote dispensing system on its premises. The self-serve system contains 36 taps that are located within the Petitioner’s business and are intended to be accessed and used by the Petitioner’s patrons.

According to information provided in the waiver petition and supporting documentation, the Pour My Beer device continues to allow the Petitioner’s employees to remotely activate RFID Cards to be used at any of the Pour My Beer taps to dispense beer. The RFID Cards are pre-programmed with technology that allows the Petitioner’s employees the ability to view each transaction, including the amount of beer dispensed in each transaction for each RFID Card.

Each patron consuming beer from the Pour My Beer system is issued one RFID chipped Card. The RFID Card is embedded with an RFID chip that, when placed in front of the RFID reader located next to the tap, will permit the tap to dispense the selected beer without further assistance from the Petitioner’s employees. The RFID chip collects data on the type and amount of beer dispensed, and patron service is paused after the preselected amount (28 ounces) has been dispensed from the system, requiring the Petitioner’s employee to deem the patron eligible for more servings.

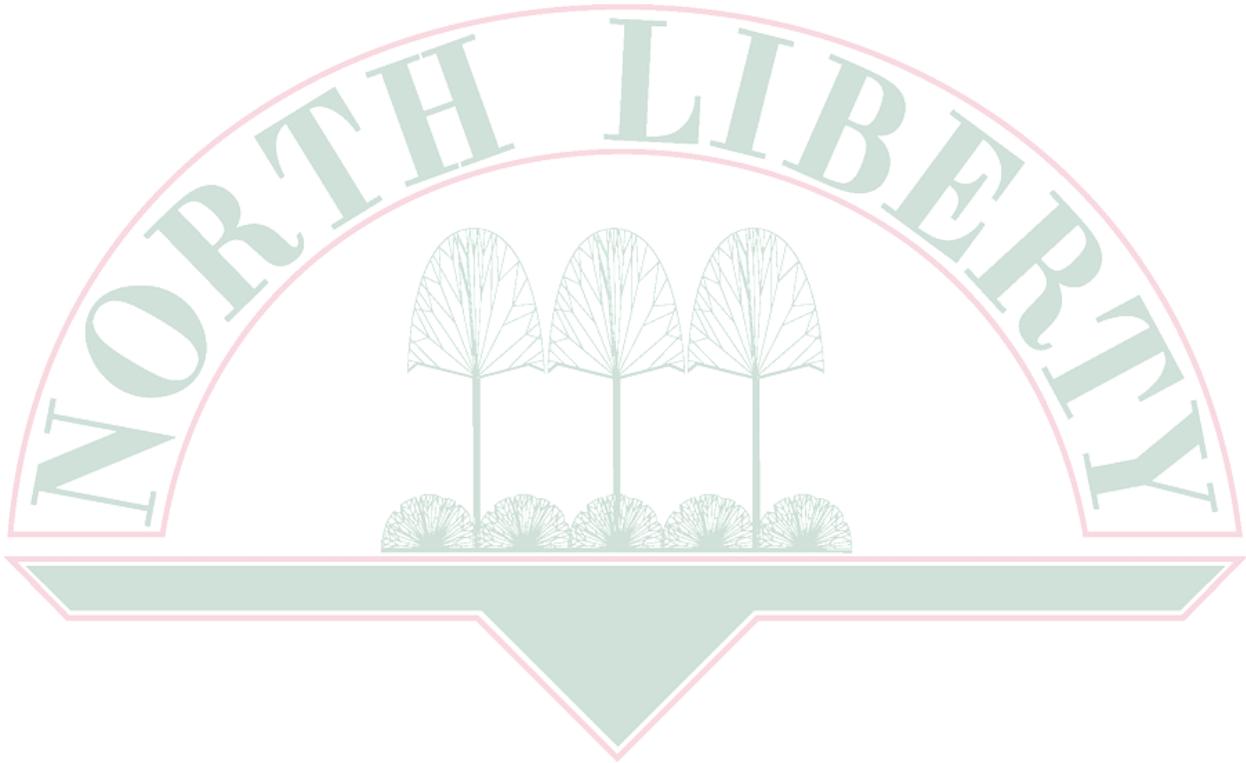
The Petitioner’s trained supervisors continue to be the only employees allowed to issue, activate, and deactivate the RFID Cards. The Petitioner’s trained supervisors also have the ability to suspend the Pour My Beer system, which restricts the dispensing of beer from all taps. The Petitioner keeps a tab on each person using the Pour My Beer system, with the patron making payment to the Petitioner prior to pouring their beer. The patron is only charged for beer dispensed from the Pour My Beer system, even if the preselected amount has not been reached.

The Pour My Beer System automatically deactivates all RFID Cards at the end of each business day, any remaining balance on the RFID card is deactivated. This requires a returning patron to check-in with the Petitioner to reactivate their RFID Card.

consistent with previously granted waivers for a similar device that dispenses beer.

- The Pour My Beer remote dispensing system shall be operated in the manner detailed in the petition for waiver, along with the supporting documentation prepared and submitted by BeerBurger.
- All BeerBurger RFID chipped cards automatically deactivate at the end of each business day. Remaining ounces on an RFID chipped card shall be deactivated, requiring a returning patron to check-in with the Petitioner to re-activate the RFID Card.

Water System Project



ORDINANCE _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH LIBERTY, IOWA, 20____, BY SETTING PROVISIONS PERTAINING TO SEPARATION DISTANCES FROM WELLS.

Be It Enacted by the City Council of the City of North Liberty, Iowa:

SECTION 1: The City of North Liberty has determined that new wells #8 and #9 must be drilled to maintain a reliable water source. The new wells will be drilled at the new well site located in Quail Ridge Park north of Zellar Street.

SECTION 2: SEPARATION DISTANCES FROM WELLS: The separation distances as contained in Iowa Administrative Code Section 567 Chapter 43 TABLE A are hereby adopted and incorporated herein. These separation distances shall apply to the existing city water supply wells and new water supply wells as may be constructed. Any violation of this ordinance shall be considered a municipal infraction and the provision of Chapter 4 entitled Municipal Infractions shall apply.

SECTION 3: 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.

SECTION 4: WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this ____st day of _____, 2016, by the following vote:

AYES -
NAYS -
ABSENT -

First Reading -
Second Reading -
Third Reading -

Mayor

City Administrator

This Ordinance was published in the _____ on _____, 2016

conducted and analyzed prior to utilization of the source. The samples shall be collected during June, July, and August. In addition, quarterly monitoring shall be conducted in March, June, September, and December at a location representative of the raw water at its point of withdrawal. Monitoring shall be for turbidity, alkalinity, pH, calcium, chloride, color, copper, hardness, iron, magnesium, manganese, potassium, silica, specific conductance, sodium, sulfate, filterable and nonfilterable solids, carbonate, bicarbonate, algae (qualitative and quantitative), total organic carbon, five-day biochemical oxygen demand, dissolved oxygen, surfactants, nitrogen series (organic, ammonia, nitrite, and nitrate), and phosphate.

TABLE A: SEPARATION DISTANCES

SOURCE OF CONTAMINATION	REQUIRED MINIMUM DISTANCE FROM WELL, IN FEET	
	Deep Well ¹	Shallow Well ¹
WASTEWATER STRUCTURES:		
Point of Discharge to Ground Surface		
Sanitary & industrial discharges	400	400
Water treatment plant wastes	50	50
Well house floor drains	5	5
Sewers & Drains ²		
Sanitary & storm sewers, drains	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Sewer force mains	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1000 feet if water main or sanitary sewer pipe	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1000 feet if water main or sanitary sewer main pipe
Water plant treatment process wastes that are treated onsite	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe
Water plant wastes to sanitary sewer	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Well house floor drains to sewers	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Well house floor drains to surface	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe
Land Disposal of Treated Wastes		
Irrigation of wastewater	200	400
Land application of solid wastes ³	200	400
Other		
Cesspools & earth pit privies	200	400
Concrete vaults & septic tanks	100	200
Lagoons	400	1000
Mechanical wastewater treatment plants	200	400
Soil absorption fields	200	400
CHEMICALS:		
Chemical application to ground surface	100	200

SOURCE OF CONTAMINATION	REQUIRED MINIMUM DISTANCE FROM WELL, IN FEET	
	Deep Well ¹	Shallow Well ¹
Chemical & mineral storage above ground	100	200
Chemical & mineral storage on or under ground	200	400
Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia)	200	400
ANIMALS:		
Animal pasturage	50	50
Animal enclosure	200	400
Earthen silage storage trench or pit	100	200
Animal Wastes		
Land application of liquid or slurry	200	400
Land application of solids	200	400
Solids stockpile	200	400
Storage basin or lagoon	400	1000
Storage tank	200	400
MISCELLANEOUS:		
Basements, pits, sumps	10	10
Cemeteries	200	200
Cisterns	50	100
Flowing streams or other surface water bodies	50	50
Railroads	100	200
Private wells	200	400
Solid waste landfills and disposal sites ⁴	1000	1000

¹Deep and shallow wells, as defined in 567—40.2(455B): A deep well is a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least 5 feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. A shallow well is a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

²The separation distances are dependent upon two factors: the type of piping that is in the existing sewer or drain, as noted in the table, and that the piping was properly installed in accordance with the standards.

³Solid wastes are those derived from the treatment of water or wastewater. Certain types of solid wastes from water treatment processes may be land-applied within the separation distance on an individual, case-by-case basis.

⁴Solid waste means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

43.3(8) Drinking water system components. Any drinking water system component which comes into contact with raw, partially treated, or finished water must be suitable for the intended use in a potable water system. The component must meet the current American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61 specifications, if such specification exists for the particular product, unless approved components are not reasonably available for use, in accordance with guidance provided by the department. If the component does not meet the ANSI/NSF Standard 61 specifications or no specification is available, the person seeking to supply or use the component must prove to the satisfaction of the department that the component is not toxic or otherwise a potential hazard in a potable public water supply system.

43.3(5) *Project planning and basis of design.* An engineering report containing information and data necessary to determine the conformance of the project to the standards for construction and operation in 43.3(2) and the adequacy of the project to supply water in sufficient quantity and at sufficient pressure and of a quality that complies with drinking water standards pursuant to 567—Chapters 41 and 43 must be submitted to the department either with the project or in advance.

a. Such information and data must supply pertinent information as set forth in part one of the Ten States Standards.

b. The department may reject receipt or delay review of the plans and specifications until an adequate basis of design is received.

43.3(6) *Standard specifications for water main construction.* Standard specifications for water main construction by an entity may be submitted to the department or an authorized local public works department for approval. Such approval shall apply to all future water main construction by or for that entity for which plans are submitted with a statement requiring construction in accordance with all applicable approved standard specifications unless the standards for public water supply systems specified in 43.3(2) are modified subsequent to such approval and the standard specifications would not be approvable under the modified standards. In those cases where such approved specifications are on file, construction may commence 30 days following receipt of such plans by the department or an authorized local public works department if no response has been received indicating construction shall not commence until a permit is issued.

43.3(7) *Site, separation distance, and monitoring requirements for new raw water source(s) and underground finished water storage facilities.*

a. Approval required. The site for each proposed raw water supply source or finished water below-ground level storage facility must be approved by the department prior to the submission of plans and specifications.

b. Criteria for approval. A site may be approved by the director if the director concludes that the criteria in this paragraph are met.

(1) Groundwater source. Wells shall be planned and constructed to adapt to the geologic and groundwater conditions of the proposed well site to ensure production of water from the wells that is both microbially safe and free of substances that could cause harmful human health effects. Groundwater wells must meet the following requirements:

1. Drainage must be directed away from the well in all directions for a minimum radius of 15 feet.
2. A well site must be separated from contamination sources by the distances specified in Table A at a minimum.

3. After the well site has received preliminary approval from the department, the owner of the proposed well must submit proof of legal control of the land for a 200-foot radius around the well, through purchase, lease, easement, ordinance, or other similar means. Proof of legal control must be submitted as part of the construction permit application, prior to construction. The legal control must be maintained by the public water system for the life of the well, and the system must ensure that the siting criteria indicated in Table A are met.

However, if the proposed well is for an existing noncommunity water system and is replacing an existing well that either does not meet the current standards or is in poor condition, the requirement of 200-foot legal control may be waived by the department provided that:

- The proposed well is located on the best available site;
- The existing facility does not have adequate land to provide the 200-foot control zone;
- The owner has attempted to obtain legal control without success; and
- There is no other public water supply available to which the supply could connect.

4. When the proposed well is located in an existing well field and will withdraw water from the same aquifer as the existing well(s), individual separation distances may be waived if substantial historical data are available indicating that no contamination has resulted.

5. No well shall be constructed within the projected plume of any known anthropogenic groundwater contamination without the department's written approval. The department may allow a well to be constructed within a contamination plume if the applicant can provide adequate treatment

This is **EXHIBIT K**, consisting of 3 pages, referred to in and part of the **Master Agreement between Owner and Engineer for Professional Services** dated December 1, 2013 and Task Order No. 3373-1A, dated June 9, 2015.

AMENDMENT TO OWNER-ENGINEER AGREEMENT – TASK ORDER No. 3373-15A
Amendment No. 1

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: June 9, 2015
- b. Owner: City of North Liberty
- c. Engineer: FOX Engineering Associates, Inc.
- d. Project: Phase I Water System Improvements

2. *Description of Modifications:*

Engineer shall perform or furnish the following Additional Services:

- a. Construction Phase Quality Control Testing Services

Engineer shall provide Construction Phase quality control testing services for the project. These services will be performed by Engineer's Consultant, Shive-Hattery, Inc. This scope of services is based on this project's set of construction drawings and job specifications:

1. Perform compaction testing for any structural backfill, below paving, and sidewalks during backfill operations and specified frequencies.
2. Perform standard proctors on soils or aggregates used for backfill if one is not on record.
3. Perform observation of proofrolls on subbase prior to fill or below cast-in-place concrete where available.
4. Inspect reinforcing steel prior to concrete placements.
5. Perform slump and air content, temperature recordings and make compressive strength cylinders on cast-in-place concrete at the project site. One set of 6 standard cured 4"x8" cylinders per set will be taken for each day's pour of each concrete mix that exceeds 5 cubic yards. An additional test will be performed once the day's pour exceeds 100 cubic yards in accordance with ACI 301 and project specifications. Additional test cylinders can be made at the Owner's Representative or the Contractor's request.
6. Provide laboratory cure and perform compressive strength test on 4" x 8" concrete cylinders according to specifications. Three cylinders will be tested at 7 days and three at 28 days for all cast-in-place concrete.
7. Perform two mortar verification compression tests at the beginning of the project and half way through the project's construction.
8. Provide laboratory cure and perform compressive strength test on 2" x 2" x 2" mortar cubes according to specifications. One cube will be tested at 7 days and Two at 28 days for the masonry verification tests.
9. Perform and record maturity strength testing on pavement if provided with an up to date maturity curve.

10. Inspections of field welds, high strength bolts and steel decking to be performed by Shive-Hattery and Iowa Inspection Technologies.
11. Prepare and submit reports summarizing test results to the Client within 24 hours of when testing was performed. Some test results can be reported verbally upon request as soon as the test is completed.

OWNER'S RESPONSIBILITIES: Provide 24-hour notice of when services are needed.

SCHEDULE: Engineer will begin services immediately based upon Owner's authorization to proceed.

COMPENSATION: The above Scope of Services will be provided on an hourly rate plus expense basis in accordance with Engineer's and Engineer's Consultants Standard Hourly Rates in effect at the time of service. Below is an estimate of the anticipated testing requirements and the anticipated fees.

03 - CAST-IN-PLACE CONCRETE

Technician (51 Trips)	102	hours	@	\$78.00	/hour	\$7,956.00
Cylinders	62	sets	@	\$126.00	/set of 6	\$7,812.00
Mileage	1020	miles	@	\$0.54	/mile	\$550.80
Project Management	3	hours	@	\$123.00	/hour	\$369.00

Subtotal \$16,687.80

04 - UNIT MASONRY

Technician (2 Trips)	4	hours	@	\$78.00	/hour	\$312.00
Grout Cubes	2	sets	@	\$45.00	/set of 3	\$90.00
Mileage	40	miles	@	\$0.54	/mile	\$21.60
Project Management	0.5	hours	@	\$123.00	/hour	\$61.50

Subtotal \$485.10

05, 03 - STRUCTURAL STEEL, PRECAST CONCRETE

CWI Tech (9 Trips)	81	hours	@	\$110.00	/hour	\$8,910.00
Mileage	180	miles	@	\$0.54	/mile	\$97.20
Project Management	2	hours	@	\$123.00	/hour	\$246.00

Subtotal \$9,253.20

31 - EARTHWORK

Technician (95 Trips)	120	hours	@	\$78.00	/hour	\$9,360.00
Nuclear Density Test	230	tests	@	\$7.00	/test	\$1,610.00
Standard Proctor	3	tests	@	\$120.00	/test	\$360.00
Mileage	1900	miles	@	\$0.54	/mile	\$1,026.00
Project Management	4	hours	@	\$123.00	/hour	\$492.00

Subtotal \$12,848.00

32 - CONCRETE PAVEMENT

Technician (10 Trips)	20	hours	@	\$78.00	/hour	\$1,560.00
Cylinders	9	sets	@	\$126.00	/set of 6	\$1,134.00
Mileage	200	miles	@	\$0.54	/mile	\$108.00
Project Management	2	hours	@	\$123.00	/hour	\$246.00

Subtotal \$3,048.00

ANTICIPATED PROJECT TOTAL \$42,322.10

Due to quantity changes that may occur during the course of construction, adverse weather, and construction methods, the number of tests and man-hours may change accordingly. The numbers of trips to complete the necessary testing for each individual section above are estimates; any trips above the amount included will be

considered an extra and will be invoiced at the rates listed above. Any standby time caused by the contractor or his subcontractors will be considered an extra and will be invoiced at the rates above. Any additional testing requested by the Owner will be considered as a change of Scope and invoiced at the rates listed above. The Anticipated Project Total will not be exceeded without prior authorization. There will be no additional charge for working overtime or weekends.

b. Construction Phase SRF Davis Bacon and American Iron and Steel (AIS) Act Compliance monitoring

Engineer shall provide Construction Phase compliance monitoring for State Revolving Fund (SRF) Davis Bacon labor standards and American Iron and Steel (AIS) act requirements. Davis Bacon compliance services will be performed by Engineer's Consultant, Simmering-Corey.

1. Davis Bacon compliance monitoring shall review of the prime contractor's and subcontractors' weekly payrolls to ensure compliance with the issued wage decisions. If required, conduct on-site interviews of contractor's employees.
2. AIS compliance monitoring includes review of contractor submittals and documentation for compliance with American Iron and Steel Act requirements, coordinating with state officials and contractors on material requirements, and attending site visits as required.

OWNER'S RESPONSIBILITIES: N/A.

SCHEDULE: Engineer will begin services immediately based upon Owner's authorization to proceed.

COMPENSATION: The above Scope of Services will be provided on an hourly rate plus expense basis in accordance with Engineer's and Engineer's Consultants Standard Hourly Rates in effect at the time of service. Estimated fees are: \$18,000 for Davis Bacon compliance monitoring and \$12,000 for AIS compliance monitoring.

SUMMARY: Total estimated additional compensation for this Task Order Amendment:

Quality Control Testing Services	\$42,332
Davis Bacon Compliance Monitoring	\$18,000
<u>AIS Compliance Monitoring</u>	<u>\$12,000</u>
TOTAL ESTIMATED	\$72,332

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is September 21, 2016.

OWNER:

ENGINEER:

By: _____

By: Steven J. Troyer

Title: _____

Title: Principal/Project Manager

Date Signed: _____

Date Signed: 9-21-16

Resolution No. 2016-101

**RESOLUTION APPROVING THE TASK ORDER 3373-15A,
AMENDMENT NO. 1 BETWEEN THE CITY OF NORTH
LIBERTY AND FOX ENGINEERING ASSOCIATES, INC. FOR
SERVICES RELATING TO PHASE 1 WATER SYSTEM
IMPROVEMENTS PROJECT**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,
IOWA:**

WHEREAS, the City Council has approved an agreement with Fox Engineering for Growth Area utility development;

WHEREAS, FOX Engineering Associates, Inc. has presented Task Order 3373-15A, Amendment 1 for the Phase 1, Water System Improvements Project.

NOW, THEREFORE, BE IT RESOLVED that the Task Order presented by FOX Engineering Associates, Inc. is approved for services relating to the Water System Improvements Project.

BE IT FURTHER RESOLVED that Task Order 3373-15A, Amendment 1 for Construction Phase Quality Control Testing services in the amount of \$42,322, Davis Bacon Compliance Monitoring in the amount of \$18,000 and AIS Compliance Monitoring in the amount of \$12,000 for a total of \$72,332 is approved for services relating to the Water System Improvements Project.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and ordered to execute the Task Order 3373-15A, Amendment No. 1 with said engineering firm for the project.

APPROVED AND ADOPTED this 27th day of September, 2016.

CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

September 21, 2016

Mr. Ryan Heiar
City Administrator
City of North Liberty
3 Quail Creek Circle
P.O. Box 77
North Liberty, IA 52317

RE: Phase I Water System Improvements – Division III – Well Construction and Rehabilitation
3373-15A.440

Mr. Heiar:

Bids for the Phase I Water System Improvements – Division III – Well Construction and Rehabilitation project were received and opened on September 20, 2016 at 10:00 a.m. Three (3) bids were received. The bids ranged from \$2,880,094.00 to \$3,577,235.00. The Engineer's opinion of probable construction cost for this project was \$3,168,000. Two of the bids were less than the Engineer's opinion of probable cost. A bid tabulation summary is enclosed for your reference.

The low bid was approximately 10% below the engineer's cost opinion. Based on the number of bids received, we believe that the low bid represents a valid cost for the project under the present conditions. The construction documents established that the contract will be awarded to the lowest responsive, responsible Bidder whose bid is in the best interest of the Project. Gingerich Well & Pump Service, LLC submitted the low bid.

To evaluate their Bid we reviewed their current projects and performance on previous projects. The company has a history of satisfactory performance on similar projects in Iowa. Gingerich has completed several similar projects in Iowa in recent years, and FOX Engineering has worked with Gingerich in the past on successful projects.

FOX contacted Gingerich to discuss their bid, schedule, and similar projects that they have completed. Gingerich believes their bid is reasonable and has found no errors. Gingerich believes the substantial and final completion dates allow adequate time for the work to be completed.

Based on our investigation, we believe Gingerich Well & Pump Service, LLC, has a practical knowledge of the work, adequate equipment, and supervisory personnel to complete the work. Performance of the construction work will be backed with a 100% performance and payment bond. We also believe that their proposal reasonably reflects the current bidding climate and construction cost.

Therefore, we recommend that the contract for the project be awarded to Gingerich Well & Pump Service, LLC. We have enclosed the Notice of Award for your use. If approved, please sign and return to FOX Engineering. FOX will then prepare the contract documents and send to Gingerich.

Please contact us if you have any questions or comments regarding this recommendation or the project in general. Thank you.

Sincerely,
FOX Engineering Associates, Inc.



Steven J. Troyer, P.E.
Project Manager

cc: Gingerich Well & Pump Service, LLC
Kevin Trom, Shive-Hattery

Enclosures: Bid Tab
Notice of Award

**City of North Liberty
Phase I Water System Improvements
Division III - Well Construction and Rehabilitation**

BID DATE: September 20, 2016
FOX PN **3373-15A**

ITEM NO.	CONTRACTORS:			Engineer's Opinion Probable Cost		Gingerich Well & Pump Service 1331 Hwy 1 Kalona, IA 52247		Grosch Irrigation Co. Inc. 114 N. 6th St. O'Neill, NE 68763		Layne Christian Company 721 W. Illinois Ave Aurora, IL 60506	
	DESCRIPTION	UNITS	QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1.01	Submittal Exchange Fee (Allowance)	LS	1	\$5,500.00	\$5,500.00	\$5,500.00	\$5,500.00	\$5,500.00	\$5,500.00	\$5,500.00	\$5,500.00
Well 3 - Re-Casing Silurian Well											
3.01	Mobilization/Demobilization	LS	1	\$18,256.00	\$18,256.00	\$9,600.00	\$9,600.00	\$8,800.00	\$8,800.00	\$36,500.00	\$36,500.00
3.02	Well Water Pollution Prevention Plan	LS	1	\$3,700.00	\$3,700.00	\$3,000.00	\$3,000.00	\$2,750.00	\$2,750.00	\$8,500.00	\$8,500.00
3.03	Verify Well is Open to Bottom	LS	1	\$1,200.00	\$1,200.00	\$600.00	\$600.00	\$550.00	\$550.00	\$2,500.00	\$2,500.00
3.04	Mechanically Brush Clean Casing	HR	40	\$260.00	\$10,400.00	\$180.00	\$7,200.00	\$165.00	\$6,600.00	\$475.00	\$19,000.00
3.05	Build Bridge/Fill Open Hole	LS	1	\$5,500.00	\$5,500.00	\$2,400.00	\$2,400.00	\$2,200.00	\$2,200.00	\$12,400.00	\$12,400.00
3.06	Black Steel 7-Inch OD Casing	LF	285	\$48.00	\$13,680.00	\$54.00	\$15,390.00	\$49.00	\$13,965.00	\$46.00	\$13,110.00
3.07	Grout Set-Up and Removal	LS	1	\$8,000.00	\$8,000.00	\$9,000.00	\$9,000.00	\$8,250.00	\$8,250.00	\$7,800.00	\$7,800.00
3.08	Grout Casing	SACKS	150	\$35.00	\$5,250.00	\$43.00	\$6,450.00	\$40.00	\$6,000.00	\$26.00	\$3,900.00
3.09	Drill Out Bridge/Remove Debris & Rock	LS	1	\$17,200.00	\$17,200.00	\$20,400.00	\$20,400.00	\$18,700.00	\$18,700.00	\$14,500.00	\$14,500.00
3.10	Video Inspect Well	EA	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$1,320.00	\$1,320.00	\$3,000.00	\$3,000.00
3.11	Acid Equipment Set-up/Removal	LS	1	\$8,200.00	\$8,200.00	\$7,800.00	\$7,800.00	\$7,150.00	\$7,150.00	\$10,600.00	\$10,600.00
3.12	Acid Solution	GAL	1,000	\$7.00	\$7,000.00	\$7.00	\$7,000.00	\$6.80	\$6,800.00	\$8.00	\$8,000.00
3.13	Acid Surging of Well	HRS	16	\$300.00	\$4,800.00	\$210.00	\$3,360.00	\$190.00	\$3,040.00	\$480.00	\$7,680.00
3.14	Acid Removal and Develop Wells	HRS	8	\$300.00	\$2,400.00	\$240.00	\$1,920.00	\$220.00	\$1,760.00	\$560.00	\$4,480.00
3.15	Production Pump Test Set-Up & Removal	LS	1	\$8,000.00	\$8,000.00	\$6,000.00	\$6,000.00	\$5,500.00	\$5,500.00	\$13,500.00	\$13,500.00
3.16	Well Production Pump Test	HRS	24	\$300.00	\$7,200.00	\$240.00	\$5,760.00	\$220.00	\$5,280.00	\$440.00	\$10,560.00
3.17	Water Quality Testing	LS	1	\$3,900.00	\$3,900.00	\$3,960.00	\$3,960.00	\$3,630.00	\$3,630.00	\$4,400.00	\$4,400.00
3.18	Pump and Motor	LS	1	\$25,400.00	\$25,400.00	\$16,000.00	\$16,000.00	\$16,500.00	\$16,500.00	\$46,720.00	\$46,720.00
3.19	Pump Installation, Column, Cable & Airlift	LS	1	\$28,600.00	\$28,600.00	\$17,040.00	\$17,040.00	\$15,620.00	\$15,620.00	\$56,480.00	\$56,480.00
3.20	Disinfection	EA	2	\$2,200.00	\$4,400.00	\$2,160.00	\$4,320.00	\$1,980.00	\$3,960.00	\$2,800.00	\$5,600.00
3.21	Sound Control	LS	1	\$2,500.00	\$2,500.00	\$3,500.00	\$3,500.00	\$1,650.00	\$1,650.00		
Well 4 - Re-Casing Silurian Well											
4.01	Mobilization/Demobilization	LS	1	\$18,156.00	\$18,156.00	\$9,600.00	\$9,600.00	\$8,250.00	\$8,250.00	\$36,500.00	\$36,500.00
4.02	Well Water Pollution Prevention Plan	LS	1	\$3,700.00	\$3,700.00	\$1,800.00	\$1,800.00	\$1,650.00	\$1,650.00	\$8,500.00	\$8,500.00
4.03	Verify Well is Open to Bottom	LS	1	\$1,300.00	\$1,300.00	\$600.00	\$600.00	\$550.00	\$550.00	\$2,500.00	\$2,500.00
4.04	Mechanically Brush Clean Casing	HR	40	\$280.00	\$11,200.00	\$180.00	\$7,200.00	\$165.00	\$6,600.00	\$475.00	\$19,000.00
4.05	Build Bridge/Fill Open Hole	LS	1	\$5,900.00	\$5,900.00	\$2,400.00	\$2,400.00	\$2,200.00	\$2,200.00	\$12,400.00	\$12,400.00
4.06	Black Steel 7-Inch OD Casing	LF	298	\$51.00	\$15,198.00	\$54.00	\$16,092.00	\$49.50	\$14,751.00	\$46.00	\$13,708.00
4.07	Grout Set-Up and Removal	LS	1	\$7,400.00	\$7,400.00	\$7,200.00	\$7,200.00	\$6,600.00	\$6,600.00	\$7,800.00	\$7,800.00
4.08	Grout Casing	SACKS	150	\$37.00	\$5,550.00	\$43.00	\$6,450.00	\$39.60	\$5,940.00	\$26.00	\$3,900.00
4.09	Drill Out Bridge/Remove Debris & Rock	LS	1	\$18,800.00	\$18,800.00	\$21,000.00	\$21,000.00	\$19,250.00	\$19,250.00	\$14,500.00	\$14,500.00
4.10	Video Inspect Well	EA	1	\$2,200.00	\$2,200.00	\$2,000.00	\$2,000.00	\$1,320.00	\$1,320.00	\$3,000.00	\$3,000.00
4.11	Acid Equipment Set-up/Removal	LS	1	\$8,800.00	\$8,800.00	\$7,800.00	\$7,800.00	\$7,150.00	\$7,150.00	\$10,600.00	\$10,600.00
4.12	Acid Solution	GAL	1,000	\$7.50	\$7,500.00	\$7.00	\$7,000.00	\$6.88	\$6,880.00	\$8.00	\$8,000.00
4.13	Acid Surging of Well	HRS	16	\$300.00	\$4,800.00	\$210.00	\$3,360.00	\$192.50	\$3,080.00	\$480.00	\$7,680.00
4.14	Acid Removal and Develop Wells	HRS	8	\$400.00	\$3,200.00	\$240.00	\$1,920.00	\$220.00	\$1,760.00	\$560.00	\$4,480.00
4.15	Production Pump Test Set-Up & Removal	LS	1	\$7,900.00	\$7,900.00	\$3,960.00	\$3,960.00	\$5,500.00	\$5,500.00	\$13,500.00	\$13,500.00
4.16	Well Production Pump Test	HRS	24	\$300.00	\$7,200.00	\$240.00	\$5,760.00	\$220.00	\$5,280.00	\$440.00	\$10,560.00

**City of North Liberty
Phase I Water System Improvements
Division III - Well Construction and Rehabilitation**

BID DATE: September 20, 2016
FOX PN **3373-15A**

ITEM NO.	CONTRACTORS:			Engineer's Opinion Probable Cost		Gingerich Well & Pump Service 1331 Hwy 1 Kalona, IA 52247		Grosch Irrigation Co. Inc. 114 N. 6th St. O'Neill, NE 68763		Layne Christian Company 721 W. Illinois Ave Aurora, IL 60506	
	DESCRIPTION	UNITS	QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
4.17	Water Quality Testing	LS	1	\$4,100.00	\$4,100.00	\$3,960.00	\$3,960.00	\$3,630.00	\$3,630.00	\$4,400.00	\$4,400.00
4.18	Pump and Motor	LS	1	\$17,800.00	\$17,800.00	\$18,120.00	\$18,120.00	\$16,610.00	\$16,610.00	\$17,078.00	\$17,078.00
4.19	Pump Installation, Column, Cable & Airlift	LS	1	\$31,200.00	\$31,200.00	\$17,880.00	\$17,880.00	\$16,390.00	\$16,390.00	\$56,480.00	\$56,480.00
4.20	Disinfection	EA	2	\$2,400.00	\$4,800.00	\$2,160.00	\$4,320.00	\$1,980.00	\$3,960.00	\$2,800.00	\$5,600.00
4.21	Sound Control	LS	1	\$16,100.00	\$16,100.00	\$2,500.00	\$2,500.00	\$1,650.00	\$1,650.00	\$42,650.00	\$42,650.00
Well 8 - New Jordan Well											
8.01	Mobilization/Demobilization	LS	1	\$22,900.00	\$22,900.00	\$200,000.00	\$200,000.00	\$266,040.00	\$266,040.00	\$278,000.00	\$278,000.00
8.02	Well Water Pollution Prevention Plan	LS	1	\$40,700.00	\$40,700.00	\$25,000.00	\$25,000.00	\$60,750.00	\$60,750.00	\$52,100.00	\$52,100.00
8.03	Drilled Hole & Surface Casing	LF	133	\$880.00	\$117,040.00	\$475.00	\$63,175.00	\$990.00	\$131,670.00	\$716.00	\$95,228.00
8.04	28" Drilled Hole	LF	1,056	\$590.00	\$623,040.00	\$405.00	\$427,680.00	\$640.00	\$675,840.00	\$435.00	\$459,360.00
8.05	22" Drilled Hole	LF	570	\$290.00	\$165,300.00	\$280.00	\$159,600.00	\$573.00	\$326,610.00	\$342.00	\$194,940.00
8.06	24" Well Casing	LF	1,189	\$290.00	\$344,810.00	\$225.00	\$267,525.00	\$98.00	\$116,522.00	\$213.00	\$253,257.00
8.07	Grouting Set-Up & Removal	EA	2	\$24,200.00	\$48,400.00	\$7,500.00	\$15,000.00	\$27,000.00	\$54,000.00	\$39,000.00	\$78,000.00
8.08	Grout Casing	SACKS	1,900	\$27.00	\$51,300.00	\$33.00	\$62,700.00	\$9.60	\$18,240.00	\$26.00	\$49,400.00
8.09	Well Development Set-Up & Removal	LS	1	\$30,200.00	\$30,200.00	\$6,500.00	\$6,500.00	\$39,908.00	\$39,908.00	\$22,500.00	\$22,500.00
8.10	Well Development	HRS	48	\$800.00	\$38,400.00	\$350.00	\$16,800.00	\$200.00	\$9,600.00	\$470.00	\$22,560.00
8.11	Production Pump Test Set-Up & Removal	LS	1	\$67,800.00	\$67,800.00	\$45,000.00	\$45,000.00	\$42,790.00	\$42,790.00	\$72,000.00	\$72,000.00
8.12	Well Production Pump Test	HRS	72	\$730.00	\$52,560.00	\$390.00	\$28,080.00	\$357.50	\$25,740.00	\$540.00	\$38,880.00
8.13	Water Quality Testing	LS	1	\$4,800.00	\$4,800.00	\$4,200.00	\$4,200.00	\$3,850.00	\$3,850.00	\$5,600.00	\$5,600.00
8.14	Video Record of Completed Well	LS	1	\$3,600.00	\$3,600.00	\$2,500.00	\$2,500.00	\$2,310.00	\$2,310.00	\$3,600.00	\$3,600.00
8.15	Pump and Motor	LS	1	\$246,700.00	\$246,700.00	\$166,000.00	\$166,000.00	\$153,901.00	\$153,901.00	\$197,278.00	\$197,278.00
8.16	Pump Installation, Column, Cable & Airlift	LS	1	\$73,700.00	\$73,700.00	\$186,594.00	\$186,594.00	\$171,044.00	\$171,044.00	\$209,800.00	\$209,800.00
8.17	Pitless Unit	LS	1	\$91,900.00	\$91,900.00	\$65,000.00	\$65,000.00	\$60,940.00	\$60,940.00	\$68,000.00	\$68,000.00
8.18	Well Disinfection	EA	2	\$6,000.00	\$12,000.00	\$4,500.00	\$9,000.00	\$2,420.00	\$4,840.00	\$5,600.00	\$11,200.00
8.19	Sound Control	LS	1	\$81,400.00	\$81,400.00	\$255,000.00	\$255,000.00	\$150,000.00	\$150,000.00	\$168,460.00	\$168,460.00
Well 9 - New Silurian Well											
9.01	Mobilization/Demobilization	LS	1	\$12,300.00	\$12,300.00	\$30,000.00	\$30,000.00	\$49,500.00	\$49,500.00	\$62,000.00	\$62,000.00
9.02	Well Water Pollution Prevention Plan	LS	1	\$12,300.00	\$12,300.00	\$12,000.00	\$12,000.00	\$5,060.00	\$5,060.00	\$18,000.00	\$18,000.00
9.03	Drilled Hole & Surface Casing	LF	133	\$490.00	\$65,170.00	\$255.00	\$33,915.00	\$352.00	\$46,816.00	\$436.00	\$57,988.00
9.04	16" Drilled Hole	LF	186	\$390.00	\$72,540.00	\$128.00	\$23,808.00	\$231.00	\$42,966.00	\$210.00	\$39,060.00
9.05	10" Drilled Hole	LF	190	\$200.00	\$38,000.00	\$73.00	\$13,870.00	\$93.50	\$17,765.00	\$155.00	\$29,450.00
9.06	12" Well Casing	LF	319	\$290.00	\$92,510.00	\$135.00	\$43,065.00	\$75.35	\$24,036.65	\$180.00	\$57,420.00
9.07	Grouting Set-Up & Removal	EA	2	\$24,200.00	\$48,400.00	\$5,000.00	\$10,000.00	\$6,050.00	\$12,100.00	\$18,500.00	\$37,000.00
9.08	Grout Casing	SACKS	600	\$27.00	\$16,200.00	\$33.00	\$19,800.00	\$40.15	\$24,090.00	\$26.00	\$15,600.00
9.09	Acid Equipment Set-up/Removal	LS	1	\$14,600.00	\$14,600.00	\$8,500.00	\$8,500.00	\$11,550.00	\$11,550.00	\$10,600.00	\$10,600.00
9.10	Acid Solution	GAL	1,200	\$25.00	\$30,000.00	\$7.00	\$8,400.00	\$6.88	\$8,256.00	\$8.00	\$9,600.00
9.11	Acid Surging of Well	HRS	16	\$1,890.00	\$30,240.00	\$350.00	\$5,600.00	\$214.50	\$3,432.00	\$480.00	\$7,680.00
9.12	Acid Removal and Develop Wells	HRS	8	\$590.00	\$4,720.00	\$450.00	\$3,600.00	\$467.50	\$3,740.00	\$560.00	\$4,480.00
9.13	Production Pump Test Set-Up & Removal	LS	1	\$24,200.00	\$24,200.00	\$4,500.00	\$4,500.00	\$11,550.00	\$11,550.00	\$26,500.00	\$26,500.00
9.14	Well Production Pump Test	HRS	72	\$690.00	\$49,680.00	\$185.00	\$13,320.00	\$220.00	\$15,840.00	\$440.00	\$31,680.00

**City of North Liberty
Phase I Water System Improvements
Division III - Well Construction and Rehabilitation**

BID DATE: September 20, 2016
FOX PN **3373-15A**

ITEM NO.	DESCRIPTION	CONTRACTORS:		Engineer's Opinion Probable Cost		Gingerich Well & Pump Service	Grosch Irrigation Co. Inc.	Layne Christian Company			
		UNITS	QTY	UNIT PRICE	TOTAL PRICE	1331 Hwy 1 Kalona, IA 52247	114 N. 6th St. O'Neill, NE 68763	721 W. Illinois Ave Aurora, IL 60506	UNIT PRICE	TOTAL PRICE	
	CHECK OR BID BOND					Bid Bond	Bid Bond	Bid Bond			
9.15	Water Quality Testing	LS	1	\$4,800.00	\$4,800.00	\$3,900.00	\$3,900.00	\$3,850.00	\$3,850.00	\$4,400.00	\$4,400.00
9.16	Video Record of Completed Well	LS	1	\$3,600.00	\$3,600.00	\$2,500.00	\$2,500.00	\$1,485.00	\$1,485.00	\$3,200.00	\$3,200.00
9.17	Pump and Motor	LS	1	\$82,000.00	\$82,000.00	\$72,000.00	\$72,000.00	\$67,595.00	\$67,595.00	\$92,970.00	\$92,970.00
9.18	Pump Installation, Column, Cable & Airlift	LS	1	\$14,700.00	\$14,700.00	\$51,540.00	\$51,540.00	\$47,245.00	\$47,245.00	\$57,026.00	\$57,026.00
9.19	Pitless Unit	LS	1	\$19,400.00	\$19,400.00	\$15,300.00	\$15,300.00	\$15,400.00	\$15,400.00	\$21,400.00	\$21,400.00
9.20	Well Disinfection	EA	2	\$3,800.00	\$7,600.00	\$2,500.00	\$5,000.00	\$1,320.00	\$2,640.00	\$3,200.00	\$6,400.00
9.21	Sound Control	LS	1	\$12,600.00	\$12,600.00	\$185,000.00	\$185,000.00	\$27,500.00	\$27,500.00	\$107,052.00	\$107,052.00
	TOTAL				\$3,168,000.00		\$2,880,094.00		\$3,041,537.65		\$3,577,235.00 *

Denotes Mathematical Error

Alternate No. 1

ITEM NO.	DESCRIPTION	UNITS	QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
8.15	Pump and Motor	LS	1			\$103,000.00	\$103,000.00	\$85,200.00	\$85,200.00	\$162,350.00	\$162,350.00

PREPARED BY:
FOX ENGINEERING ASSOCIATES, INC.
AMES, IOWA

NOTICE OF AWARD

Date of Issuance:

Owner: City of North Liberty Owner's Contract No.:
Engineer: FOX Engineering Engineer's Project No.: 3373-15A
Project: Phase I Water System Improvements Contract Name:
 Division III – Well Construction and
 Rehabilitation
Bidder: Gingerich Well & Pump Services, LLC
Bidder's Address: 1331 Highway 1, Kalona, IA 52247

TO BIDDER:

You are notified that Owner has accepted your Bid dated September 20, 2016 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

Phase I Water System Improvements, Division III – Well Construction and Rehabilitation, including construction of one new Jordan and one new Silurian aquifer well and re-casing of two existing Silurian aquifer wells.

The Contract Price of the awarded Contract is: \$ 2,880,094.00

Three (3) sets of unexecuted counterparts of the Agreement accompany this Notice of Award. Up to ten (10) paper copies of the Contract Documents can be delivered separately. The Contract Documents will also be made available to Bidder electronically.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner three (3) counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security [*e.g., performance and payment bonds*] and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6 and the Supplementary Conditions. Provide copies of certificates of insurance for each additional insured.
3. Other conditions precedent: Construction may not begin until issuance of the Notice to Proceed. Before starting construction, submit a preliminary progress schedule, a preliminary schedule of submittals, and a preliminary schedule of values. A preconstruction conference will be required prior to starting work.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner:

Authorized Signature

By: _____

Title: _____

Copy: Engineer

Resolution No. 2016-102

RESOLUTION ACCEPTING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT FOR THE PHASE I WATER SYSTEM IMPROVEMENTS - DIVISION 3 - WELL CONSTRUCTION AND REHABILITATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

WHEREAS, the City Council sought bids for the Phase I Water System Improvements - Division 3 - Well Construction and Rehabilitation;

WHEREAS, three bidders submitted responsive bids for the project; and

WHEREAS, the lowest responsible bid was Gingerich Well & Pump Service, LLC. with a Lump Sum Bid Price of \$2,880,094.00; and

NOW, THEREFORE, BE IT RESOLVED that the Phase I Water System Improvements - Division 3 - Well Construction and Rehabilitation is authorized and the bid from Gingerich Well & Pump Service, LLC is hereby accepted and approved for the project at a bid amount of \$2,880,094.00 is hereby approved as set forth therein.

BE IT FURTHER RESOLVED that the Contract between the Owner and the Contractor is approved and that the Mayor is authorized to execute said agreement.

APPROVED AND ADOPTED this 27th day of September, 2016.

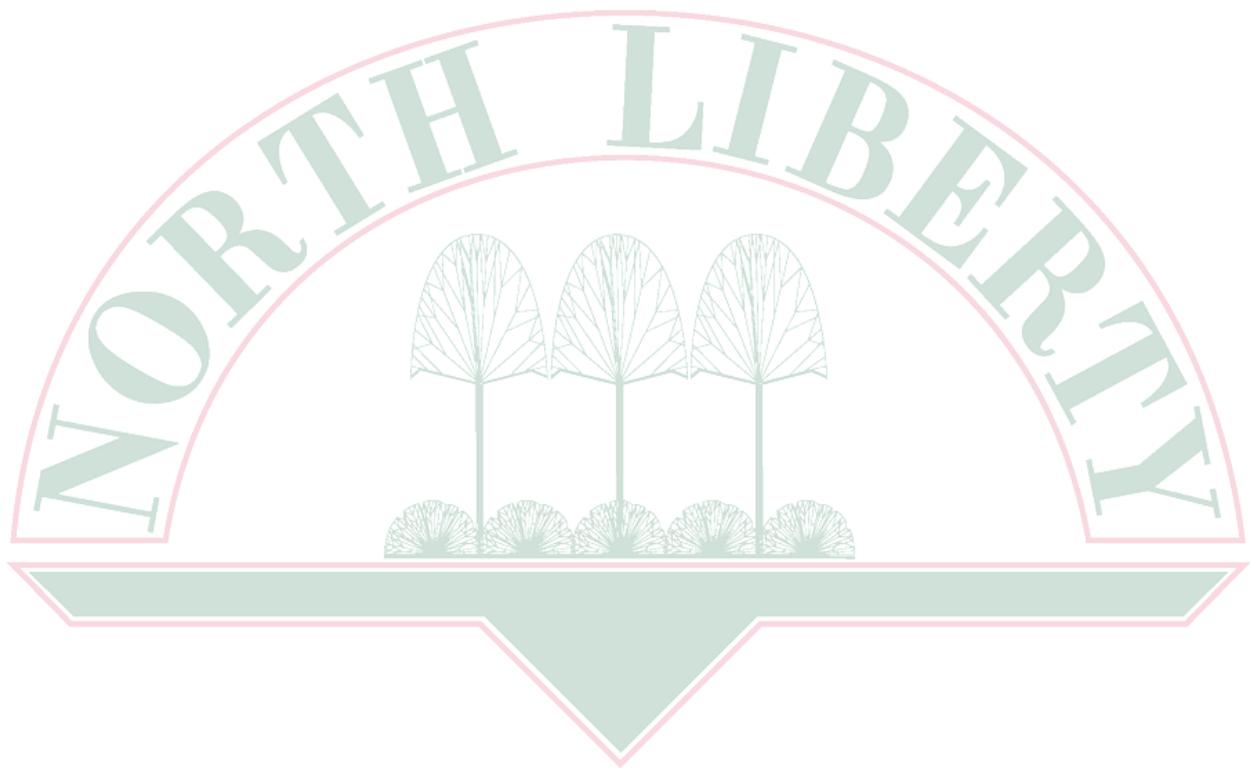
CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

SEATS Contract



**Contract for Purchase of Transit Services
between Johnson County SEATS and City of North Liberty and ECICOG**

Whereas, the City of North Liberty (North Liberty), has an interest in providing transit services to its citizens; and

Whereas, the East Central Iowa Council of Governments (ECICOG) oversees East Central Iowa Transit, which provides state and federal transit operating payments to Johnson County SEATS (SEATS) to provide public transit service, and owns the vehicles leased to SEATS that will be utilized to provide service in North Liberty; and

Whereas, SEATS, a department of Johnson County and a member of East Central Iowa Transit is officially designated as the regional transit provider for Johnson County pursuant to Section 324A.1 of the Code of Iowa and has vehicles and employees available for transportation service; and

Whereas, North Liberty believes it is in the City's best interest to have SEATS provide certain transit services to its citizens pursuant to this agreement.

Now, therefore, the parties do hereby mutually agree as follows:

A. Purpose and Timeframe

1. The purpose of this contract is to arrange for public transit services under the auspices of the designated public transit system. The service will depart from 4810 Melrose Avenue, Iowa City, IA. after doing a pre-trip inspection of the vehicle starting at 10 AM. The bus will start at the North Liberty Food Pantry around 10:25 A.M. and proceed on the route agreed upon, making five loops and then returning to the SEATS garage at 4810 Melrose Avenue around 2:00 P.M.
2. The contract period shall begin on upon execution by all three parties and continue through June 30, 2017. Any extension or renewal of this contract shall be in writing and mutually agreed upon by both parties.
3. The service covered under this contract shall fully conform with the rules and regulations promulgated by the Iowa Department of Transportation (Iowa DOT) and the Federal Transit Administration (FTA).

B. Description of Service

1. All transit service shall be provided with SEATS vehicles that are open to the public without discrimination. Service under this contract is targeted toward North Liberty citizens and shall be available to any person desiring to use the service.
2. Service shall be provided from 10:00 AM to 2:00 PM Monday through Friday except on the following days:

New Year's Day*
Memorial Day
Independence Day

Labor Day
Thanksgiving Day and following Friday
Christmas Day*

*In the event Johnson County has (a) designated holiday(s) immediately before or after New Year's Day and Christmas Day, North Liberty understands no service will be provided on those days. For 2016, there will be no service on December 23 or December 26, and there will be no service on January 2, 2017.

3. SEATS will provide a dedicated vehicle and driver to operate a fixed route determined by North Liberty during the dates and times listed herein, and will also make a vehicle and driver available to offer paratransit service to eligible persons within $\frac{3}{4}$ mile of the determined route. The responsibility for determining eligibility for individuals wishing to utilize paratransit service shall be the responsibility of North Liberty, which may be fulfilled by the City of Coralville pursuant to a separate agreement. Any appeals to eligibility will go through the Metropolitan Planning Organization of Johnson County.

4. Client changes, the addition or deletion of clients, and other transportation changes shall be coordinated between North Liberty and SEATS at least one week in advance of the scheduled date of transportation.

5. General public access to this service will be available to any person desiring to board the fixed route. For the paratransit service, eligible individuals shall contact SEATS for ride reservations at least one day in advance. General public fares for these services shall be established by North Liberty. North Liberty may modify these fares at anytime during the duration of this contract, provided they follow requirements set by the FTA and the Iowa DOT, including holding public hearings prior to changing fares. SEATS will be responsible for the fare box and fares. Initial fares shall be:

- a. \$1.00 per fixed route trip
- b. \$2.00 per paratransit trip

6. All services funded under this contract and all uses made of vehicles provided by SEATS shall be insured with the following coverages carried by SEATS:

- a. General Liability - \$1,000,000
- b. Uninsured and Underinsured Motorist Bodily Injury - \$1,000,000
- c. Auto Liability - \$1,000,000
- d. Umbrella or excess liability insurance - \$2,000,000

7. Compensation for service will be in accordance with rates detailed in section E.1 below.

C. Responsibilities of SEATS

1. SEATS shall serve as an independent contractor.

2. SEATS shall assure that the transit equipment, both owned by SEATS or leased by the East Central Iowa Council of Governments (ECICOG), is maintained in a safe and clean mechanical condition and in compliance with federal, state, and local vehicle safety laws and ordinances. The cost of all vehicle maintenance, repairs, and operations shall be the responsibility of SEATS. All repairs will be made promptly.

3. Drivers for all transit services provided under this contract shall be employed by SEATS. SEATS shall employ sufficient personnel to implement service and to obtain the services of back-up personnel to assure continuous service. All drivers shall be required to have a valid chauffeurs or commercial driver's license applicable to the type of vehicles they are responsible

for operating and as required by state and federal laws. All drivers will also comply with the FTA drug and alcohol program testing requirements and no driver can operate a vehicle unless they have passed a pre-employment drug test and are part of a random test pool.

4. SEATS shall provide the necessary scheduling and dispatching support for these services.
5. SEATS shall notify North Liberty as soon as practical in the event of any unavoidable interruption or delay in service.
6. SEATS shall notify North Liberty of any incidents relating to passengers served under this contract.
7. SEATS shall maintain accounting and records for all services rendered.
8. SEATS shall provide to North Liberty a monthly billing for services rendered in the previous month by the tenth day of the month, including a report of the number of rides provided, revenue miles, hours of service provided, and any other information relevant to actual costs incurred by SEATS.
9. SEATS shall permit inspection of its vehicles, services, books, and records by North Liberty upon the request of North Liberty.
10. SEATS shall provide information about the availability of the above described services, as well as other services of SEATS to both the target population of this contract and to the general public.
11. SEATS shall comply with all applicable state and federal laws, including but not limited to, equal employment opportunity laws, nondiscrimination laws, affirmative action, traffic laws, motor vehicle equipment laws, drug and alcohol testing of safety-sensitive employees, confidentiality laws, Title VI, and freedom of information laws.
12. In the event a SEATS vehicle or driver is unable to perform services outlined in this contract, SEATS will be responsible for making a reasonable accommodation to fulfill the transportation needs of North Liberty by utilizing backup SEATS vehicles or drivers. In the event SEATS cannot accommodate an alternative transportation service, any fees for the loss in service will not be billed to North Liberty, or will be reimbursed if already paid by North Liberty.
13. In the event of weather forced cancellation of service, SEATS shall notify North Liberty as soon as practical and announce cancelation of service to all media platforms available to SEATS.
14. Vehicles funded through Iowa DOT may be alternated to accumulate minimum mileage and may be used for other transit system purposes. However, these vehicles will not be used for uses prohibited by federal law, including but not limited to charter or school bus uses.

D. Responsibilities of North Liberty

1. North Liberty shall promptly pay all justified billings under this contract.

2. North Liberty shall comply with all state and federal laws regarding nondiscrimination in relation to the services covered by this contract.
3. North Liberty shall assist SEATS as requested in the design and scheduling of transit services to meet the needs of the target population.
4. North Liberty shall assist SEATS as requested in the dissemination of information to the target population regarding the availability of services under this contract as well as other transportation services of SEATS.
5. North Liberty shall provide all the marketing and route mapping to the general public.
6. North Liberty shall provide SEATS with an accounting of any additional costs incurred by North Liberty in the furtherance of the service provided for in this contract. Cost reports to be made quarterly including but not limited to marketing and insurance costs for reports to the Iowa DOT and National Transit Database.

E. Compensation

1. North Liberty shall pay SEATS for the total cost of the provision of the services provided by SEATS pursuant to this contract, less fare revenue, Medicaid waiver, state transit assistance, and 5311 federal operating money, as applicable.
 - a. The estimated fully allocated cost of the Fixed Route Service is \$56.00 per hour (including pre and post trip inspection and deadhead time from SEATS facility).
 - b. The estimated fully allocated cost of the Paratransit Service is \$28.00 per trip.
2. The County shall invoice North Liberty monthly by the 10th of the month for the actual operating costs associated with providing the fixed route service and paratransit services described above, less fare revenue, Medicaid waiver, state transit assistance and 5311 Federal operating money as applicable.
3. Payments shall be made to SEATS no later than the 28th of the month following the monthly service period for billing purposes.

F. Reporting

Items to report on an on-going basis shall include incidents involving passengers transported under this contract, any uses of subcontracted providers to avoid interruptions in service, and any interruption of service.

G. Hold Harmless Provisions

1. SEATS shall accept all risk and indemnify and hold North Liberty harmless from all losses, damage, claims, demands, liabilities, suits, or proceedings, including court costs, attorney's and witness' fees relating to loss or damage to property or to injury or death of any person arising out of the acts or omissions of SEATS or its employees or agents.

2. North Liberty shall indemnify and hold SEATS harmless from all losses, damage, claims, demands, liabilities, suits or proceedings, including court costs, attorney's and witness fees relating to loss or damage to property or to injury or death of any person arising out of the acts or omissions of North Liberty or any of its employees or agents.

3. SEATS and North Liberty agree to assume all risk of loss and to indemnify and hold harmless the Iowa DOT, its officers, employees, ECICOG, the State of Iowa, and the federal government from any losses related to the provision of contract services or losses due to performance of equipment purchased with funds provided by the division and that arise out of the acts or omissions of SEATS or North Liberty or their employees or agents.

H. Entire Agreement

This contract contains the entire agreement between North Liberty and SEATS. There are no other agreements or understandings, written or verbal, which shall take precedence over the items contained herein unless made a part of this contract by amendment procedure.

I. Amendments

Any changes to this contract must be in writing and be mutually agreed upon by both North Liberty and SEATS. They must further receive the concurrence of ECICOG. The provisions of any amendment shall be in effect as of the date specified in the amendment.

J. Termination

Cancellation of this contract may be affected by either party for cause or convenience through written notice to the other party at least 30 days prior to the date of cancellation.

K. Renewal of contract

If agreeable to all parties, this contract may be renewed by an addendum to this contract.

L. Saving Clause

Should any provision of this contract be deemed unenforceable by a court of law, all other provisions shall remain in effect.

M. Assignability and Subcontracting

1. This contract is not assignable to any other party without the written approval of North Liberty and SEATS and the concurrence of ECICOG.

2. No part of the transportation services described in this contract may be subcontracted by SEATS without the written approval of North Liberty and ECICOG.

3. Notwithstanding the provisions in "M.2." above, it is hereby agreed that SEATS may, under emergency circumstances, temporarily subcontract any portion of the service if it is deemed necessary by SEATS to avoid a service interruption. North Liberty shall be notified, in advance if possible, each time this provision is invoked.

N. Acknowledgement.

SEATS and North Liberty acknowledge the contract between ECICOG and SEATS in effect at the time of the execution of this agreement and understand that this contract does not change or modify the rights and responsibilities set out therein.

O. Designation of Officials

1. The Chairperson of the Johnson County Board of Supervisors is the designated signatory for the Johnson County Board of Supervisors. Changes in the terms, conditions, or amounts specified in the contract must be approved by the Board of Supervisors. The Manager of SEATS is designated to negotiate changes to this contract.

2. The Mayor of North Liberty is the designated signatory for the City of North Liberty. Changes to the terms, conditions, or amounts specified in the contract must be approved by the North Liberty City Council. The City Administrator is designated to negotiate any changes to this contract.

This contract agreement is adopted by SEATS and North Liberty and ECICOG as signed and dated below.

FOR JOHNSON COUNTY SEATS:

By: _____ Date: _____
Rod Sullivan,
Chair, Johnson County Board of Supervisors

ATTEST:

Travis Weipert,
County Auditor

FOR ECICOG:

Alan Johnson; Chairperson _____ Date: _____

FOR NORTH LIBERTY:

By: _____ Attest: _____
Amy Nielsen, Mayor Tracey Mulcahey, City Clerk

STATE OF IOWA, JOHNSON COUNTY: ss

On this ____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Amy Nielsen and Tracey Mulcahey, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of North Liberty, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the municipal corporation; and

that the instrument was signed and sealed on behalf of the municipal corporation by the authority of its City Council, as contained in Resolution No. _____ of the City Council on the ____ day of _____, 2016; and that Amy Nielsen and Tracey Mulcahey acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

Liberty Bus Route Trial System



Food Pantry
Times:
 10:51
 11:38
 12:25
 1:12

Library & Rec Center
Times:
 10:56
 11:43
 12:30
 1:17

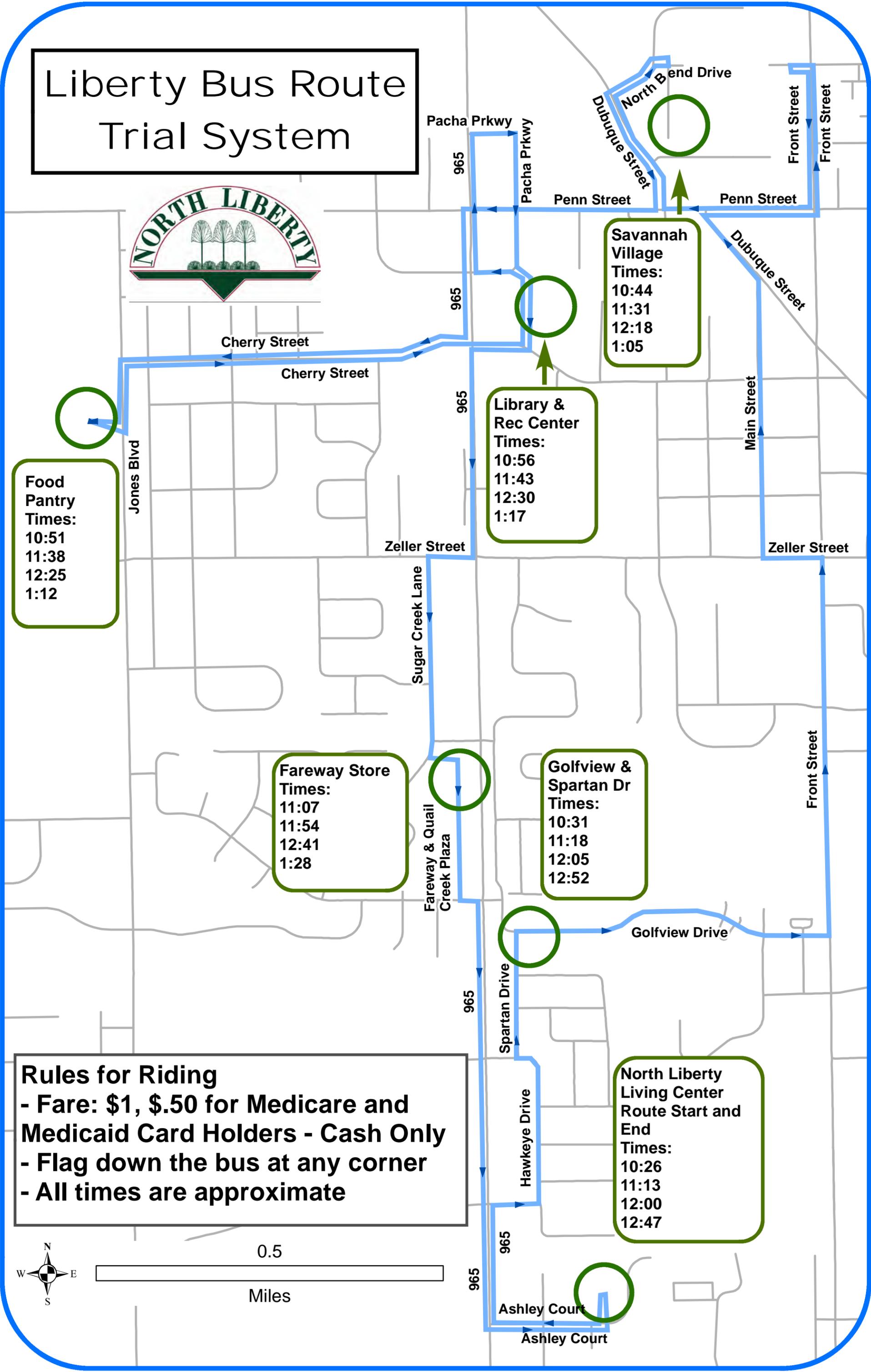
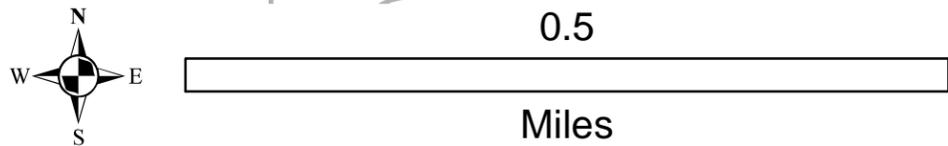
Savannah Village
Times:
 10:44
 11:31
 12:18
 1:05

Fareway Store
Times:
 11:07
 11:54
 12:41
 1:28

Golfview & Spartan Dr
Times:
 10:31
 11:18
 12:05
 12:52

North Liberty Living Center
Route Start and End
Times:
 10:26
 11:13
 12:00
 12:47

Rules for Riding
 - Fare: \$1, \$.50 for Medicare and Medicaid Card Holders - Cash Only
 - Flag down the bus at any corner
 - All times are approximate



Resolution No. 2016-103

**RESOLUTION APPROVING THE CONTRACT FOR PURCHASE
OF TRANSIT SERVICES BETWEEN THE CITY OF NORTH
LIBERTY AND JOHNSON COUNTY SEATS AND ECICOG**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,
IOWA:**

WHEREAS, the City Council desires to provide transit services to its citizens;

WHEREAS, the East Central Iowa Council of Governments (ECICOG) oversees East Central Iowa Transit, which provides state and federal transit operating payments to Johnson County SEATS (SEATS) to provide public transit service, and owns the vehicles leased to SEATS that will be utilized to provide service in North Liberty;

WHEREAS, SEATS, a department of Johnson County and a member of East Central Iowa Transit is officially designated as the regional transit provider for Johnson County pursuant to Section 324A.1 of the Code of Iowa and has vehicles and employees available for transportation service; and

WHEREAS, North Liberty believes it is in the City's best interest to have SEATS provide certain transit services to its citizens pursuant to this agreement.

NOW, THEREFORE, BE IT RESOLVED that the contract presented by Johnson County SEATS and ECICOG for transit services is approved as set forth therein.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and ordered to execute the contract.

APPROVED AND ADOPTED this 27th day of September, 2016.

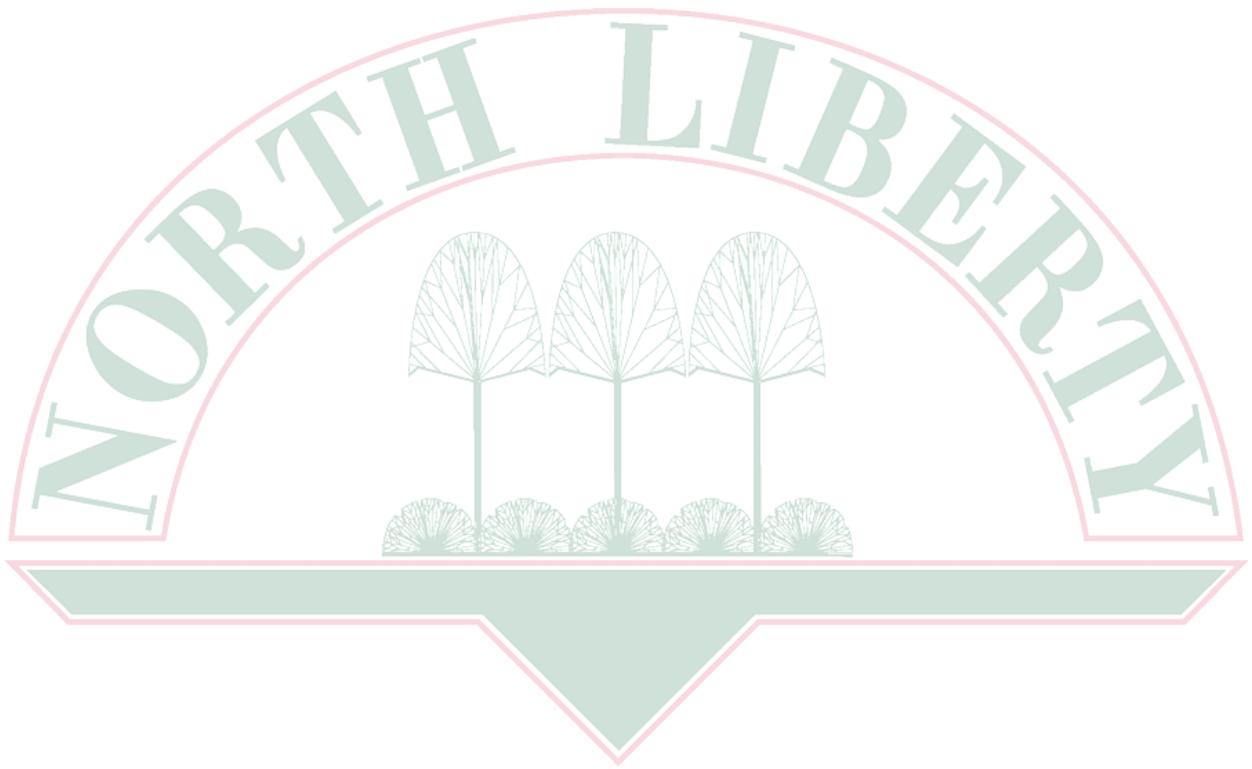
CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

Archery Ordinance



Ordinance No. 2016-11

AN ORDINANCE AMENDING CHAPTER 41 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING SECTIONS 41.05 AND 41.06 REGARDING SHOOTING ARROWS IN CITY LIMITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. Chapter 41, "Public Health and Safety," of the North Liberty Code of Ordinances (2015) is hereby amended by amending and adopting in lieu thereof Sections 41.05 and 41.06 to read as follows:

41.05 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind or to shoot arrows or similar instruments within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm or shoot an arrow in a reckless manner.

41.06 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot ~~arrows~~, paintballs, rubber guns, slingshots, air rifles, BB guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

(Code of Iowa, Sec. 364.12[2])

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____, 2016.
Second reading on _____, 2016.
Third and final reading on _____, 2016.

CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty
Leader on the ____ day of _____, 2016.

TRACEY MULCAHEY, CITY CLERK

Ordinance No. 2016-11

AN ORDINANCE AMENDING CHAPTER 41 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING SECTIONS 41.05 AND 41.06 REGARDING SHOOTING ARROWS IN CITY LIMITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

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2. No person shall intentionally discharge a firearm or shoot an arrow in a reckless manner.

41.06 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot paintballs, rubber guns, slingshots, air rifles, BB guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

(Code of Iowa, Sec. 364.12[2])

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on September 13, 2016.

Second reading on _____, 2016.

Third and final reading on _____, 2016.

CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty
Leader on the ____ day of _____, 2016.

TRACEY MULCAHEY, CITY CLERK

Precinct Boundaries Ordinance



Ordinance No. 2016-12

AN ORDINANCE AMENDING CHAPTER 6 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING SECTION 6.07 “VOTING PRECINCTS”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. That Section 6.07, “Voting Precincts,” of Chapter 6 of the North Liberty Code of Ordinances are and the same is hereby repealed and the following adopted in lieu thereof:

6.07 VOTING PRECINCTS. The boundaries of the voting precincts in the City are as follows:

Precinct 01: Beginning at the intersection of Penn Street and Jones Boulevard, then east on Penn Street to the intersection of Highway 965, then south on Highway 965 to Zeller Street, then east on Zeller Street to George Street, then north on George Street to Cherry Street, then west on Cherry Street to Stewart Street, then north on Stewart Street to Penn Street, then north on Dubuque Street to Highway 965, then north on Highway 965 to Scales Bend Road; then north on Scales Bend Road to the north boundary of the city, then westerly following the north boundary of the city, then southerly along the west boundary of the city to 230th Street, then west on 230th Street to the west boundary of the city, then south, west, and south along the north and west boundaries to 240th Street, then east along 240th Street to the east line of Section 11, Township 80 N, Range 7 W, then south along the section line to the point of the beginning *extending to the City limits within this area.*

Precinct 02: Beginning at the intersection of Penn Street, Stewart Street, and Dubuque Street, then east on Penn Street to Dubuque Street, then southeast on Dubuque Street to the city boundary on the east line of Section 18, Township 80, Range 6 W of the 5th Prime Meridian, then south and west along the city boundary to the west right – of – way of Front Street, then south on Front Street to the southeast corner of Section 13, Township 80 N, Range 7 W, then west from Front Street to the intersection of Sadler Street and the section line, then Northerly to the South end of Rachel Street, then northerly on Rachel Street to Muddy Creek, then north along Muddy Creek to the CRANDIC right of way, then north along the CRANDIC right of way to Zeller Street, then east on Zeller Street to George Street, then north on George Street to Cherry Street, then west on Cherry Street to Stewart Street, then north on Stewart Street to the point of the beginning *extending to the City limits within this area.*

Precinct 03: Beginning at the intersection of Penn Street, Stewart Street, and Dubuque Street, then east on Penn Street to Dubuque Street, then southeast on the centerline of Dubuque Street to the city boundary on the east line of Section 18, Township 80, Range 6 W of the 5th Prime Meridian extending south of Dubuque Street to the city limits, then following the city boundary to the east, then northerly and westerly along the city boundary to Scales Bend Road, then south on Scales Bend Road to Highway 965, then south

on Highway 965 to Dubuque Street, then south on Dubuque Street to the point of the beginning *extending to the City limits within this area.*

Precinct 04: Beginning at the intersection of Zeller Street and Highway 965, then east on Zeller Street to the CRANDIC right of way, then south along the CRANDIC right of way to Muddy Creek, then south along Muddy Creek to Rachel Street, then southerly along Rachel Street and Rachel Street extended to the south line of Section 13, Township 80 N, Range 7 W, then east along the section line to the east city boundary, then south, east, and south along the city boundary, then west along the southern city boundary to Highway 965, then north on Highway 965 to the point of the beginning *extending to the City limits within this area.*

Precinct 05: Beginning at the intersection of Jones Boulevard and Penn Street, then east along Penn Street to Highway 965, then south on Highway 965 to Fairview Lane, then west on Fairview Lane to Jones Boulevard, then north on Jones Boulevard to the point of the beginning.

Precinct 06: Beginning at the intersection of Jones Boulevard and Penn Street, then south along Jones Boulevard to Fairview Lane, then east on Fairview Lane to Highway 965, then south on Highway 965 to the southern city boundary, then westerly, northerly, and easterly following the city boundaries around the south, west, and north to the point of the beginning *extending to the City limits within this area.*

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____.
Second reading on _____.
Third and final reading on _____.

CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

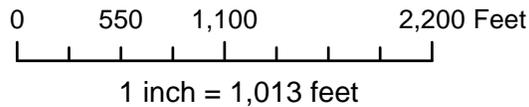
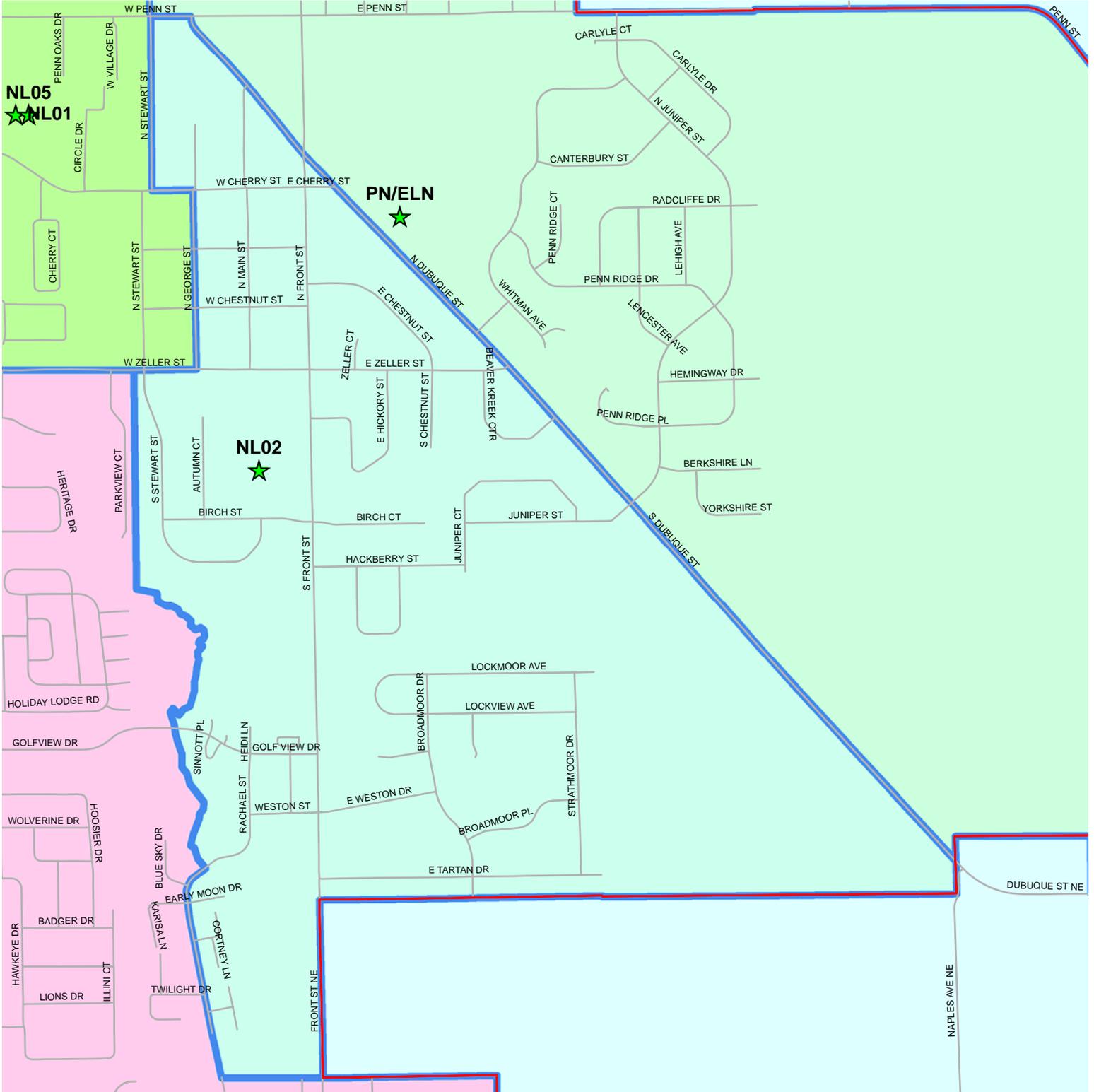
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty *Leader* on the ____ day of _____, 20____.

TRACEY MULCAHEY, CITY CLERK

NORTH LIBERTY 02 PRECINCT

Vote at: **GARNER ELEMENTARY SCHOOL, 80 BIRCH CT**

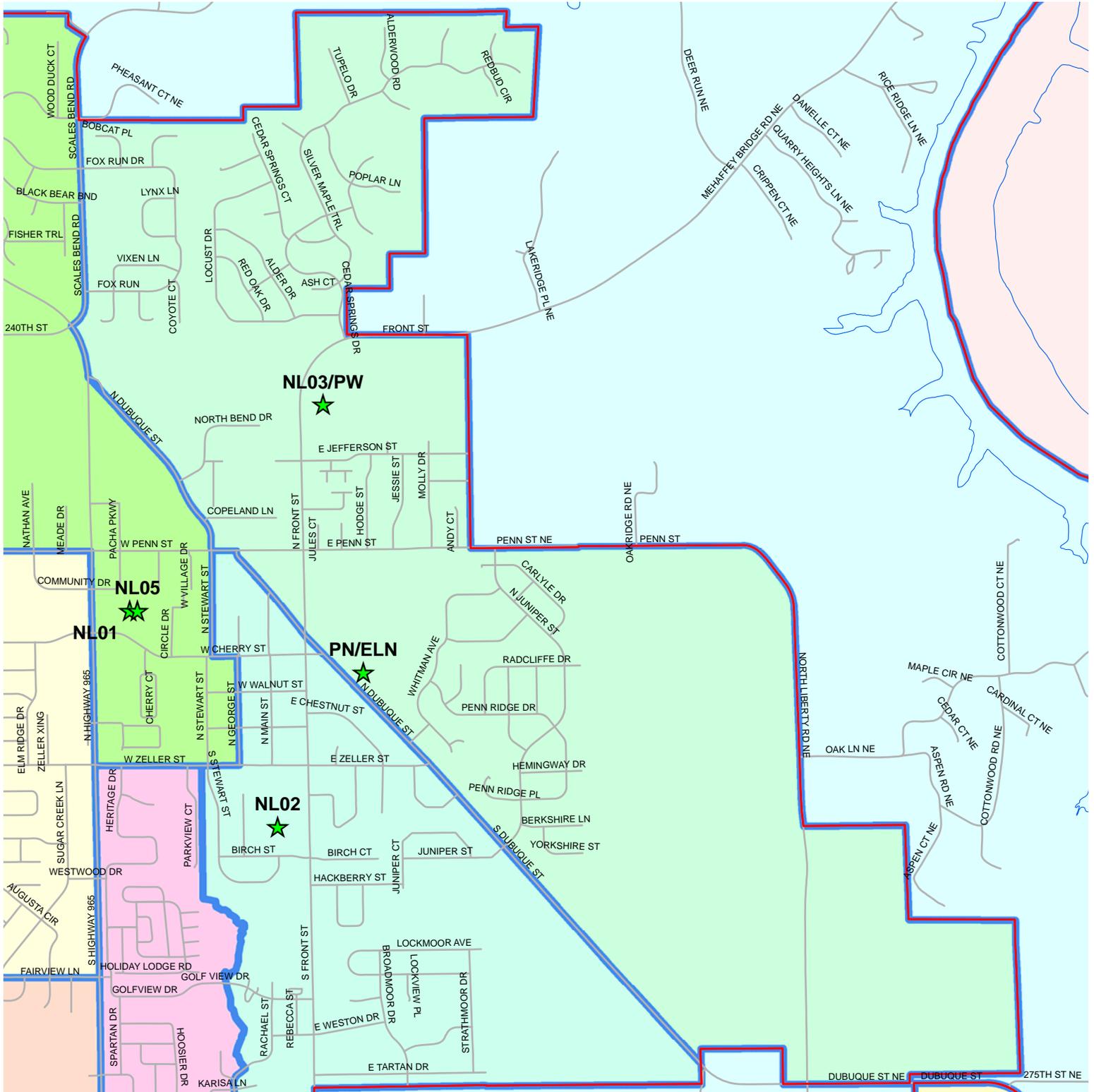


Legend

-  Polling Sites
-  City & Township Boundaries
-  Roads & Streets
-  Precinct Boundaries

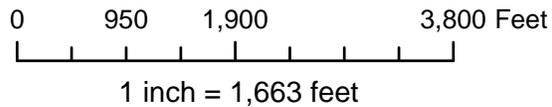
NORTH LIBERTY 03-PENN WEST PRECINCT

Vote at: SOUTH SLOPE COMMUNICATIONS, 980 N FRONT ST



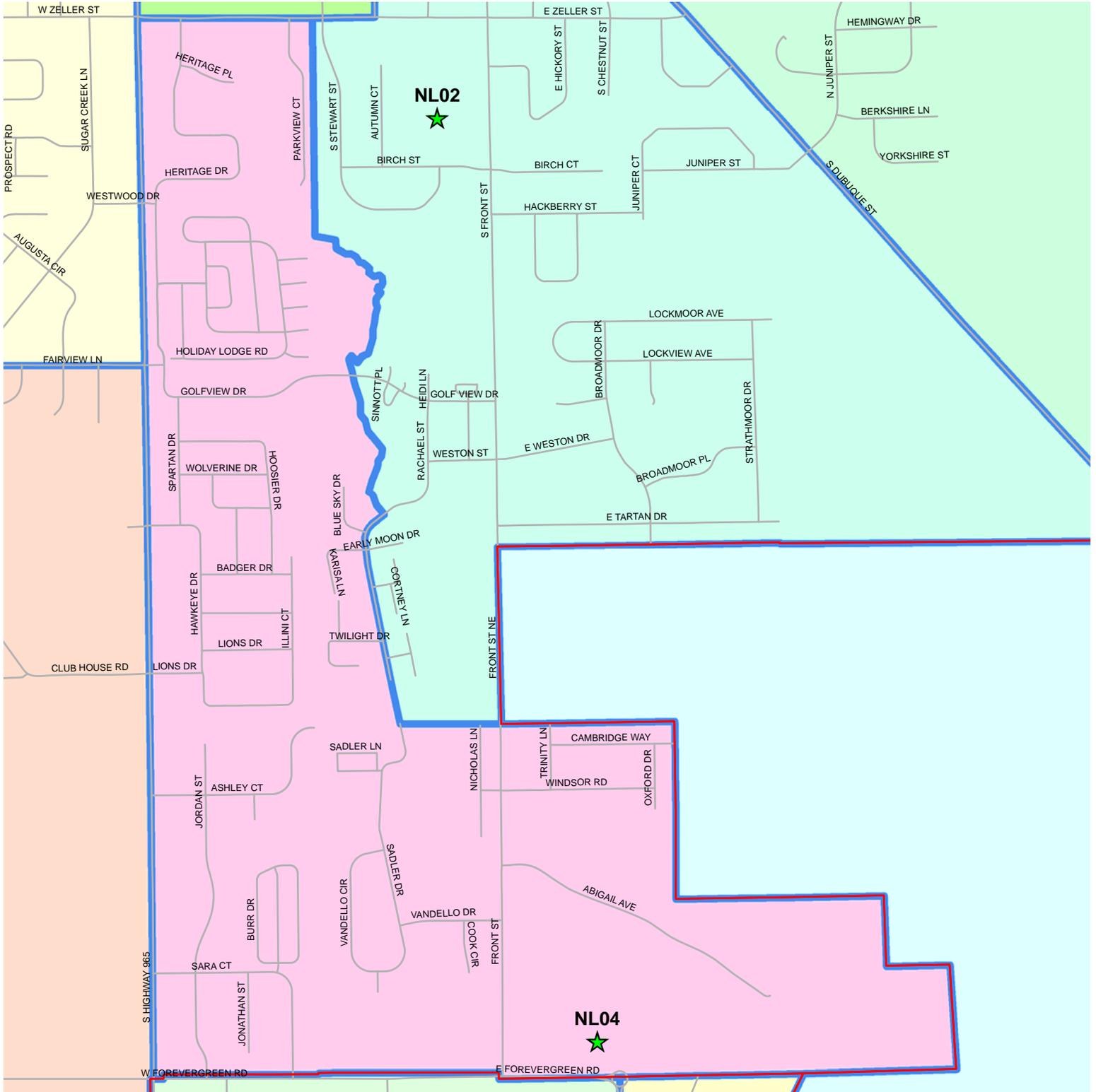
Legend

- ★ Polling Sites
- City & Township Boundaries
- Roads & Streets
- Precinct Boundaries



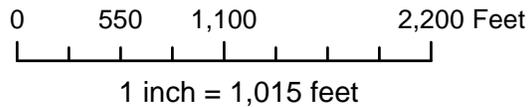
NORTH LIBERTY 04 PRECINCT

Vote at: NORTH CENTRAL JR HIGH SCHOOL, 180 E FOREVERGREEN



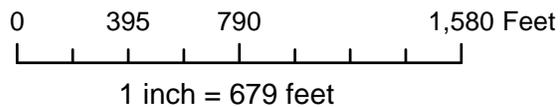
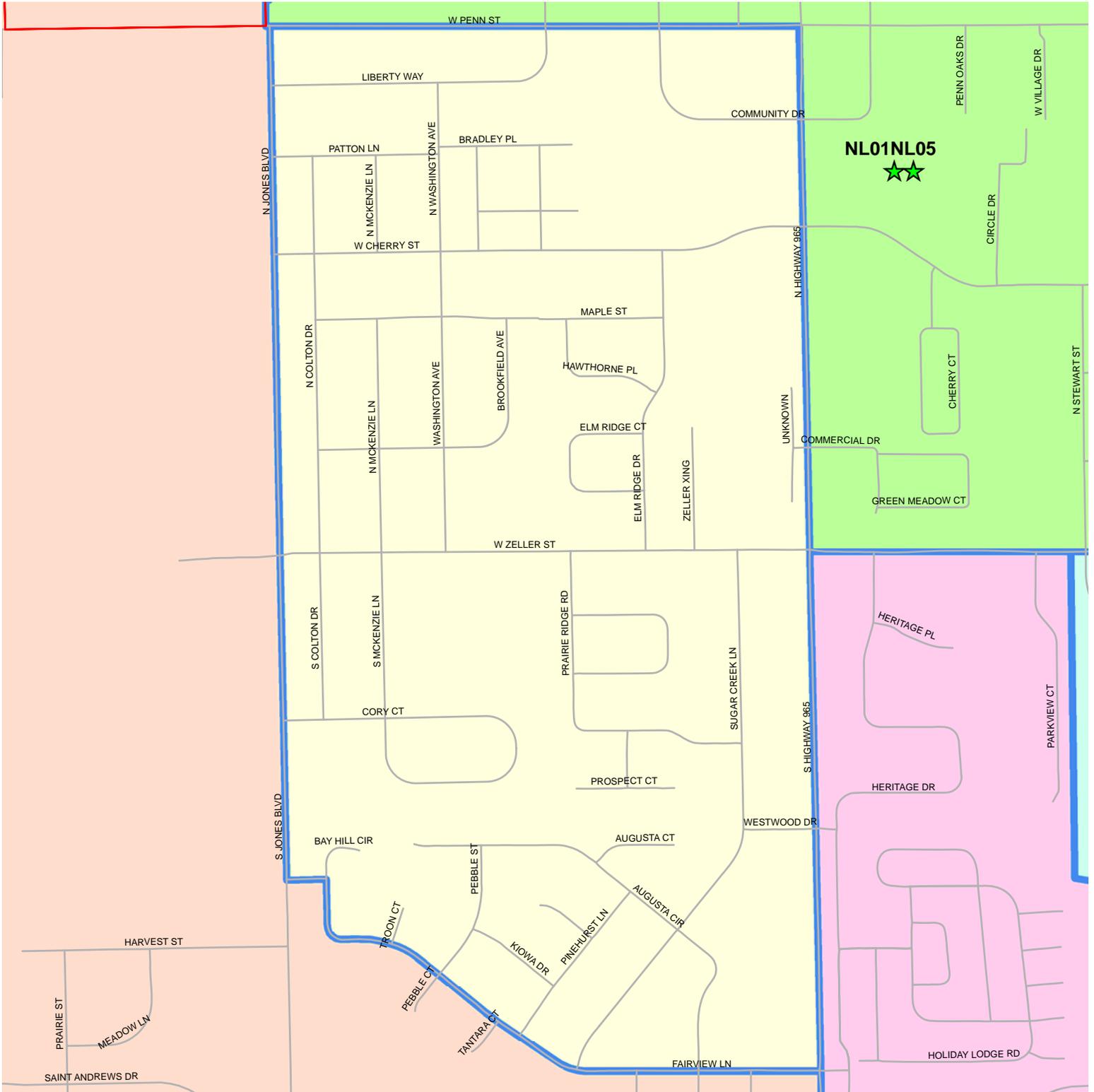
Legend

-  Polling Sites
-  City & Township Boundaries
-  Roads & Streets
-  Precinct Boundaries



NORTH LIBERTY 05 PRECINCT

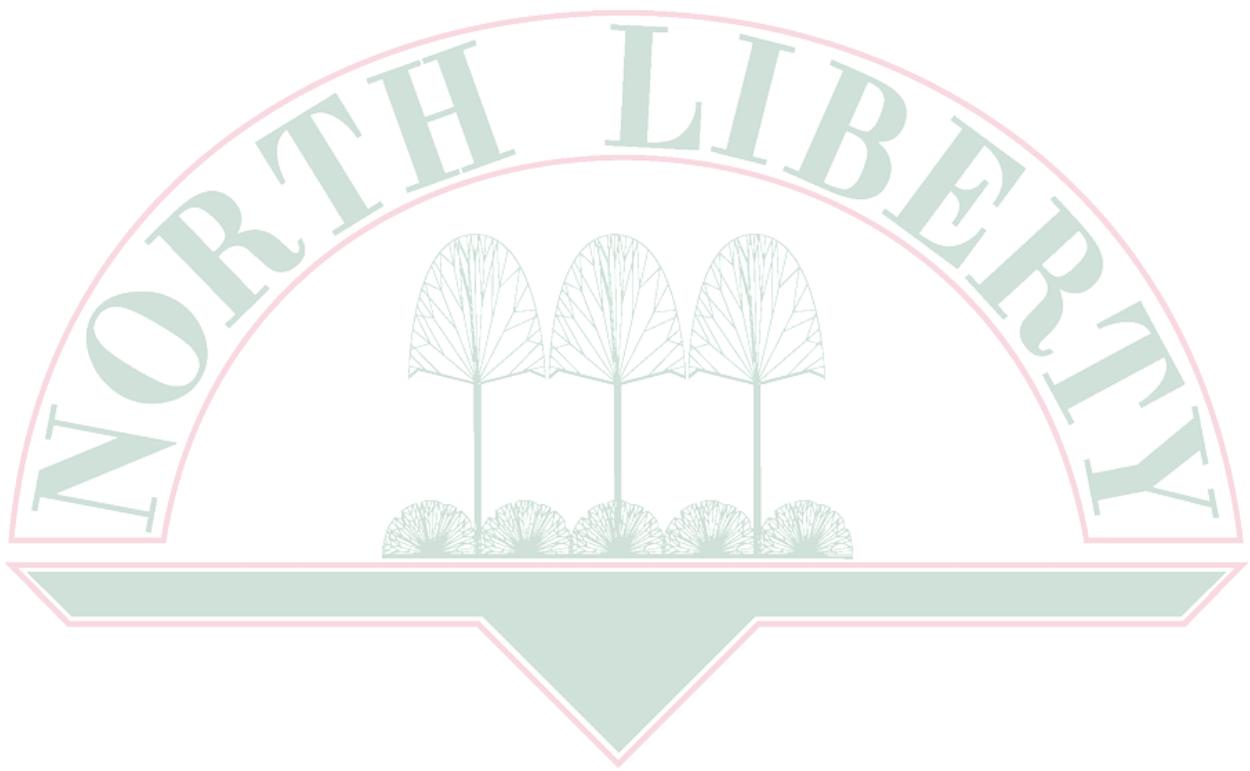
Vote at: NORTH LIBERTY PUBLIC LIBRARY, 520 W CHERRY ST



Legend

-  Polling Sites
-  City & Township Boundaries
-  Roads & Streets
-  Precinct Boundaries

Lighting Ordinance



ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 169 OF THE NORTH
LIBERTY CODE OF ORDINANCES BY AMENDING
SUBSECTION 169.12(1)(I) TO ESTABLISH PROCESS FOR
APPROVAL OF OUTSIDE LIGHTING ON PUBLIC PROPERTY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH
LIBERTY, IOWA:**

SECTION 1. AMENDMENT. Chapter 169, "Development Regulations," of the North Liberty Code of Ordinances (2015) is hereby amended by repealing and adopting in lieu thereof Subsection 169.12(1)(I) to read as follows:

I. Lighting Illumination Requirements. Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security while preventing a nuisance or hardship to adjacent properties or streets. ~~Except for lighting of loading areas, service areas, and for architectural emphasis, floodlighting is prohibited.~~ Lighting shall comply with the following requirements.

- (1) Light fixtures 300 feet or less from a residential zone shall be mounted no higher than 25 feet.
- (2) Light fixtures greater than 300 feet from a residential zone shall be mounted no higher than 35 feet.
- (3) All lights greater than 2,000 lumens, both pole-mounted and wall-mounted, shall be equipped with cutoff shields, so that no light shines above the horizontal and no direct light falls beyond the property line. Light reflectors and refractors may be substituted for shields on ornamental and pedestrian light fixtures.
- (4) Light fixtures used to illuminate flags, statues, and objects mounted on a pole or pedestal shall use a narrow cone of light that does not extend beyond the illuminated object.
- (5) ~~Outdoor recreational facilities permitted by conditional use may be exempt from the specific exterior lighting standards, provided the Board of Adjustment approves a lighting plan as part of the conditional use approval process.~~ Lighting for outdoor sports fields and courts recreational facilities operated by the City or by a school district a public entity are exempt from the specific exterior lighting standards set forth in this subsection but is, subject to approval by the City Council, after review and recommendation of the Planning Commission, of a lighting plan that minimizes light impacts on adjacent property to the maximum extent technologically possible. The lighting plan may be included as part of a site plan or may be a separate plan.

(6) Illumination shall not exceed one foot-candle at property boundaries of multi-family, commercial, and industrial uses adjacent to or across the street from a residential zone, or a commercial zone in which residential uses are permitted.

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____, 2016.

Second reading on _____, 2016.

Third and final reading on _____, 2016.

CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty *Leader* on the ____ day of _____, 2016.

TRACEY MULCAHEY, CITY CLERK

Ordinance No. 2016-13

AN ORDINANCE AMENDING CHAPTER 169 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING SUBSECTION 169.12(1)(I) TO ESTABLISH PROCESS FOR APPROVAL OF OUTSIDE LIGHTING ON PUBLIC PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. Chapter 169, "Development Regulations," of the North Liberty Code of Ordinances (2015) is hereby amended by repealing and adopting in lieu thereof Subsection 169.12(1)(I) to read as follows:

I. Lighting Illumination Requirements. Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security while preventing a nuisance or hardship to adjacent properties or streets. Lighting shall comply with the following requirements.

- (1) Light fixtures 300 feet or less from a residential zone shall be mounted no higher than 25 feet.
- (2) Light fixtures greater than 300 feet from a residential zone shall be mounted no higher than 35 feet.
- (3) All lights greater than 2,000 lumens, both pole-mounted and wall-mounted, shall be equipped with cutoff shields, so that no light shines above the horizontal and no direct light falls beyond the property line. Light reflectors and refractors may be substituted for shields on ornamental and pedestrian light fixtures.
- (4) Light fixtures used to illuminate flags, statues, and objects mounted on a pole or pedestal shall use a narrow cone of light that does not extend beyond the illuminated object.
- (5) Lighting for outdoor recreational facilities operated by a public entity is exempt from the specific exterior lighting standards set forth in this subsection but is subject to approval by the City Council, after review and recommendation of the Planning Commission, of a lighting plan that minimizes light impacts on adjacent property to the maximum extent technologically possible. The lighting plan may be included as part of a site plan or may be a separate plan.
- (6) Illumination shall not exceed one foot-candle at property boundaries of multi-family, commercial, and industrial uses adjacent to or across the street from a residential zone, or a commercial zone in which residential uses are permitted.

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____, 2016.
Second reading on _____, 2016.
Third and final reading on _____, 2016.

CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty *Leader* on the ____ day of _____, 2016.

TRACEY MULCAHEY, CITY CLERK

Building Code Ordinance





NORTH LIBERTY BOARD OF APPEALS
MEETING NOTICE AND AGENDA
Wednesday, August 31, 2016, 6:30 PM
City Council Chambers
1 Quail Creek Circle

- 1. ROLL CALL**
- 2. AGENDA APPROVAL**
- 3. APPOINTMENT OF CHAIRPERSON**
- 4. BUILDING AND FIRE CODES:** Public hearing to consider amendment to Chapter 15 of the Municipal Code regulating building construction within City of North Liberty by recommending the adoption and amendments of the Building and Fire Codes.
 - a. Staff Presentation
 - b. Public Comments
 - c. Questions and Comments
 - d. Recommendation to the City Council
- 5. ADJOURNMENT**

Chapter 157, "North Liberty Building Code"

157.01 Short Title	157.04 Availability of the Building Code
157.02 International Building Codes Adopted	157.05 Board of Appeals
157.03 Amendments to the International Building Code and the International Residential Code	

157.01 SHORT TITLE.

The ordinance codified in this chapter shall be known as the "North Liberty Building Code," may be cited as such, and will be referred to as such herein in this chapter. Any higher standards in the state statute or city ordinance shall be applicable.

157.02 INTERNATIONAL BUILDING CODES ADOPTED.

Except as hereinafter modified, that certain building codes known as the *International Building Code*, 2015 Edition, including Appendix H titled "Signs," the *International Residential Code*, 2015 Edition, including Appendices E titled "Manufactured Housing Used as Dwellings," F titled "Radon Controlled Methods," G titled "Swimming Pools, Spas and Hot Tubs," H titled "Patio Covers" and K titled "Sound Transmission" as published by the International Code Council in cooperation with the International Conference of Building Officials, which codes are specifically incorporated by reference shall be known as the building code. The provisions of said building code shall control the design, construction, quality of materials, erection, installation, addition, alteration, repair, location, relocation, replacement, removal, demolition, use and maintenance of buildings and other structures within the incorporated limits of North Liberty, Iowa.

157.03 AMENDMENTS OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE.

Certain sections, and portions of sections, of the *International Building Code*, 2015 Edition (hereinafter IBC) and the *International Residential Code for One- and Two-Family Dwellings*, 2015 Edition (hereinafter IRC), are modified as set forth in this section.

1. Delete the following Sections from Chapter One of the IBC and insert in lieu thereof the following:

101.1 Title.

These regulations shall be known as the Building Code of North Liberty, hereinafter referred to as "this code."

101.4 Referenced codes.

The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Electrical.

The provisions of the Electrical Code adopted by the State of Iowa Electrical Board shall

apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

101.4.2 Gas.

The provisions of the 2015 International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical.

The provisions of the 2015 International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy related systems.

101.4.4 Plumbing.

The provisions of the 2015 International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

101.4.5 Property maintenance.

The provisions of the 2015 International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.6 Fire prevention.

The provisions of the 2015 International Fire Code and as amended in Chapter 158 shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7 Energy.

The provisions of the State of Iowa Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Existing buildings.

The provisions of the 2015 International Existing Building Code shall apply to matters

governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

105.1 Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Issuance of permits.

No permit shall be issued to an individual who does not have a valid license to perform such work.

105.1.2 Licenses required.

- a) North Liberty contractor license.
- b) State of Iowa electrical contractor license with a class A master electrician for all electrical work defined by the State of Iowa contractor licensing program.
- c) State of Iowa master license for hydronic, mechanical, medical gas and plumbing work defined by State of Iowa contractor licensing program.
- d) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing water based fire protection system.
- e) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing fire alarm system.
- f) City of North Liberty sewer & water installer license.

110.3 Required inspections.

The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

110.3.1 Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation.

In flood hazard areas, upon placement of the lowest floor, including the basement, and

prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

110.3.4 Frame inspection.

Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Fire-resistant penetrations.

Protection of joints and penetrations in fire resistance-rated assemblies shall not be concealed from view until inspected and approved.

110.3.6 Other inspections.

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.7 Special inspections.

For special inspections, see Section 1704.

110.3.8 Final inspection.

The final inspection shall be made after all work required by the building permit is completed.

2. Delete the following Section from Chapter Five of the IBC and insert in lieu thereof the following:

501.2 Address numbers.

Approved numbers or addresses shall be placed on all buildings in accordance with the fire code.

3. Amend the following Sections from Chapter Ten of the IBC and insert in lieu the following:

1008.3.3 Rooms and spaces.

5. Public restrooms with an area greater than 50 square feet.

1013.6.2 Exit Sign Illumination.

In new construction, or if an exit sign is replaced, exit signs shall use an LED lighting system and be illuminated internally. Exit signs shall have a battery backup unless an on-site generator set is used. Luminance on the face of an exit sign shall have an intensity of not less than 5.0 foot-candles (53.82 lux).

1013.7 Combination Lights.

Combination exit sign/emergency light devices are prohibited in all new construction.

1013.8 Separation of Emergency Lighting.

In new construction, emergency lighting shall be separated from the exit sign by a minimum of 6 feet.

1013.9 Self-luminous and Photo luminescent exit signs.

Self-luminous and photo luminescent exit signs are not allowed. Exception: Approved self-luminous and/or photo luminescent exit may be allowed in tents by approval of the Fire Official.

1013.10 Self-Testing Exit Signs and Emergency Lights.

Exit signs and/or emergency lights mounted higher than 8 1/2 feet from floor level to the bottom of the exit sign or emergency light or if the exit sign or emergency light is mounted in a location where it cannot be manually tested, the exit sign and/or emergency light shall be self-testing and have a visual diagnostic indicator.

4. Delete the following Section from Chapter Thirteen of the IBC and insert in lieu thereof the following:

1301.1.1 Criteria.

Buildings shall be designed and constructed in accordance with the State of Iowa Energy Conservation Code.

5. Delete the following Sections from Chapter One of the IRC and insert in lieu thereof the following:

R101.1 Title.

These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of North Liberty, and shall be cited as such and will be referred to herein as is "this code".

R105.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.1.1 Issuance of permits.

No permit shall be issued to an individual who does not have a valid license to perform such work, except for state's exemption for a homeowner that qualifies for a Homestead Tax Exemption.

R105.1.2 Licenses required.

- a) North Liberty contractor license.

- b) State of Iowa electrical contractor license with a class A master electrician for all electrical work defined by the State of Iowa contractor licensing program.
- c) State of Iowa master license for hydronic, mechanical, medical gas and plumbing work defined by State of Iowa contractor licensing program.
- d) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing water based fire protection system.
- e) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing fire alarm system.
- f) City of North Liberty sewer & water installer license.

R105.2 Work exempt from permit.

Permits shall not be required for the following. 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.

Building:

- 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (13.29 m²).
- 2. Fences not over 7 feet (1829 mm) high.
- 3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- 4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- 5. Sidewalks and driveways.
- 6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
- 8. Swings and other playground equipment.
- 9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- 10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point and do not serve the exit door required by Section R311.4.
- 11. Reapplication of shingles and roof sheathing provided less than 50% of the sheathing is replaced and other structural alterations are not required.
- 12. Reapplication of siding.
- 13. Window replacement provided window opening sizes are not altered and conforming rescue and escape windows are present in all sleeping rooms.

R108.3 Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for

which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. The building official shall verify the applicant's valuation by using the most current Building Valuation Data Table published in Building Safety Journal to determine the permit value. Final building permit valuation shall be set by the building official.

6. Modify the following Sections from Chapter Three of the IRC and inserting the following:

R301.2 Climatic and geographic design criteria.

Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2 (1).

Ground Snow Load	Wind (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp (e)	Ice Shield Underlayment Required (h)	Flood Hazards (g)	Air Freezing Index (i)	Mean Annual Temp (G)
			Weathering (a)	Frost Line depth (b)	Termite (c)	Decay (c)					
25	115	A	Severe	42"	M-H	S-M	-5° F	Yes	8/22/2002	2000	50°F

R302.2 Townhouses.

Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302 for exterior walls.

Exception: A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with Chapters 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with Section R302.3.

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 13/8 inches in thickness, solid or honeycomb core steels doors not less than 13/8 inches thick, or 20-minute fire-rated doors.

Delete **R302.13 Fire Protection of Floors.**

Delete **R309.5 Fire sprinklers.**

Delete **R312.2 Window fall protection.**

R313.1 Townhouse automatic fire sprinkler systems.

An automatic residential fire sprinkler system shall be installed in townhouses with five or more units.

Exceptions:

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.

Delete **R313.2 One- and two-family dwellings automatic fire systems.**

R317.1 Location required.

Protection of wood and wood based products from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative-treated in accordance with AWP A U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWP A U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 8 inches (203 mm) from the exposed ground.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 1/2 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground or less than 2 inches (51 mm) measured vertically from concrete steps, porch slabs, patio slabs, and similar horizontal surfaces exposed to the weather and installed with frost protection methods approved by the Building Official.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.
7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder is applied between the wall and the furring strips or framing members.
8. Modify the following Sections from Chapter Four of the IRC and inserting the following:

Delete Table R403.1(1) and insert the following table.

TABLE R403.1(1)

MINIMUM WIDTH OF CONCRETE, PRECAST OR MASONRY FOOTINGS (inches) Minimum two #4 reinforcement steel bars shall be placed continuously in the footing minimum of 3" from bottom, top and sides of the footing.

	LOAD-BEARING VALUE OF SOIL (psf)	
	1,500	2,000
Conventional light-frame construction		

1-story	12	12
2-story	15	12
3-story	23	17
4-inch brick veneer over light frame or 8-inch hollow concrete masonry		
1-story	12	12
2-story	21	16
3-story	32	24
8-inch solid or fully grouted masonry		
1-story	16	12
2-story	29	21
3-story	42	32

Delete Tables R404.1.2 (3) and R404.1.2 (8) and insert the following table.

Minimum Vertical Reinforcement for 8-inch Thick Concrete Wall

Wall	Vertical Reinforcement Bar Size and Spacing
Less than 6-ft	Not
6-ft to 8-	#4@ 32" o.c.
9 -ft to 10-	#4@ 10" o.c. #5 @ 16" #6@ 22" o.c.
Greater than 10-ft	Design

157.04 Availability of the Building Code.

An official copy of the building code, including a certificate by the city clerk as to its adoption and effective date thereof, is on file in the office of the city clerk in the administration building, and shall be kept there on file. Copies shall be available at the department of building safety for public inspection. Additionally the *International Building Code, 2015 Edition* and the *International Residential Code for One- and Two-Family Dwellings, 2015 Edition* are available to the public at the North Liberty public library.

157.05 Board of Appeals.

1. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the North Liberty Building Code, there is hereby established a Board of Appeals consisting of five (5) members who are residents of North Liberty and qualified and experienced in training to pass on matters pertaining to building construction and who are not employees or officials of the City. The terms of office for the members of the Board shall be staggered five-year terms, such that only one regular term expires each year so as to provide continuity in policy and personnel. Each term shall commence on July 1. The Board of Appeals shall be appointed by the Mayor with City Council approval.
2. Any person affected by any written notice or order of the Building Official may appeal to the Board of Appeals. The appeal must be made in writing and filed with the office of the City Clerk within seven (7) days of the written notice or order from which the appeal is

taken. The Board of Appeals shall have no authority to waive the requirements of the Building Code.

3. The Board of Appeals shall conduct a hearing following the filing of a written notice of appeal within the established time limits. The Board shall set a time and place for the hearing. Notice of such hearing shall be posted and be open to the public in compliance with the Iowa open meetings law. The applicant will be advised, in writing of such time and place of hearing at least seven (7) days prior to the date of the hearing. At the hearing, the applicant shall have an opportunity to testify and present evidence to show cause why the notice or order should be modified, extended or revoked. The Board of Appeals may sustain, overrule, modify or revoke a notice or order. A hearing may be continued from time to time for good cause at the request of the applicant, City or the Board. The burden of proof shall be on the applicant.

CITY OF NORTH LIBERTY ADOPTION OF THE INTERNATIONAL FIRE CODE ORDINANCE

An ordinance of the City of North Liberty adopting the 2015 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of North Liberty; providing for the issuance of permits and collection of fees therefor; repealing Chapter 15.03 of the City of North Liberty Municipal Code and all other ordinances or parts of laws in conflict therewith.

The City Council of the City of North Liberty does ordain as follows:

Section I. That a certain document, one (1) copy of which are on file in the office the City Clerk of the City of North Liberty being marked and designated *International Fire Code*, 2015 edition, including Appendix Chapters B, C, D, E, F, G, H, I, K, L, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of North Liberty, in the State of Iowa regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of North Liberty are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section II. That the following sections are hereby revised:

Section 101.1. Insert: City of North Liberty

Section 109.4. Insert: Insert: Municipal Infraction, as prescribed in City of North Liberty Municipal Code, Chapter 1.18; Municipal Infraction.

Section 111.4. Insert: \$500, repeat offense \$750.

Section 1103.5.3. Insert: Five years from date of notification.

Section III. That the geographic limits referred to in certain sections of the 2015 *International Fire Code* are hereby established as follows:

Section 3404.2.9.6.1 The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited in the entire City of North Liberty, Iowa.

Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section 5706.2.4.4 The storage of Class I and Class II liquids in above-ground tanks is prohibited in the entire City of North Liberty, Iowa.

Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section 5806.2 The storage of flammable cryogenic fluids in stationary containers is prohibited in the entire City of North Liberty, Iowa. Exceptions: As approved by the Fire Chief.

Section 6104.2 The storage of liquefied petroleum gas is prohibited in the entire City of North Liberty
Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section IV. Fees. Fees for inspections, re-inspections, plans review, acceptance testing, permits and other services related to enforcement of this Code shall be established by the City Council by resolution and paid to the Fire Department.

Section V. Amendments to the Fire Code. The following sections are amended to read as follows:

Section 104.12 Add a new section to read as follows: The code official is authorized to order an operation or use stopped or the evacuation of any premises, building, or vehicle or portion thereof which has or is a fire, life safety or health hazard.

Section 105.2 Add a sentence to the end of the section to read as follows: Application for an operational permit shall be submitted with all required information not less than 14 days prior to the event requiring a permit.

Section 105.4 Add a sentence to the end of the section to read as follows: The fire code official at their discretion shall send plans to an outside agency for review. The fire code official shall choose the plans review agency. The applicant shall pay all fees associated with the plan review directly to the outside agency. A certificate of occupancy shall not be issued until the review fees have been paid.

Section 105.6 Add a sentence to the end of the section to read as follows: The fire code official at their discretion shall send plans for operational permits requests to an outside agency for review. The fire code official shall choose the plans review agency. The applicant shall pay all fees associated with the plan review directly to the outside agency. The permit shall not be issued until the review fees have been paid.

Section 108 Delete in its entirety. See City of North Liberty Ordinance 99.18; Boards of Appeals.

Section 202 Add a new definition to read as follows: CODE OFFICIAL. The Fire Chief, the Assistant Fire Chief, or the Chief's authorized representative.

Section 307 See also City of North Liberty Ordinance 8.12.020, Section O, Open Burning.

Section 307.1.1 Delete the section and replace with: Prohibited burning. Burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Section 307.3 Delete the section and replace with: Extinguishment authority. The fire code official is authorized to order the extinguishment by the responsible person or the fire department of any burning that creates or adds to a hazardous or objectionable situation.

Section 312.3 Delete the words: or visually deter.

Section 401.9 Add a new section to read as follows: Building evacuation. Upon activation of the building fire alarm system or upon notification by other means of detecting and reporting unwanted fire, all building occupants shall promptly evacuate the building. Building employees and tenants shall implement the appropriate emergency plan and procedures. Exception: When the emergency evacuation plan, as approved by the fire code official, does not require the immediate total evacuation of the building.

Section 405.2 Add to the end of the section as follows: Fire and evacuation drills in Group E occupancies, excluding daycares and preschools shall be conducted in accordance with Section 100.31 of the Code of Iowa. Emergency evacuation/fire drills shall be conducted at least four times a year. Not less than two drills shall be conducted between July 1 and December 31 of each year and not less than two drills shall be conducted between January 1 and June 30 of each year. The North Liberty Fire Department shall conduct one of the two drills during July 1 and December 31 and one of the two drills during January 1 and June 30 of each year. The fire department emergency evacuation/fire drills shall be unannounced.

Section 405.2 Table Add footnote e. as follows: Group E occupancies, excluding Preschools and Daycares shall conduct fire and evacuation drills at least four times a year in accordance with Section 100.31 of the Code of Iowa. Footnote shall be added to Group E occupancy frequency.

Section 503.1.1 Delete exception 1.1 and replace with: The dimension can be increased up to 200 feet if the building is equipped throughout with an approved NFPA 13 automatic sprinkler system.

Section 505.1 Delete the section and replace with: Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Address numbers and exterior suite numbers shall be in Arabic numerals or alphabet letters a minimum of 4 inches in height with a minimum stroke width of 1/2 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Exterior address location for commercial buildings shall be determined by the Code Official

Exceptions:

1. Monument signs shall have the address installed a minimum of 36 inches from the ground.
2. Addresses located 100 to 199 feet from the street shall have a minimum of 6 inches in height with a minimum stroke width of 1/2 inch. Addresses located 200 to 299 feet from the street shall have a minimum of 8 inches in height with a minimum stroke width of 1 inch. For each additional 100 feet from the street, the number shall increase by an additional 2 inches in height with the stroke increased proportionally. Measurements to determine the minimum number or letter size shall be measured from the approved address location to the center line of the street for which the premise is addressed. Minimum height and minimum stroke may be increased by the Code Official.
3. Interior suite numbers shall be a minimum of 3 inches in height.

Section 505.3 Add a new section to read as follows: Addresses for Buildings under Construction. All new commercial and residential buildings under construction shall have plainly visible addresses from the street. The temporary address sign shall be approved and issued by the City of North Liberty Building Department and be placed no further than 10 from the street. Additional address signage may be required at the discretion of the code official.

Section 506.1 Add a sentence to the end of the section to read as follows: An approved key box shall be installed in accordance to the City of North Liberty Ordinance 15.34, Key Lock Box.

Section 507.3 Delete the section and replace with: Fire flow. Fire flow requirements for buildings or portions of buildings shall be determined by "Appendix B" of this code.

Section 507.5.1 Delete exceptions 1 & 2.

Section 507.5.1.1 Delete section and add a new section to read as follows: Fire Sprinkler System & Standpipe System Support. A fire hydrant shall be located no more than 100 feet from a fire sprinkler or standpipe system connection on hard surface, easily accessible by fire apparatus and meeting the approval of the Code Official.

Section 507.5.7 Add a new section to read as follows: Fire Hydrant Installation

Section 507.5.7.2 Add a new section to read as follows: Fire hydrant outlet direction: All fire hydrants shall be positioned so that the four and one-half (4 1/2) inch connection is facing the street or driveway accessible to fire department apparatus.

Section 507.5.7.3 Fire hydrants threads: All new fire hydrants within the limits of the city of North Liberty shall have National Standard Threads (NST) on the two and one-half (2 1/2) inch connections and the four and one-half (4 1/2) inch connection will have a Storz connection.

Section 507.5.7.4 Flow: The minimum flow requirements for a water main serving a fire hydrant is the rate of water flow, at a residual pressure of twenty pounds per square inch (20psi) and for a specified duration, as specified in appendix B of this code.

Section 507.5.7.5 Add a new section to read as follows: Fire Hydrant height: Fire hydrants shall be installed a minimum of eighteen (18) inches from the nominal ground level to the center of the lowest water outlet.

Section 510.1 Delete exceptions 1 & 2.

Section 605.10 Delete the section and replace with: Portable, electric, space heaters. Portable electric space heaters shall comply with Sections 605.10.1 through 605.10.5.

Section 605.10.5 Add a new section to read as follows: Fully enclosed. Portable, electric space heaters shall be fully enclosed space heaters that by design have no external surfaces that reach temperatures capable of igniting materials placed against the surface.

Section 607.7. Add a sentence to the end of the section to read as follows: The required elevator keys shall be secured in an approved elevator key box in an approved location by the Fire Code Official.

Section 609.4 Delete the last sentence and replace with: Movement of new and existing cooking appliances with caster(s) under a Type I hood shall be limited by an approved floor mounted restraining device and flexible gas connector installed in accordance with the connector and appliance manufacturer's instructions.

Section 609.5 Add a new section to read as follows: Required separation. All deep-fat fryers shall be installed with at least 16 inch space between the fryer and surface flames from adjacent cooking equipment. Where a steel or tempered glass baffle plate is installed at a minimum 8-inch height between the fryer and surface flames to the adjacent appliance, the requirement for a 16-inch space shall not apply.

Section 609.6 Add a new section to read as follows: Kitchen Hood Exhaust Fan Hinge Requirement. New and existing Type I hood kitchen hood exhaust/up blast fans shall be installed with listed hinges, weatherproof electrical cable and hold open retainer for servicing and cleaning.

Section 803.11 Add a new section to read as follows: Maintenance. The interior finish of buildings shall be maintained in accordance with the conditions of original approval. Any change to the interior finish that is regulated by the provisions of this code or the building code shall be made in accordance with all applicable requirements.

Section 806.1 Add a sentence to the end of the section to read as follows: Natural or resin-bearing cut trees and natural decorative vegetation used in buildings open to the general public shall be properly treated with an approved flame retardant.

Section 806.1.1 Delete the section and replace with: Restricted occupancies. Natural cut trees shall be prohibited in Group A, B, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

Exception:

- 1) Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B, E, M, R-1 and R-2.
- 2) Trees shall be allowed within dwelling units in Group R-2 occupancies.

Section 807.5.2.1 Delete exceptions 1 & 2.

Section 901.2 (a) Add a new section to read as follows: Water based fire protection systems. Working plans submitted to the fire department for water based fire protection systems shall be stamped and approved by a qualified person to be in compliance with applicable NFPA standards and the North Liberty Fire Code. Any changes to the working plans shall be approved by a qualified person. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Automatic Sprinkler System Layout OR be a licensed engineer with experience in life safety system design. Other qualifications may be approved by the code official.

Section 901.2 (b) Add a new section to read as follows: Fire alarm systems. Working plans submitted to the fire department by a qualified person for fire alarm systems shall be stamped and approved by a qualified person to be in compliance with applicable NFPA standards and the North Liberty Fire Code. Any changes to the working plans shall be approved by a qualified person. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Fire Alarm Systems OR be a licensed engineer with experience in life safety system design. Other qualifications may be approved by the code official.

Section 901.6.2.2 Add a new section to read as follows: Inspection Record Submission. Contractors who perform installation, inspection, testing and/or maintenance services on fire and life safety systems are required to electronically submit all installation and compliant & non-compliant inspection reports to the Fire Department via a method approved by the Fire Code Official within 30 calendar days of the installation/inspection date. Reports submitted after 30 calendar days may incur late fees.

Section 901.7 Add a sentence to the end of the section to read as follows: A person assigned to firewatch must walk through the building at least once every 30 minutes checking for fire or smoke. A firewatch must be continued until the fire alarm system and/or fire protection system has been restored to normal operating condition or the building has been evacuated. A competent adult familiar with the building must conduct the firewatch. If a fire is discovered, call 911 and immediately evacuate the building.

Section 903.3.1.1.2 Delete the section and replace with: Bathrooms. Sprinkler protection shall be provided in all bathrooms in NFPA 13 & NFPA 13R systems regardless of the bathroom size.

Section 903.3.5.3 Add a new section to read as follows: Water supply safety margin. Provide a minimum 10%, but not less than 5 psi, safety margin below the available water supply flow test curve at full system demand and required hose stream allowances. Flow test must have been conducted within 90 days of the fire sprinkler plan submittal to the city and third party reviewer (if applicable).

Section 903.3.5.4 Add a new section to read as follows: Fire Sprinkler Riser Room. Fire sprinkler riser room shall be separated from electrical room and have no electrical panels inside the rooms other than the outlets required for the use of the fire sprinkler system or fire alarm panel. The fire sprinkler riser room shall have an exterior access door and a floor drain. The room shall have a hard cleanable walking from the fire department access road.

Exception: Non-mixed use R-2 Occupancies and approval by Code Official.

Section 903.4.2 Delete the section and replace with: Alarms. An approved weatherproof horn/strobe device shall be mounted directly above the fire department connection between seven (7) and ten (10) feet in height above grade. The water-flow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Approved and supervised audible visual notification appliances shall be installed throughout each level of the interior of the building as required by the fire code official and NFPA 72.

Section 903.5 Add a sentence to the end of the section to read as follows: An inspector's test valve is required at the most remote location in each fire sprinkler system or tenant/floor control valve space, for use at the acceptance test and to remove air from the system after maintenance work is done on the system.

Section 903.7 Add a new section to read as follows: Zones. Automatic sprinkler system zones shall not exceed the area permitted by NFPA 13 or NFPA 13R and shall provide a sprinkler control valve and water flow device for each normally occupied floor or normally occupied space in a multi-tenant building. Except by approval of the fire code official, all control valves shall be located in the sprinkler system riser room.

Section 903.8 Add a new section to read as follows: Fire sprinkler for canopies. A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than 4 feet out from the door and is 12 feet or less in height from the ground regardless of whether the canopy is combustibile or noncombustibile. Canopies that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the total canopy regardless of whether the canopy is combustibile or non-combustibile. Exception: If the Code does not require a building to have a fire sprinkler system, section 903.8 does not apply.

Section 904.12.2.1 Add a new section to read as follows: System Annunciation. Commercial cooking automatic fire extinguishing systems installed in buildings that do not have a fire alarm system, shall be connected to an approved audible and visible emergency notification device to warn of system discharge. The horn/strobe and signage shall be installed in a location approved by the fire code official, typically in the kitchen.

Section 904.12.6.4 Add a new section to read as follows: Ventilation Operation. The ventilation system shall shut down the make-up air to the hood and continue to exhaust upon activation of the hood fire extinguishing system. Supply air openings other than part of the hood system shall be a minimum of 6 feet from any part of a Type 1 Hood. Supply air openings closer than 6 feet must shut down upon activation of the extinguishing system. Exception: Section 904.12.6.6 may be revoked if the fire extinguishing agent will not perform to specifications due to exhausting requirements.

Section 905.1.1 Add a new section to read as follows: Delete all references to class II standpipe system and replace with class III standpipe systems.

Section 905.3.9 Add a new section to read as follows: Additional Standpipe Systems: Additional standpipe systems may be added to new buildings or structures as deemed necessary by the Code Official.

Section 905.9 Delete exception 2 without substitution.

Section 906.1 Delete the exception without substitution.

Section 906.3 Add a sentence to the end of the section to read as follows: The minimum size and rating of any required portable fire extinguisher for Class A, Class B, or Class C hazard shall be 5lb. 2-A, 10-B C.

Section 907.1.4 Add a new section to read as follows: Fire alarm control panels and Fire alarm annunciator panels. Installation of fire alarm control panels and fire alarm annunciator panels shall be installed in accordance with section 907.1.4.1 through 907.1.4.5

Section 907.1.4.1 Add a new section to read as follows: Fire Alarm Panel Height: Installation of fire alarm panels shall not exceed 6 feet in height measured from the floor to the top of the panel. Exception: Panel height may be altered by the code official.

Section 907.1.4.2 Add a new section to read as follows: Number of Fire Alarm Control Panels in Buildings: Only one listed fire alarm control panel shall be allowed per building and shall lock in the alarm until the system is reset and shall not be canceled by the operation of an audible – alarm silencing switch. This control panel shall only receive alarm signals from fire protection equipment.

Section 907.1.4.3 Add a new section to read as follows: Combination Fire/Security Alarm System Panels. A listed combination fire/security alarm system panel that meets all the requirements of this code and amendments may be permitted by approval of the fire code official. The fire/security panel shall be capable of providing a signal that can differentiate between the fire and security alarm.

Section 907.1.4.4 Add a new section to read as follows: Password/PIN Protection Prohibited: Fire alarm control panels and/or fire alarm annunciator panels that require a password/PIN to silence an alarm/supervisory/trouble signal and/or to reset an alarm/supervisory/trouble signal shall be prohibited.

Section 907.1.4.5 Add a new section to read as follows: Fire Alarm Annunciator Panels: The fire code official can require addition fire alarm annunciator panels based on the size of building and access to the building, these panels shall meet the requirements of 907.1.4 and 907.2.

Section 907.2 Delete the section and replace with: Where required new buildings and structures. An approved and addressable manual, automatic or manual and automatic fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with 907.10, unless other requirements are provided by another section of this code. A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm system employing automatic fire detectors or water-flow devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

Exceptions:

- 1) The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
- 2) The manual fire alarm box is required for Group R-2 occupancies to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. The manual fire alarm box shall not be located in an area that is accessible to the public.
- 3) Multi-tenant buildings required to have a manual/automatic fire alarms system shall install one manual pull station per tenant space.

Section 907.2.1.2 Add a new section to read as follows: Electrical Shunt for Amplified Sound Conditions. Group A occupancies having an occupancies having an occupant load of 300 or more, electrical shunts shall be provided to de-energize the music or sound systems upon fire alarm activation.

Section 907.2.11.2 Modify by adding a fourth location requirement as follows: 4) Supervised smoke detectors shall be installed in all common corridors and at the top and bottom of all stairway enclosures in Groups R-2, R-4 and I-1 occupancies. In corridors, detectors shall be located within fifteen (15) feet of the end of the corridor and in such a way that one detector is located for each thirty (30) feet of corridor length or spaced as allowed by the code.

Section 907.4.2 Add a sentence to the end of the section to read as follows: Where in the opinion of the code official manual fire alarm boxes may be used to cause false fire alarms, the code official is authorized to modify the requirements for manual fire alarm boxes.

Section 907.5.2.3.4 Add a new section to read as follows: Alarm Signal Deactivation. Both audible and visual appliances shall shut off when the signal silence feature is activated on the fire alarm control panel or the fire alarm annunciator panel. Exception: Exterior water flow horn/strobe.

Section 907.6.4.3 Add a new section to read as follows: Zone and address location labeling. Fire alarm and/or annunciator panels shall have all zones and address points plainly and permanently labeled as to their location on the outside of the panel or on an easily readable map of the building, if no display is present.

Section 907.6.6 Delete the section and replace with: Monitoring. Fire alarms required by this chapter, the International Building Code, or the Code Official, an approved UL listed Central Station service in accordance with NFPA 72 shall monitor fire alarm systems to provide for the immediate and automatic notification of the Fire Department. Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings
4. Fire alarm systems in one- and two-family dwellings

Section 907.6.6.3 Add a new section to read as follows: Each address point id shall have an alpha/numeric descriptor location. Alpha/numeric descriptor locations are required to be reported to the Emergency Communications/Dispatch Center upon activation of a water-flow tamper and/or alarm conditions as specified by the fire code official.

Section 907.10 Add a new section to read as follows: Approved hold-open devices. When installed in buildings that have a fire alarm system and/or sprinkler system, all approved hold open devices shall release upon activation of a fire alarm and sprinkler water-flow activation.

Section 912.4.1 Delete the sentence and replace with: Locking fire department connections caps. Locking fire department connections caps approved by the fire department are required for all new construction that have a water-based fire protective system and existing structures that have a water-based fire protective system immediately after conducting the five year obstruction and maintenance testing or if one or more of the fire department caps are missing.

Section 912.8 Add a section to read as follows: Fire Department Connection Height. The fire department connection shall be located not less than 18 inches from the bottom of the cap(s) and not more than 3 feet from the top of the cap(s) above the level of the adjacent grade or access level. Deviation from this

height may be granted by the Code Official for just cause.

Section 912.9 Add a section to read as follows: Size. Minimum fire department connection size shall be 2 ½" National Standard Thread.

Section 1008.3.3 Delete number 5 and replace with: 5. Public restrooms with an area greater than 50 square feet.

Section 1013.6.2 Delete the section and replace with: Exit Sign Illumination. In new construction, or if an exit sign is replaced, exit signs shall use an LED lighting system and be illuminated internally. Exit signs shall have a battery backup unless an on-site generator set is used. Luminance on the face of an exit sign shall have an intensity of not less than 5.0 foot-candles (53.82 lux).

Section 1013.7 Add a new section to read as follows. Combination Lights: In new construction, combination exit sign/emergency light devices shall not be allowed.

Section 1013.8 Add a new section to read as follows: Separation of Emergency Lighting. In new construction, emergency lighting shall be separated from the exit sign by a minimum of 6 feet.

Section 1013.9 Add a new section to read as follows: Self-luminous and Photoluminescent exit signs. Self-luminous and photoluminescent exit signs are not allowed.

Exception: Approved self-luminous and/or photoluminescent exit may be allowed in tents by approval of the Code Official.

Section 1013.10 Add a new section to read as follows: Self-Testing Exit Signs and Emergency Lights. Exit signs and/or emergency lights mounted higher than 8 1/2 feet from floor level to the bottom of the exit sign or emergency light or if the exit sign or emergency light is mounted in a location where it cannot be manually tested, the exit sign and/or emergency light shall be self-testing and have a visual diagnostic indicator.

Section 1013.11 Add a new section to read as follows: Exit Signs and Emergency Lights. Exit signs and/or emergency lights that are not self-testing and do not have a visual diagnostic indicator shall be on a dedicated electrical circuits for the purpose of conducting monthly and yearly testing requirements; the circuits shall have lockable breakers.

Section 1013.12 Add a new section to read as follows. Additional Exit Signs: Exit signs may be required at the discretion of the code official to clarify an exit or exit access.

Section 1103.1.2 Add a new section to read as follows: Existing fire alarm systems monitoring requirements. Existing fire alarms systems that are currently not monitored by an approved UL listed Central Station shall become monitored within 1 year from receiving notice in accordance with section 907.6.6.

Section 1103.1.3 Add a new section to read as follows: Existing sprinkler systems monitoring requirements. Existing sprinkler systems shall have all valves controlling the sprinkler system and water flow electrically supervised and monitored by an approved UL listed Central Station in accordance with sections 903.4 and 903.4.1 within 1 year from receiving notice.

Section 5003.11.3.6 Add a new section to read as follows: Tier II Reporting. Facilities reporting hazardous chemical inventories in excess of their Threshold Planning Quantities pursuant to Section 312 of the Emergency Planning and Community Right to Know Act shall use an approved electronic "Emergency and Hazardous Chemical Inventory" form or show reason to use paper forms and submit the electronic or paper form prior to March 1 of each year.

Section 5601.1.3 Delete exception 4 and insert in lieu thereof: The possession, storage, sale, handling and use of gold star producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury or caps used in cap pistols.

Section 5704.2.9 Add a sentence to the end of the section to read as follows: For above ground storage tanks of 276 gallons capacity or more, the minimum distance between such above ground tanks and any Residential Zone boundary must be at least 100 feet. If the above ground tank is located in an approved vault, the minimum separation distance from a Residential Zone boundary may be reduced to no less than 50 feet.

Section 5704.2.11.1 Add a #4 to the end of the section to read as follows:

4. A minimum distance of ten (10) feet shall be maintained between underground tanks and any Residential Zone boundary.

Section 5704.2.13.2.4 Add a section to read as follows: Existing above-ground tank hazards. Existing above-ground tank installations, even if previously approved, that are determined to constitute a hazard by the fire code official, shall not be continued in service. Unsafe tanks shall be removed as required by the fire code official and in accordance with this code.

Section 5705.5.1 Add an exception to read as follows:
6. Corridor installations are prohibited in Group-E occupancies.

Section 45 Referenced Standards. Amend the NFPA referenced standards list to reflect the most current NFPA editions.

Appendix D, Fire Apparatus Roads, Table D103.4. Delete 96' Diameter Cul-de-sac and replace with Public and private turnarounds shall be a minimum eighty (80) foot diameter cul-de-sac with no obstructions or parking within the cul-de-sac.

Appendix D, Multiple-Family Residential Developments. Add section D106.4 Multi-family dwelling units are defined in this section any dwelling unit constructed under the International Building/Fire Code.

Appendix D, One- or Two Family Residential Developments. Add section D107.3 One- or Two Family dwellings units are defined in this section as any dwelling unit constructed under the International Residential Code.

SECTION VI. REPEALER. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION VII. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of North Liberty City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION VIII. EFFECTIVE DATE. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted shall be in full force and effect after its final passage, approval and publication, as provided by law. PASSED AND APPROVED this XX day of XXXX, 2016.

CITY OF NORTH LIBERTY ADOPTION OF THE INTERNATIONAL FIRE CODE ORDINANCE

An ordinance of the City of North Liberty adopting the 2015 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of North Liberty; providing for the issuance of permits and collection of fees therefor; repealing Chapter 15.03 of the City of North Liberty Municipal Code and all other ordinances or parts of laws in conflict therewith.

The City Council of the City of North Liberty does ordain as follows:

Section I. That a certain document, one (1) copy of which are on file in the office the City Clerk of the City of North Liberty being marked and designated *International Fire Code*, 2015 edition, including Appendix Chapters B, C, D, E, F, G, H, I, K, L, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of North Liberty, in the State of Iowa regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of North Liberty are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section II. That the following sections are hereby revised:

Section 101.1. Insert: City of North Liberty

Section 109.4. Insert: Insert: Municipal Infraction, as prescribed in City of North Liberty Municipal Code, Chapter 1.18; Municipal Infraction.

Section 111.4. Insert: \$500, repeat offense \$750.

Section 1103.5.3. Insert: Five years from date of notification.

Section III. That the geographic limits referred to in certain sections of the 2015 *International Fire Code* are hereby established as follows:

Section 3404.2.9.6.1 The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited in the entire City of North Liberty, Iowa.

Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section 5706.2.4.4 The storage of Class I and Class II liquids in above-ground tanks is prohibited in the entire City of North Liberty, Iowa.

Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section 5806.2 The storage of flammable cryogenic fluids in stationary containers is prohibited in the entire City of North Liberty, Iowa. Exceptions: As approved by the Fire Chief.

Section 6104.2 The storage of liquefied petroleum gas is prohibited in the entire City of North Liberty
Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section IV. Fees. Fees for inspections, re-inspections, plans review, acceptance testing, permits and other services related to enforcement of this Code shall be established by the City Council by resolution and paid to the Fire Department.

Section V. Amendments to the Fire Code. The following sections are amended to read as follows:

Section 104.12 Add a new section to read as follows: The code official is authorized to order an operation or use stopped or the evacuation of any premises, building, or vehicle or portion thereof which has or is a fire, life safety or health hazard.

Section 105.2 Add a sentence to the end of the section to read as follows: Application for an operational permit shall be submitted with all required information not less than 14 days prior to the event requiring a permit.

Section 105.4 Add a sentence to the end of the section to read as follows: The fire code official at their discretion shall send plans to an outside agency for review. The fire code official shall choose the plans review agency. The applicant shall pay all fees associated with the plan review directly to the outside agency. A certificate of occupancy shall not be issued until the review fees have been paid.

Section 105.6 Add a sentence to the end of the section to read as follows: The fire code official at their discretion shall send plans for operational permits requests to an outside agency for review. The fire code official shall choose the plans review agency. The applicant shall pay all fees associated with the plan review directly to the outside agency. The permit shall not be issued until the review fees have been paid.

Section 108 Delete in its entirety. See City of North Liberty Ordinance 99.18; Boards of Appeals.

Section 202 Add a new definition to read as follows: CODE OFFICIAL. The Fire Chief, the Assistant Fire Chief, or the Chief's authorized representative.

~~Section 202 Delete the existing definition and substitute the following: R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff. Group R-4 occupancies shall meet the requirements for construction as defined in the International Building Code for Group R-3, except as otherwise provided for in that code.~~

Section 307 See also City of North Liberty Ordinance 8.12.020, Section O, Open Burning.

Section 307.1.1 Delete the section and replace with: Prohibited burning. Burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Section 307.3 Delete the section and replace with: Extinguishment authority. The fire code official is authorized to order the extinguishment by the responsible person or the fire department of any burning that creates or adds to a hazardous or objectionable situation.

~~Section 312.3 Delete the words: or visually deter.~~

Section 401.9 Add a new section to read as follows: Building evacuation. Upon activation of the building fire alarm system or upon notification by other means of detecting and reporting unwanted fire, all building occupants shall promptly evacuate the building. Building employees and tenants shall implement the appropriate emergency plan and procedures. Exception: When the emergency evacuation plan, as approved by the fire code official, does not require the immediate total evacuation of the building.

Section 405.2 Add to the end of the section as follows: Fire and evacuation drills in Group E occupancies, excluding daycares and preschools shall be conducted in accordance with Section 100.31 of the Code of Iowa. Emergency evacuation/fire drills shall be conducted at least four times a year. Not less than two drills shall be conducted between July 1 and December 31 of each year and not less than two drills shall be conducted between January 1 and June 30 of each year. The North Liberty Fire Department shall conduct one of the two drills during July 1 and December 31 and one of the two drills during January 1 and June 30 of each year. The fire department emergency evacuation/fire drills shall be unannounced.

Section 405.2 Table Add footnote e. as follows: Group E occupancies, excluding Preschools and Daycares shall conduct fire and evacuation drills at least four times a year in accordance with Section 100.31 of the Code of Iowa. Footnote shall be added to Group E occupancy frequency.

~~Section 503.1.1 Delete exception 1.1 and replace with: The dimension can be increased up to 200 feet if the building is equipped throughout with an approved NFPA 13 automatic sprinkler system.~~

Section 505.1 Delete the section and replace with: Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Address numbers and exterior suite numbers shall be in Arabic numerals or alphabet letters a minimum of 4 inches in height with a minimum stroke width of 1/2 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Exterior address location for commercial buildings shall be determined by the Code Official

Exceptions:

1. Monument signs shall have the address installed a minimum of 36 inches from the ground.
2. Addresses located 100 to 199 feet from the street shall have a minimum of 6 inches in height with a minimum stroke width of 1/2 inch. Addresses located 200 to 299 feet from the street shall have a minimum of 8 inches in height with a minimum stroke width of 1 inch. For each additional 100 feet from the street, the number shall increase by an additional 2 inches in height with the stroke increased proportionally. Measurements to determine the minimum number or letter size shall be measured from the approved address location to the center line of the street for which the premise is addressed. Minimum height and minimum stroke may be increased by the Code Official.
3. Interior suite numbers shall be a minimum of 3 inches in height.

Section 505.3 Add a new section to read as follows: Addresses for Buildings under Construction. All new commercial and residential buildings under construction shall have plainly visible addresses from the street. The temporary address sign shall be approved and issued by the City of North Liberty Building Department and be placed no further than 10 from the street. Additional address signage may be required at the discretion of the code official.

Section 506.1 Add a sentence to the end of the section to read as follows: An approved key box shall be installed in accordance to the City of North Liberty Ordinance 15.34, Key Lock Box.

Section 507.3 Delete the section and replace with: Fire flow. Fire flow requirements for buildings or portions of buildings shall be determined by "Appendix B" of this code.

Section 507.5.1 Delete exceptions 1 & 2.

Section 507.5.1.1 Delete section and add a new section to read as follows: Fire Sprinkler System & Standpipe System Support. A fire hydrant shall be located no more than 100 feet from a fire sprinkler or standpipe system connection on hard surface, easily accessible by fire apparatus and meeting the approval of the Code Official.

Section 507.5.7 Add a new section to read as follows: Fire Hydrant Installation

Section 507.5.7.2 Add a new section to read as follows: Fire hydrant outlet direction: All fire hydrants shall be positioned so that the four and one-half (4 1/2) inch connection is facing the street or driveway accessible to fire department apparatus.

Section 507.5.7.3 Fire hydrants threads: All new fire hydrants within the limits of the city of North Liberty shall have National Standard Threads (NST) on the two and one-half (2 1/2) inch connections and the four and one-half (4 1/2) inch connection will have a Storz connection.

Section 507.5.7.4 Flow: The minimum flow requirements for a water main serving a fire hydrant is the rate of water flow, at a residual pressure of twenty pounds per square inch (20psi) and for a specified duration, as specified in appendix B of this code.

Section 507.5.7.5 Add a new section to read as follows: Fire Hydrant height: Fire hydrants shall be installed a minimum of eighteen (18) inches from the nominal ground level to the center of the lowest water outlet.

Section 510.1 Delete exceptions 1 & 2.

Section 605.10 Delete the section and replace with: Portable, electric, space heaters. Portable electric space heaters shall comply with Sections 605.10.1 through 605.10.5.

Section 605.10.5 Add a new section to read as follows: Fully enclosed. Portable, electric space heaters shall be fully enclosed space heaters that by design have no external surfaces that reach temperatures capable of igniting materials placed against the surface.

Section 607.7. Add a sentence to the end of the section to read as follows: The required elevator keys shall be secured in an approved elevator key box in an approved location by the Fire Code Official.

Section 609.4 Delete the last sentence and replace with: Movement of new and existing cooking appliances with caster(s) under a Type I hood shall be limited by an approved floor mounted restraining device and flexible gas connector installed in accordance with the connector and appliance manufacturer's instructions.

Section 609.5 Add a new section to read as follows: Required separation. All deep-fat fryers shall be installed with at least a 16 inch space between the fryer and surface flames from adjacent cooking equipment. Where a steel or tempered glass baffle plate is installed at a minimum 8-inch height between the fryer and surface flames to the adjacent appliance, the requirement for a 16-inch space shall not apply.

Section 609.6 Add a new section to read as follows: Kitchen Hood Exhaust Fan Hinge Requirement. New and existing Type I hood kitchen hood exhaust/up blast fans shall be installed with listed hinges, weatherproof electrical cable and hold open retainer for servicing and cleaning.

Section 803.11 Add a new section to read as follows: Maintenance. The interior finish of buildings shall be maintained in accordance with the conditions of original approval. Any change to the interior finish that is regulated by the provisions of this code or the building code shall be made in accordance with all applicable requirements.

Section 806.1 Add a sentence to the end of the section to read as follows: Natural or resin-bearing cut trees and natural decorative vegetation used in buildings open to the general public shall be properly treated with an approved flame retardant.

Section 806.1.1 Delete the section and replace with: Restricted occupancies. Natural cut trees shall be prohibited in Group A, B, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

Exception:

- 1) Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B, E, M, R-1 and R-2.
- 2) Trees shall be allowed within dwelling units in Group R-2 occupancies.

Section 807.5.2.1 Delete exceptions 1 & 2.

Section 901.2 (a) Add a new section to read as follows: Water based fire protection systems. Working plans submitted to the fire department for water based fire protection systems shall be stamped and approved by a qualified person to be in compliance with applicable NFPA standards and the North Liberty Fire Code. Any changes to the working plans shall be approved by a qualified person. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Automatic Sprinkler System Layout OR be a licensed engineer with experience in life safety system design. Other qualifications may be approved by the code official.

Section 901.2 (b) Add a new section to read as follows: Fire alarm systems. Working plans submitted to the fire department by a qualified person for fire alarm systems shall be stamped and approved by a qualified person to be in compliance with applicable NFPA standards and the North Liberty Fire Code. Any changes to the working plans shall be approved by a qualified person. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Fire Alarm Systems OR be a licensed engineer with experience in life safety system design. Other qualifications may be approved by the code official.

Section 901.6.2.2 Add a new section to read as follows: Inspection Record Submission. Contractors who perform installation, inspection, testing and/or maintenance services on fire and life safety systems are required to electronically submit all installation and compliant & non-compliant inspection reports to the Fire Department via a method approved by the Fire Code Official within 30 calendar days of the installation/inspection date. Reports submitted after 30 calendar days may incur late fees.

Section 901.7 Add a sentence to the end of the section to read as follows: A person assigned to firewatch must walk through the building at least once every 30 minutes checking for fire or smoke. A firewatch must be continued until the fire alarm system and/or fire protection system has been restored to normal operating condition or the building has been evacuated. A competent adult familiar with the building must conduct the firewatch. If a fire is discovered, call 911 and immediately evacuate the building.

Section 903.3.1.1.2 Delete the section and replace with: Bathrooms. Sprinkler protection shall be provided in all bathrooms in NFPA 13 & NFPA 13R systems regardless of the bathroom size.

Section 903.3.5.3 Add a new section to read as follows: Water supply safety margin. Provide a minimum 10%, but not less than 5 psi, safety margin ~~above static pressure in the fire protection system hydraulic calculation.~~ below the available water supply flow test curve at full system demand and required hose stream allowances. Flow test must have been conducted within 90 days of the fire sprinkler plan submittal to the city and third party reviewer (if applicable).

Section 903.3.5.4 Add a new section to read as follows: Fire Sprinkler Riser Room. Fire sprinkler riser room shall be separated from electrical room and have no electrical panels inside the rooms other than the outlets required for the use of the fire sprinkler system or fire alarm panel. The fire sprinkler riser room shall have an exterior access door and a floor drain. The room shall have a hard cleanable walking from the fire department access road.

Exception: Non-mixed use R-2 Occupancies and approval by Code Official.

Section 903.4.2 Delete the section and replace with: Alarms. An approved weatherproof horn/strobe device shall be mounted directly above the fire department connection between seven (7) and ten (10) feet in height above grade. The water-flow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Approved and supervised audible visual notification appliances shall be installed throughout each level of the interior of the building as required by the fire code official and NFPA 72.

Section 903.5 Add a sentence to the end of the section to read as follows: An inspector's test valve is required at the most remote location in each fire sprinkler system or tenant/floor control valve space, for use at the acceptance test and to remove air from the system after maintenance work is done on the system.

Section 903.7 Add a new section to read as follows: Zones. Automatic sprinkler system zones shall not exceed the area permitted by NFPA 13 or NFPA 13R and shall provide a sprinkler control valve and water flow device for each normally occupied floor or normally occupied space in a multi-tenant building. Except by approval of the fire code official, all control valves shall be located in the sprinkler system riser room.

Section 903.8 Add a new section to read as follows: Fire sprinkler for canopies. A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than 4 feet out from the door and is 12 feet or less in height from the ground regardless of whether the canopy is combustibile or noncombustibile. Canopies that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the total canopy regardless of whether the canopy is combustibile or non-combustibile. Exception: If the Code does not require a building to have a fire sprinkler system, section 903.8 does not apply.

Section 904.12.2.1 Add a new section to read as follows: System Annunciation. Commercial cooking automatic fire extinguishing systems installed in buildings that do not have a fire alarm system, shall be connected to an approved audible and visible emergency notification device to warn of system discharge. The horn/strobe and signage shall be installed in a location approved by the fire code official, typically in the kitchen.

Section 904.12.6.4 Add a new section to read as follows: Ventilation Operation. The ventilation system shall shut down the make-up air to the hood and continue to exhaust upon activation of the hood fire extinguishing system. Supply air openings other than part of the hood system shall be a minimum of 6 feet from any part of a Type 1 Hood. Supply air openings closer than 6 feet must shut down upon activation of the extinguishing system. Exception: Section 904.12.6.6 may be revoked if the fire extinguishing agent will not perform to specifications due to exhausting requirements.

Section 905.1.1 Add a new section to read as follows: Delete all references to class II standpipe system and replace with class III standpipe systems.

Section 905.3.9 Add a new section to read as follows: Additional Standpipe Systems: Additional standpipe systems may be added to new buildings or structures as deemed necessary by the Code Official.

Section 905.9 Delete exception 2 without substitution.

Section 906.1 Delete the exception without substitution.

Section 906.3 Add a sentence to the end of the section to read as follows: The minimum size and rating of any required portable fire extinguisher for Class A, Class B, or Class C hazard shall be 5lb. 2-A, 10-B C.

Section 907.1.4 Add a new section to read as follows: Fire alarm control panels and Fire alarm annunciator panels. Installation of fire alarm control panels and fire alarm annunciator panels shall be installed in accordance with section 907.1.4.1 through 907.1.4.5

Section 907.1.4.1 Add a new section to read as follows: Fire Alarm Panel Height: Installation of fire alarm panels shall not exceed 6 feet in height measured from the floor to the top of the panel. Exception: Panel height may be altered by the code official.

Section 907.1.4.2 Add a new section to read as follows: Number of Fire Alarm Control Panels in Buildings: Only one listed fire alarm control panel shall be allowed per building and shall lock in the alarm until the system is reset and shall not be canceled by the operation of an audible – alarm silencing switch. This control panel shall only receive alarm signals from fire protection equipment.

Section 907.1.4.3 Add a new section to read as follows: Combination Fire/Security Alarm System Panels. A listed combination fire/security alarm system panel that meets all the requirements of this code and amendments may be permitted by approval of the fire code official. The fire/security panel shall be capable of providing a signal that can differentiate between the fire and security alarm.

Section 907.1.4.4 Add a new section to read as follows: Password/PIN Protection Prohibited: Fire alarm control panels and/or fire alarm annunciator panels that require a password/PIN to silence an alarm/supervisory/trouble signal and/or to reset an alarm/supervisory/trouble signal shall be prohibited.

Section 907.1.4.5 Add a new section to read as follows: Fire Alarm Annunciator Panels: The fire code official can require addition fire alarm annunciator panels based on the size of building and access to the building, these panels shall meet the requirements of 907.1.4 and 907.2.

Section 907.2 Delete the section and replace with: Where required new buildings and structures. An approved and addressable manual, automatic or manual and automatic fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with 907.10, unless other requirements are provided by another section of this code. A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm system employing automatic fire detectors or water-flow devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

Exceptions:

- 1) The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
- 2) The manual fire alarm box is required for Group R-2 occupancies to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. The manual fire alarm box shall not be located in an area that is accessible to the public.
- 3) Multi-tenant buildings required to have a manual/automatic fire alarms system shall install one manual pull station per tenant space.

Section 907.2.1.2 Add a new section to read as follows: Electrical Shunt for Amplified Sound Conditions. Group A occupancies having an occupancies having an occupant load of 300 or more, electrical shunts shall be provided to de-energize the music or sound systems upon fire alarm activation.

Section 907.2.11.2 Modify by adding a fourth location requirement as follows: 4) Supervised smoke **alarms detectors** shall be installed in all common corridors and at the top and bottom of all stairway enclosures in Groups R-2, R-4 and I-1 occupancies. In corridors, detectors shall be located within fifteen (15) feet of the end of the corridor and in such a way that one detector is located for each thirty (30) feet of corridor length or spaced as allowed by the code.

Section 907.4.2 Add a sentence to the end of the section to read as follows: Where in the opinion of the code official manual fire alarm boxes may be used to cause false fire alarms, the code official is authorized to modify the requirements for manual fire alarm boxes.

Section 907.5.2.3.4 Add a new section to read as follows: Alarm Signal Deactivation. Both audible and visual appliances shall shut off when the signal silence feature is activated on the fire alarm control panel or the fire alarm annunciator panel. Exception: Exterior water flow horn/strobe.

Section 907.6.4.3 Add a new section to read as follows: Zone and address location labeling. Fire alarm and/or annunciator panels shall have all zones and address points plainly and permanently labeled as to their location on the outside of the panel or on an easily readable map of the building, if no display is present.

Section 907.6.6 Delete the section and replace with: Monitoring. Fire alarms required by this chapter, the International Building Code, or the Code Official, an approved UL listed Central Station service in accordance with NFPA 72 shall monitor fire alarm systems to provide for the immediate and automatic notification of the Fire Department. Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings
4. Fire alarm systems in one- and two-family dwellings

Section 907.6.6.3 Add a new section to read as follows: Each address point id shall have an alpha/numeric descriptor location. Alpha/numeric descriptor locations are required to be reported to the Emergency Communications/Dispatch Center upon activation of a water-flow tamper and/or alarm conditions as specified by the fire code official.

Section 907.10 Add a new section to read as follows: Approved hold-open devices. When installed in buildings that have a fire alarm system and/or sprinkler system, all approved hold open devices shall release upon activation of a fire alarm and sprinkler water-flow activation.

~~Section 910.3.2.2 Delete the section and replace with: Sprinklered buildings. Where installed in buildings provided with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically by actuation of a heat responsive device rated at least 100 degrees F (38 degrees C) above the operating temperature of the sprinkler. Exception: Gravity operated drop out vents complying with Section 910.3.2.1.~~

~~Section 910.4.3 Delete section and replace with: Operation. Mechanical smoke exhaust fans shall be automatically activated by heat detectors having operating characteristics equivalent to those described in Section 910.3.2. Individual manual controls for each fan unit shall also be provided.~~

Section 912.4.1 Delete the sentence and replace with: Locking fire department connections caps. Locking fire department connections caps approved by the fire department are required for all new construction that have a water-based fire protective system and existing structures that have a water-based fire protective system immediately after conducting the five year obstruction and maintenance testing or if one or more of the fire department caps are missing.

Section 912.8 Add a section to read as follows: Fire Department Connection Height. The fire department connection shall be located not less than 18 inches from the bottom of the cap(s) and not more than 3 feet from the top of the cap(s) above the level of the adjacent grade or access level. Deviation from this height may be granted by the Code Official for just cause.

Section 912.9 Add a section to read as follows: Size. Minimum fire department connection size shall be 2 ½" National Standard Thread.

Section 1008.3.3 Delete number 5 and replace with: 5. Public restrooms with an area greater than 50 square feet.

Section 1013.6.2 Delete the section and replace with: Exit Sign Illumination. In new construction, or if an exit sign is replaced, exit signs shall use an LED lighting system and be illuminated internally. Exit signs shall have a battery backup unless an on-site generator set is used. Luminance on the face of an exit sign shall have an intensity of not less than 5.0 foot-candles (53.82 lux).

Section 1013.7 Add a new section to read as follows. Combination Lights: In new construction, combination exit sign/emergency light devices shall not be allowed.

Section 1013.8 Add a new section to read as follows: Separation of Emergency Lighting. In new construction, emergency lighting shall be separated from the exit sign by a minimum of 6 feet.

Section 1013.9 Add a new section to read as follows: Self-luminous and Photoluminescent exit signs. Self-luminous and photoluminescent exit signs are not allowed.
Exception: Approved self-luminous and/or photoluminescent exit may be allowed in tents by approval of the Code Official.

Section 1013.10 Add a new section to read as follows: Self-Testing Exit Signs and Emergency Lights. Exit signs and/or emergency lights mounted higher than 8 1/2 feet from floor level to the bottom of the exit sign or emergency light or if the exit sign or emergency light is mounted in a location where it cannot be manually tested, the exit sign and/or emergency light shall be self-testing and have a visual diagnostic indicator.

Section 1013.11 Add a new section to read as follows: Exit Signs and Emergency Lights. Exit signs and/or emergency lights that are not self-testing and do not have a visual diagnostic indicator shall be on a dedicated electrical circuits for the purpose of conducting monthly and yearly testing requirements; the circuits shall have lockable breakers.

Section 1013.12 Add a new section to read as follows. Additional Exit Signs: Exit signs may be required at the discretion of the code official to clarify an exit or exit access.

Section 1103.1.2 Add a new section to read as follows: Existing fire alarm systems monitoring requirements. Existing fire alarms systems that are currently not monitored by an approved UL listed Central Station shall become monitored within 1 year from receiving notice in accordance with section 907.6.6.

Section 1103.1.3 Add a new section to read as follows: Existing sprinkler systems monitoring requirements. Existing sprinkler systems shall have all valves controlling the sprinkler system and water flow electrically supervised and monitored by an approved UL listed Central Station in accordance with sections 903.4 and 903.4.1 within 1 year from receiving notice.

~~Section 3206.7 Modify by deleting footnote "J" from TABLE 3206.2.~~

Section 5003.11.3.6 Add a new section to read as follows: Tier II Reporting. Facilities reporting hazardous chemical inventories in excess of their Threshold Planning Quantities pursuant to Section 312 of the Emergency Planning and Community Right to Know Act shall use an approved electronic "Emergency and Hazardous Chemical Inventory" form or show reason to use paper forms and submit the electronic or paper form prior to March 1 of each year.

Section 5601.1.3 Delete exception 4 and insert in lieu thereof: The possession, storage, sale, handling and use of gold star producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury or caps used in cap pistols.

Section 5704.2.9 Add a sentence to the end of the section to read as follows: For above ground storage tanks of 276 gallons capacity or more, the minimum distance between such above ground tanks and any Residential Zone boundary must be at least 100 feet. If the above ground tank is located in an approved vault, the minimum separation distance from a Residential Zone boundary may be reduced to no less than 50 feet.

Section 5704.2.11.1 Add a #4 to the end of the section to read as follows:

4. A minimum distance of ten (10) feet shall be maintained between underground tanks and any Residential Zone boundary.

Section 5704.2.13.2.4 Add a section to read as follows: Existing above-ground tank hazards. Existing above-ground tank installations, even if previously approved, that are determined to constitute a hazard by the fire code official, shall not be continued in service. Unsafe tanks shall be removed as required by the fire code official and in accordance with this code.

Section 5705.5.1 Add an exception to read as follows:

6. Corridor installations are prohibited in Group-E occupancies.

Section 45 Referenced Standards. Amend the NFPA referenced standards list to reflect the most current NFPA editions.

Appendix D, Fire Apparatus Roads, Table D103.4. Delete 96' Diameter Cul-de-sac and replace with Public and private turnarounds shall be a minimum eighty (80) foot diameter cul-de-sac with no obstructions or parking within the cul-de-sac.

Appendix D, Multiple-Family Residential Developments. Add section D106.4 Multi-family dwelling units are defined in this section any dwelling unit constructed under the International Building/Fire Code.

Appendix D, One- or Two Family Residential Developments. Add section D107.3 One- or Two Family dwellings units are defined in this section as any dwelling unit constructed under the International Residential Code.

SECTION VI. REPEALER. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION VII. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of North Liberty City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION VIII. EFFECTIVE DATE. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted shall be in full force and effect after its final passage, approval and publication, as provided by law. PASSED AND APPROVED this XX day of XXXX, 2016.

Fire Code Amendment Changes from 2009 to 2015 IFC

Summary of Additions & Deletions with Comments

Section 105.6 Add a sentence to the end of the section to read as follows: The fire code official at their discretion shall send plans for operational permits requests to an outside agency for review. The fire code official shall choose the plans review agency. The applicant shall pay all fees associated with the plan review directly to the outside agency. The permit shall not be issued until the review fees have been paid.

(The outside plan review agency (Section 105.4) was included in the previous code adoption. That section relates to construction permits. Section 105.6 was added to also include third party plan review for operational permits if needed)

~~Section 202 Delete the existing definition and substitute the following: R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff. Group R-4 occupancies shall meet the requirements for construction as defined in the International Building Code for Group R-3, except as otherwise provided for in that code.~~

(This previously adopted amendment has been removed. The 2015 IFC has a similar definition)

Section 312.3 Delete the words: or visually deter.

(Section 312.3 was modified from the original language removing the word “visually deter” while keeping the intent to resist or deflect vehicular impact using a performance-based alternative)

Section 503.1.1 Delete exception 1.1 and replace with: The dimension can be increased up to 200 feet if the building is equipped throughout with an approved NFPA 13 automatic sprinkler system.

(150’ is required by the IFC to reach to all portions of the building. In keeping with current practice, the fire department modified exception 1.1 to allow the reach to be extended to 200’ if equipped with a NFPA 13 fire sprinkler system. The 200’ extension does not apply to NFPA 13R or 13D sprinkler systems.)

Section 507.3 Delete the section and replace with: Fire flow. Fire flow requirements for buildings or portions of buildings shall be determined by “Appendix B” of this code.

(The section previously said “approved method” for fire flow. Appendix “B” is the approved method for determining fire flow.)

Section 510.1 Delete exceptions 1 & 2.

(Section 510 relates to emergency responder radio coverage. The section ensures that all emergency responders (fire, police and ambulance) are able to talk to the JECC with adequate signal strength inside buildings using portable radios. Exception 1, is related to wired communication system instead of an approved radio coverage system. We do not use wired communication. Exception 2, is where it is determined by the fire code official that radio coverage system is not needed, which would not apply. It is critical that all new buildings comply with section 510).

Section 609.4 Delete the last sentence and replace with: Movement of new and existing cooking appliances with caster(s) under a Type I hood shall be limited by an approved floor mounted restraining device and flexible gas connector installed in accordance with the connector and appliance manufacturer’s instructions.

(This requirement is new to the 2015 IFC. In addition to new installations as required by the 2015 IFC, the amendment would be applicable to existing cooking equipment that have caster wheels under a type I hood specifying that the restraining device be floor mounted. Kitchen cooking equipment under a type I hood have special suppression system nozzles that are fixed to provide proper coverage. The floor mounted placement system is designed to ensure all caster-mounted commercial kitchen equipment is returned to the correct location under the suppression nozzles after every cleaning or maintenance. Adding the floor mounted device can be performed by the business owner or contractor. The average price of the floor mounted device is approximately being between \$20 & \$60 depending on the style).



Section 609.5 Add a new section to read as follows: Required separation. All deep-fat fryers shall be installed with at least a 16 inch space between the fryer and surface flames from adjacent cooking equipment. Where a steel or tempered glass baffle plate is installed at a minimum 8-inch height between the fryer and surface flames to the adjacent appliance, the requirement for a 16-inch space shall not apply.

(This requirement was taken from NFPA 96: Standard for Ventilation Control & Fire Protection of Commercial Cooking Operations. This requirement provides safe cooking of fryers, keeping grease from splashing or dripping onto surface flames from adjacent cooking equipment).



Section 609.6 Add a new section to read as follows: Kitchen Hood Exhaust Fan Hinge Requirement. New and existing Type I hood kitchen hood exhaust/up blast fans shall be installed with listed hinges, weatherproof electrical cable and hold open retainer for servicing and cleaning.

(This requirement was taken from NFPA 96: Standard for Ventilation Control & Fire Protection of Commercial Cooking Operations dating back to at least the 2001 Edition & the 2003-2015 International Mechanical Code. Hinges on the exhaust fans allow the exhaust fan to be opened for proper cleaning. Repeated dismantling of the kitchen hood exhaust fan without hinges can cause expensive long term damage to the fan & or electrical wiring. Adding hinges to existing exhaust fans can be performed by the business owner or a contractor. The average price of purchase hinges for existing exhaust fans are on average between \$75 and \$100. All new installations have to have hinges, this would be applicable to the kitchen hood exhaust fans for a type I hood that currently do not have them).



Section 901.6.2.2 Add a new section to read as follows: Inspection Record Submission. Contractors who perform installation, inspection, testing and/or maintenance services on fire and life safety systems are required to electronically submit all installation and compliant & non-compliant inspection reports to the Fire Department via a method approved by the Fire Code Official within 30 calendar days of the installation/inspection date. Reports submitted after 30 calendar days may incur late fees.

(In October 2013, we started using a third party (The Compliance Engine) to manage all fire alarm and fire protection contractors required inspections (Fire alarm, fire sprinkler, kitchen hood suppression systems, kitchen hood cleaning, fire doors, emergency responder radio and special suppression systems. After the contractor completes the inspection, they submit the report online to the fire department for review via The Compliance Engine (TCE). The overall compliance of inspections being completed has increased from about 25% before using TCE to about 85% after 2 years of using TCE. The system will automatically remind business/building owners 35 days prior to the due date and send out a past due notice if the due date lapses. Currently over 50% of inspections are being submitted more than 30 days after the inspection has been completed. This causes undue past due notices and follow-up phone calls to check the status of the inspections. The business/buildings owners have done their part and scheduled the inspections, the inspections companies are responsible for sending the inspections reports within 30 calendar days of the inspection to the TCE. This would allow the fire department or the third party company the ability to assess a late fee on these late inspection submittals to the inspection contractor, not the business/building owner.

Section 903.3.1.1.2 Delete the section and replace with: Bathrooms. Sprinkler protection shall be provided in all bathrooms in NFPA 13 & NFPA 13R systems regardless of the bathroom size.

(Currently bathrooms less than 55 sq. feet with certain requirements can have sprinkler heads omitted. This has Often, bathrooms are shown on the plans just under 55 sq. feet but are actually built at or over 55 sq. feet. Many modern bathrooms exceed the 55 sq. feet area to accommodate wheelchair access. Does not apply to single family dwelling fire sprinkler systems.)

Section 903.3.5.3 Add a new section to read as follows: Water supply safety margin. Provide a minimum 10%, but not less than 5 psi, safety margin above static pressure in the fire protection system hydraulic calculation. below the available water supply flow test curve at full system demand and required hose stream allowances. Flow test must have been conducted within 90 days of the fire sprinkler plan submittal to the city and third party reviewer (if applicable).

(Modifying the current amendment to use language recommended by fire sprinkler designers. The safety margin and current flow data is added to ensure adequate water supply/pressure is available as the city grows and the water demand increases)

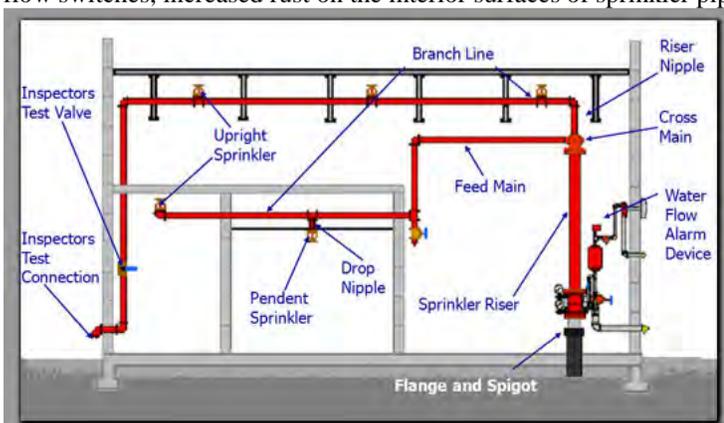
Section 903.3.5.4 Add a new section to read as follows: Fire Sprinkler Riser Room. Fire sprinkler riser room shall be separated from electrical room and have no electrical panels inside the rooms other than the outlets required for the use of the fire sprinkler system or fire alarm panel. The fire sprinkler riser room shall have an exterior access door and a floor drain. The room shall have a hard cleanable walking from the fire department access road.

Exception: Non-mixed use R-2 Occupancies and approval by Code Official.

(Modifying current amendment to include a floor drain in the sprinkler room to drain any water. Also included a walkable surface for firefighters to use to get to the fire sprinkler room instead of walking through grass, mud or snow.)

Section 903.5 Add a sentence to the end of the section to read as follows: An inspector's test valve is required at the most remote location in each fire sprinkler system or tenant/floor control valve space, for use at the acceptance test and to remove air from the system after maintenance work is done on the system.

(The inspector test valve is used to flow water through sprinkler system. This allows testing of the water-flow switch and to time how long it takes water to get to the far end of a dry sprinkler system as required by code. In wet sprinkler systems today, the industry has started combining the inspector's test valve and the main drain into one valve at the sprinkler riser, not at the remote end of the system. This inevitable traps air in the system causing or can potentially cause a number of problems: Excessive system pressure when temperatures increase, false water flow alarms due to air pocket expansion/contraction, failed water flow alarms due to cycling flow switches, increased rust on the interior surfaces of sprinkler piping, etc.)



Section 904.12.2.1 Add a new section to read as follows: System Annunciation. Commercial cooking automatic fire extinguishing systems installed in buildings that do not have a fire alarm system, shall be connected to an approved audible and visible emergency notification device to warn of system discharge. The horn/strobe and signage shall be installed in a location approved by the fire code official.

(NFPA 17A: Standard for Wet Chemical Extinguishing Systems requires kitchen hood suppression systems to have an audible or visual indicator to show that the system has operated, that personnel response is needed, and that the system is in need of recharge. All systems have a visual indicator but lack audible notification. The IFC does require that if a fire alarm system is installed in the building; the kitchen suppression system has to be interconnected causing the fire alarm system to activate. This amendment would require (1) horn/strobe located in proximity of the kitchen hood that would provide audible notification to staff that would warn of system discharge in the event of unattended cooking in buildings that do not have a fire alarm system. This strobe is connected directly to the contact points on the kitchen suppression system and does not require a fire alarm system.)



Section 905.9 Delete exception 2 without substitution.

(Deletion of exception 2; Section relates allows standpipe valves not be locked and not supervised if a fire alarm system is not installed in the building. Based on current fire code amendments, supervision and monitoring is required for all valves controlling the sprinkler system and standpipes. Exception is deleted to avoid conflict with current fire code amendments)

Section 907.2.11.2 Modify by adding a fourth location requirement as follows: 4) Supervised smoke ~~alarms~~ detectors shall be installed in all common corridors and at the top and bottom of all stairway enclosures in Groups R-2, R-4 and I-1 occupancies. In corridors, detectors shall be located within fifteen (15) feet of the end of the corridor and in such a way that one detector is located for each thirty (30) feet of corridor length or spaced as allowed by the code.

(Clarification from the previously adopted amendment. Changing it from smoke alarm to smoke detector. The intent was for building fire alarm system smoke detector placement and spacing, not 110v local smoke alarms)

~~Section 910.3.2.2 Delete the section and replace with: Sprinklered buildings. Where installed in buildings provided with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically by actuation of a heat responsive device rated at least 100 degrees F (38 degrees C) above the operating temperature of the sprinkler. Exception: Gravity operated drop out vents complying with Section 910.3.2.1.~~

(This previously adopted amendment has been removed. The 2015 IFC has addressed these issues)

~~Section 910.4.3 Delete section and replace with: Operation. Mechanical smoke exhaust fans shall be automatically activated by heat detectors having operating characteristics equivalent to those described in Section 910.3.2. Individual manual controls for each fan unit shall also be provided.~~

(This previously adopted amendment has been removed. The 2015 IFC has addressed these issues)

Section 1008.3.3 Delete number 5 and replace with: 5. Public restrooms with an area greater than 50 square feet.

(Section 1008.3.3 requires an emergency electrical system to automatically illuminate certain rooms. We are changing it from public restroom greater than 300 sq. feet to greater than 50 sq. feet.)

Section 1013.11 Add a new section to read as follows: Exit Signs and Emergency Lights. Exit signs and/or emergency lights that are not self-testing and do not have a visual diagnostic indicator shall be on a dedicated electrical circuits for the purpose of conducting monthly and yearly testing requirements; the circuits shall have lockable breakers.

(This would allow the building/business representative and inspectors the ability to test all exit signs and/or emergency lights at one time by turning off the breaker without testing each one individually. Only applies to exit signs and/or emergency lights that are not self-testing/self-diagnostic)

~~Section 3206.7 Modify by deleting footnote "J" from TABLE 3206.2.~~

(This previously adopted amendment has been removed. Deleting of the footnote is no longer needed and provides conflict with the 2015 IFC requirements).

Appendix D, Fire Apparatus Roads, Table D103.4. Delete 96' Diameter Cul-de-sac and replace with Public and private turnarounds shall be a minimum eighty (80) foot diameter cul-de-sac with no obstructions or parking within the cul-de-sac.

(Changing the 96' cul-de-sac diameter requirement to an 80' cul-de-sac to align with city standards)

Appendix D, Multiple-Family Residential Developments. Add section D106.4 Multi-family dwelling units are defined in this section any dwelling unit constructed under the International Building/Fire Code.

(Added definition to define how multi-family dwellings are counted when the threshold is met for a required second access road into a development based on construction type and not by zoning definitions.)

Appendix D, One- or Two Family Residential Developments. Add section D107.3 One- or Two Family dwellings units are defined in this section as any dwelling unit constructed under the International Residential Code.

(Added definition to define how one- or two family dwellings are counted when the threshold is met for a required second access road into a development based on construction type and not by zoning definitions.)

AN ORDINANCE AMENDING CHAPTER 157 OF THE NORTH LIBERTY MUNICIPAL CODE ENTITLED "BUILDING CODE" BY REPEALING CHAPTER 157 AND ADOPTING IN LIEU THEREOF NEW CHAPTER 157 TO ADOPT THE 2015 INTERNATIONAL BUILDING CODE AND CHAPTER 158 ENTITLED "FIRE CODE" BY REPEALING CHAPTER 158 AND ADOPTING IN LIEU THEREOF NEW CHAPTER 158 TO ADOPT THE 2015 INTERNATIONAL FIRE CODE TO BE UTILIZED BY THE CITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. Section 157, "Building Code," the North Liberty Municipal Code of Ordinances, City of North Liberty, Iowa, is hereby repealed and the following adopted in lieu thereof:

- 157.01 Short Title
- 157.02 International Building Codes Adopted
- 157.03 Amendments to the International Building Code and the International Residential Code
- 157.04 Availability of the Building Code
- 157.05 Board of Appeals

157.01 SHORT TITLE.

The ordinance codified in this chapter shall be known as the "North Liberty Building Code," may be cited as such, and will be referred to as such herein in this chapter. Any higher standards in the state statute or city ordinance shall be applicable.

157.02 INTERNATIONAL BUILDING CODES ADOPTED.

Except as hereinafter modified, that certain building codes known as the *International Building Code*, 2015 Edition, including Appendix H titled "Signs," the *International Residential Code*, 2015 Edition, including Appendices E titled "Manufactured Housing Used as Dwellings," F titled "Radon Controlled Methods," G titled "Swimming Pools, Spas and Hot Tubs," H titled "Patio Covers" and K titled "Sound Transmission" as published by the International Code Council in cooperation with the International Conference of Building Officials, which codes are specifically incorporated by reference shall be known as the building code. The provisions of said building code shall control the design, construction, quality of materials, erection, installation, addition, alteration, repair, location, relocation, replacement, removal, demolition, use and maintenance of buildings and other structures within the incorporated limits of North Liberty, Iowa.

157.03 AMENDMENTS OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE.

Certain sections, and portions of sections, of the *International Building Code*, 2015 Edition (hereinafter IBC) and the *International Residential Code for One- and Two-Family Dwellings*, 2015 Edition (hereinafter IRC), are modified as set forth in this section.

1. Delete the following Sections from Chapter One of the IBC and insert in lieu thereof the following:

101.1 Title.

These regulations shall be known as the Building Code of North Liberty, hereinafter referred to as "this code."

101.4 Referenced codes.

The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Electrical.

The provisions of the Electrical Code adopted by the State of Iowa Electrical Board shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

101.4.2 Gas.

The provisions of the 2015 International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical.

The provisions of the 2015 International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy related systems.

101.4.4 Plumbing.

The provisions of the 2015 International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

101.4.5 Property maintenance.

The provisions of the 2015 International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.6 Fire prevention.

The provisions of the 2015 International Fire Code and as amended in Chapter 158 shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7 Energy.

The provisions of the State of Iowa Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Existing buildings.

The provisions of the 2015 International Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

105.1 Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Issuance of permits.

No permit shall be issued to an individual who does not have a valid license to perform such work.

105.1.2 Licenses required.

- a) North Liberty contractor license.
- b) State of Iowa electrical contractor license with a class A master electrician for all electrical work defined by the State of Iowa contractor licensing program.
- c) State of Iowa master license for hydronic, mechanical, medical gas and plumbing work defined by State of Iowa contractor licensing program.
- d) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing water based fire protection system.
- e) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing fire alarm system.
- f) City of North Liberty sewer & water installer license.

110.3 Required inspections.

The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

110.3.1 Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation.

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

110.3.4 Frame inspection.

Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Fire-resistant penetrations.

Protection of joints and penetrations in fire resistance-rated assemblies shall not be concealed from view until inspected and approved.

110.3.6 Other inspections.

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.7 Special inspections.

For special inspections, see Section 1704.

110.3.8 Final inspection.

The final inspection shall be made after all work required by the building permit is completed.

2. Delete the following Section from Chapter Five of the IBC and insert in lieu thereof the following:

501.2 Address numbers.

Approved numbers or addresses shall be placed on all buildings in accordance with the fire code.

3. Amend the following Sections from Chapter Ten of the IBC and insert in lieu thereof the following:

1008.3.3 Rooms and spaces.

5. Public restrooms with an area greater than 50 square feet.

1013.6.2 Exit Sign Illumination.

In new construction, or if an exit sign is replaced, exit signs shall use an LED lighting system and be illuminated internally. Exit signs shall have a battery backup unless an on-site generator set is used. Luminance on the face of an exit sign shall have an intensity of not less than 5.0 foot-candles (53.82 lux).

1013.7 Combination Lights.

Combination exit sign/emergency light devices are prohibited in all new construction.

1013.8 Separation of Emergency Lighting.

In new construction, emergency lighting shall be separated from the exit sign by a minimum of 6 feet.

1013.9 Self-luminous and Photo luminescent exit signs.

Self-luminous and photo luminescent exit signs are not allowed. Exception: Approved self-luminous and/or photo luminescent exit may be allowed in tents by approval of the Fire Official.

1013.10 Self-Testing Exit Signs and Emergency Lights.

Exit signs and/or emergency lights mounted higher than 8 1/2 feet from floor level to the bottom of the exit sign or emergency light or if the exit sign or emergency light is mounted in a location where it cannot be manually tested, the exit sign and/or emergency light shall be self-testing and have a visual diagnostic indicator.

4. Delete the following Section from Chapter Thirteen of the IBC and insert in lieu thereof the following:

1301.1.1 Criteria.

Buildings shall be designed and constructed in accordance with the State of Iowa Energy Conservation Code.

5. Delete the following Sections from Chapter One of the IRC and insert in lieu thereof the following:

R101.1 Title.

These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of North Liberty, and shall be cited as such and will be referred to herein as is "this code".

R105.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.1.1 Issuance of permits.

No permit shall be issued to an individual who does not have a valid license to perform such work, except for state's exemption for a homeowner that qualifies for a Homestead Tax Exemption.

R105.1.2 Licenses required.

- a) North Liberty contractor license.
- b) State of Iowa electrical contractor license with a class A master electrician for all electrical work defined by the State of Iowa contractor licensing program.
- c) State of Iowa master license for hydronic, mechanical, medical gas and plumbing work defined by State of Iowa contractor licensing program.
- d) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing water based fire protection system.
- e) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing fire alarm system.
- f) City of North Liberty sewer & water installer license.

R105.2 Work exempt from permit.

Permits shall not be required for the following. 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.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (13.29 m²).
2. Fences not over 7 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point and do not serve the exit door required by Section R311.4.
11. Reapplication of shingles and roof sheathing provided less than 50% of the sheathing is replaced and other structural alterations are not required.
12. Reapplication of siding.
 13. Window replacement provided window opening sizes are not altered and conforming rescue and escape windows are present in all sleeping rooms.

R108.3 Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application.

Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. The building official shall verify the applicant's valuation by using the most current Building Valuation Data Table published in Building Safety Journal to determine the permit value. Final building permit valuation shall be set by the building official.

6. Modify the following Sections from Chapter Three of the IRC and inserting the following:

R301.2 Climatic and geographic design criteria.

Buildings shall be constructed in accordance with the provisions of this code as limited

by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2 (1).

Ground Snow Load	Wind (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp (e)	Ice Shield Underlayment Required (h)	Flood Hazards (g)	Air Freezing Index (i)	Mean Annual Temp (j)
			Weathering (a)	Frost Line depth (b)	Termite (c)	Decay (c)					
25	115	A	Severe	42"	M-H	S-M	-5° F	Yes	8/22/200	2000	50° F

R302.2 Townhouses.

Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302 for exterior walls.

Exception: A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with Chapters 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with Section R302.3.

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 13/8 inches in thickness, solid or honeycomb core steel doors not less than 13/8 inches thick, or 20-minute fire-rated doors.

Delete **R302.13 Fire Protection of Floors.**

Delete **R309.5 Fire sprinklers.**

Delete **R312.2 Window fall protection.**

R313.1 Townhouse automatic fire sprinkler systems.

An automatic residential fire sprinkler system shall be installed in townhouses with five or more units.

Exceptions:

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.

Delete **R313.2 One- and two-family dwellings automatic fire systems.**

R317.1 Location required.

Protection of wood and wood based products from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative-treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 8 inches (203 mm) from the exposed ground.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 1/2 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground or less

than 2 inches (51 mm) measured vertically from concrete steps, porch slabs, patio slabs, and similar horizontal surfaces exposed to the weather and installed with frost protection methods approved by the Building Official.

6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder is applied between the wall and the furring strips or framing members.

8. Modify the following Sections from Chapter Four of the IRC and inserting the following:

Delete Table R403.1(1) and insert the following table.

TABLE R403.1(1)
MINIMUM WIDTH OF CONCRETE, PRECAST OR MASONRY FOOTINGS
 (inches) Minimum two #4 reinforcement steel bars shall be placed continuously in the footing minimum of 3" from bottom, top and sides of the footing.

	LOAD-BEARING VALUE OF SOIL (psf)	
	1,500	2,000
Conventional light-frame construction		

1-story	12	12
2-story	15	12
3-story	23	17
4-inch brick veneer over light frame or 8-inch hollow concrete		
1-story	12	12
2-story	21	16
3-story	32	24
8-inch solid or fully grouted masonry		
1-story	16	12
2-story	29	21
3-story	42	32

Delete Tables R404.1.2 (3) and R404.1.2 (8) and insert the following table.

Minimum Vertical Reinforcement for 8-inch Thick Concrete Wall

Wall	Vertical Reinforcement Bar Size and Spacing
Less than 6-ft	Not
6-ft to 8-	#4@ 32" o.c.
9-ft to 10-	#4@ 10" o.c. #5 @ 16" #6@ 22" o.c.
Greater than 10-ft	Design

157.04 Availability of the Building Code.

An official copy of the building code, including a certificate by the city clerk as to its adoption and effective date thereof, is on file in the office of the city clerk in the administration building, and shall be kept there on file. Copies shall be available at the department of building safety for public inspection. Additionally the *International*

Building Code, 2015 Edition and the *International Residential Code for One- and Two-Family Dwellings*, 2015 Edition are available to the public at the North Liberty public library.

157.05 Board of Appeals.

1. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the North Liberty Building Code, there is hereby established a Board of Appeals consisting of five (5) members who are residents of North Liberty and qualified and experienced in training to pass on matters pertaining to building construction and who are not employees or officials of the City. The terms of office for the members of the Board shall be staggered five-year terms, such that only one regular term expires each year so as to provide continuity in policy and personnel.

Each term shall commence on July 1. The Board of Appeals shall be appointed by the Mayor with City Council approval.

2. Any person affected by any written notice or order of the Building Official may appeal to the Board of Appeals. The appeal must be made in writing and filed with the office of the City Clerk within seven (7) days of the written notice or order from which the appeal is taken. The Board of Appeals shall have no authority to waive the requirements of the Building Code.

3. The Board of Appeals shall conduct a hearing following the filing of a written notice of appeal within the established time limits. The Board shall set a time and place for the hearing. Notice of such hearing shall be posted and be open to the public in compliance with the Iowa open meetings law. The applicant will be advised, in writing of such time and place of hearing at least seven (7) days prior to the date of the hearing. At the hearing, the applicant shall have an opportunity to testify and present evidence to show cause why the notice or order should be modified, extended or revoked. The Board of Appeals may sustain, overrule, modify or revoke a notice or order. A hearing may be continued from time to time for good cause at the request of the applicant, City or the Board. The burden of proof shall be on the applicant.

SECTION 2: Section 158, "Fire Code," the North Liberty Municipal Code of Ordinances, City of North Liberty, Iowa, is hereby repealed and the following adopted in lieu thereof:

An ordinance of the City of North Liberty adopting the 2015 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of North Liberty; providing for the issuance of permits and collection of fees therefor; repealing Chapter 15.03 of the City of North Liberty Municipal Code and all other ordinances or parts of laws in conflict therewith.

The City Council of the City of North Liberty does ordain as follows:

Section I. That a certain document, one (1) copy of which are on file in the office the City Clerk of the City of North Liberty being marked and designated *International Fire Code*, 2015 edition, including Appendix Chapters B, C, D, E, F, G, H, I, K, L, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of North Liberty, in the State of Iowa regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of North Liberty are hereby referred to, adopted, and made a part hereof,

as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section II. That the following sections are hereby revised: Section 101.1. Insert: City of North Liberty Section 109.4. Insert: Insert: Municipal Infraction, as prescribed in City of North Liberty Municipal Code, Chapter 1.18; Municipal Infraction.

Section 111.4. Insert: \$500, repeat offense \$750.

Section 1103.5.3. Insert: Five years from date of notification.

Section III. That the geographic limits referred to in certain sections of the 2015 *International Fire Code* are hereby established as follows:

Section 3404.2.9.6.1 The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited in the entire City of North Liberty, Iowa.

Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section 5706.2.4.4 The storage of Class I and Class II liquids in above-ground tanks is prohibited in the entire City of North Liberty, Iowa.

Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section 5806.2 The storage of flammable cryogenic fluids in stationary containers is prohibited in the entire City of North Liberty, Iowa. Exceptions: As approved by the Fire Chief.

Section 6104.2 The storage of liquefied petroleum gas is prohibited in the entire City of North Liberty

Exceptions: I-1 and I-2 Zoning Districts and/or as approved by the Fire Chief.

Section IV. Fees. Fees for inspections, re-inspections, plans review, acceptance testing, permits and other services related to enforcement of this Code shall be established by the City Council by resolution and paid to the Fire Department.

Section V. Amendments to the Fire Code. The following sections are amended to read as follows:

Section 104.12 Add a new section to read as follows: The code official is authorized to order an operation or use stopped or the evacuation of any premises, building, or vehicle or portion thereof which has or is a fire, life safety or health hazard.

Section 105.2 Add a sentence to the end of the section to read as follows: Application for an operational permit shall be submitted with all required information not less than 14 days prior to the event requiring a permit.

Section 105.4 Add a sentence to the end of the section to read as follows: The fire code official at their discretion shall send plans to an outside agency for review. The fire code official shall choose the plans review agency. The applicant shall pay all fees associated with the plan review directly to the outside agency. A certificate of occupancy shall not be issued until the review fees have been paid.

Section 105.6 Add a sentence to the end of the section to read as follows: The fire code official at their discretion shall send plans for operational permits requests to an outside agency for review. The fire code official shall choose the plans review agency. The applicant shall pay all fees associated with the plan review directly to the outside agency. The permit shall not be issued until the review fees have been paid.

Section 108 Delete in its entirety. See City of North Liberty Ordinance 99.18; Boards of Appeals.

Section 202 Add a new definition to read as follows: CODE OFFICIAL. The Fire Chief, the Assistant Fire Chief, or the Chief's authorized representative.

Section 307 See also City of North Liberty Ordinance 8.12.020, Section O, Open Burning.

Section 307.1.1 Delete the section and replace with: Prohibited burning. Burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Section 307.3 Delete the section and replace with: Extinguishment authority. The fire code official is authorized to order the extinguishment by the responsible person or the fire department of any burning that creates or adds to a hazardous or objectionable situation.

Section 312.3 Delete the words: or visually deter.

Section 401.9 Add a new section to read as follows: Building evacuation. Upon activation of the building fire alarm system or upon notification by other means of detecting and reporting unwanted fire, all building occupants shall promptly evacuate the building. Building employees and tenants shall implement the appropriate emergency plan and procedures. Exception: When the emergency evacuation plan, as approved by the fire code official, does not require the immediate total evacuation of the building.

Section 405.2 Add to the end of the section as follows: Fire and evacuation drills in Group E occupancies, excluding daycares and preschools shall be conducted in accordance with Section 100.31 of the Code of Iowa. Emergency evacuation/fire drills shall be conducted at least four times a year. Not less than two drills shall be conducted between July 1 and December 31 of each year and not less than two drills shall be conducted between January 1 and June 30 of each year. The North Liberty Fire Department shall conduct one of the two drills during July 1 and December 31 and one of the two drills during January 1 and June 30 of each year. The fire department emergency evacuation/fire drills shall be unannounced.

Section 405.2 Table Add footnote e. as follows: Group E occupancies, excluding Preschools and Daycares shall conduct fire and evacuation drills at least four times a year in accordance with Section 100.31 of the Code of Iowa. Footnote shall be added to Group E occupancy frequency.

Section 503.1.1 Delete exception 1.1 and replace with: The dimension can be increased up to 200 feet if the building is equipped throughout with an approved NFPA 13 automatic sprinkler system.

Section 505.1 Delete the section and replace with: Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Address numbers and exterior suite numbers shall be in Arabic numerals or alphabet letters a minimum of 4 inches in height with a minimum stroke width of 1/2 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Exterior address location for commercial buildings shall be determined by the Code Official

Exceptions:

1. Monument signs shall have the address installed a minimum of 36 inches from the ground.
2. Addresses located 100 to 199 feet from the street shall have a minimum of 6 inches in height with a minimum stroke width of 1/2 inch. Addresses located 200 to 299 feet from the street shall have a minimum of 8 inches in height with a minimum stroke width of 1 inch. For each additional 100 feet from the street, the number shall increase by an additional 2 inches in height with the stroke increased proportionally. Measurements to determine the minimum number or letter size shall be measured from the approved address location to the center line of the street for which the premise is addressed. Minimum height and minimum stroke may be increased by the Code Official.
3. Interior suite numbers shall be a minimum of 3 inches in height.

Section 505.3 Add a new section to read as follows: Addresses for Buildings under Construction. All new commercial and residential buildings under construction shall have plainly visible addresses from the street. The temporary address sign shall be approved and issued by the City of North Liberty Building Department and be placed no further than 10 from the street. Additional address signage may be required at the discretion of the code official.

Section 506.1 Add a sentence to the end of the section to read as follows: An approved key box shall be installed in accordance to the City of North Liberty Ordinance 15.34, Key Lock Box.

Section 507.3 Delete the section and replace with: Fire flow. Fire flow requirements for buildings or portions of buildings shall be determined by "Appendix B" of this code.

Section 507.5.1 Delete exceptions 1 & 2.

Section 507.5.1.1 Delete section and add a new section to read as follows: Fire Sprinkler System & Standpipe System Support. A fire hydrant shall be located no more than 100 feet from a fire sprinkler or standpipe system connection on hard surface, easily accessible by fire apparatus and meeting the approval of the Code Official.

Section 507.5.7 Add a new section to read as follows: Fire Hydrant Installation

Section 507.5.7.2 Add a new section to read as follows: Fire hydrant outlet direction: All fire hydrants shall be positioned so that the four and one-half (4 1/2) inch connection is facing the street or driveway accessible to fire department apparatus.

Section 507.5.7.3 Fire hydrants threads: All new fire hydrants within the limits of the city of North Liberty shall have National Standard Threads (NST) on the two and one-half (2 1/2) inch connections and the four and one-half (4 1/2) inch connection will have a Storz connection.

Section 507.5.7.4 Flow: The minimum flow requirements for a water main serving a fire hydrant is the rate of water flow, at a residual pressure of twenty pounds per square inch (20psi) and for a specified duration, as specified in appendix B of this code.

Section 507.5.7.5 Add a new section to read as follows: Fire Hydrant height: Fire hydrants shall be installed a minimum of eighteen (18) inches from the nominal ground level to the center of the lowest water outlet.

Section 510.1 Delete exceptions 1 & 2.

Section 605.10 Delete the section and replace with: Portable, electric, space heaters. Portable electric space heaters shall comply with Sections 605.10.1 through 605.10.5.

Section 605.10.5 Add a new section to read as follows: Fully enclosed. Portable, electric space heaters shall be fully enclosed space heaters that by design have no external surfaces that reach temperatures capable of igniting materials placed against the surface.

Section 607.7. Add a sentence to the end of the section to read as follows: The required elevator keys shall be secured in an approved elevator key box in an approved location by the Fire Code Official.

Section 609.4 Delete the last sentence and replace with: Movement of new and existing cooking appliances with caster(s) under a Type I hood shall be limited by an approved floor mounted restraining device and flexible gas connector installed in accordance with the connector and appliance manufacturer's instructions.

Section 609.5 Add a new section to read as follows: Required separation. All deep-fat fryers shall be installed with at least 16 inch space between the fryer and surface flames from

adjacent cooking equipment. Where a steel or tempered glass baffle plate is installed at a minimum 8-inch height between the fryer and surface flames to the adjacent appliance, the requirement for a 16-inch space shall not apply.

Section 609.6 Add a new section to read as follows: Kitchen Hood Exhaust Fan Hinge Requirement. New and existing Type I hood kitchen hood exhaust/up blast fans shall be installed with listed hinges, weatherproof electrical cable and hold open retainer for servicing and cleaning.

Section 803.11 Add a new section to read as follows: Maintenance. The interior finish of buildings shall be maintained in accordance with the conditions of original approval. Any change to the interior finish that is regulated by the provisions of this code or the building code shall be made in accordance with all applicable requirements.

Section 806.1 Add a sentence to the end of the section to read as follows: Natural or resin-bearing cut trees and natural decorative vegetation used in buildings open to the general public shall be properly treated with an approved flame retardant.

Section 806.1.1 Delete the section and replace with: Restricted occupancies. Natural cut trees shall be prohibited in Group A, B, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

Exception:

- 1) Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B, E, M, R-1 and R-2.
- 2) Trees shall be allowed within dwelling units in Group R-2 occupancies.

Section 807.5.2.1 Delete exceptions 1 & 2.

Section 901.2 (a) Add a new section to read as follows: Water based fire protection systems. Working plans submitted to the fire department for water based fire protection systems shall be stamped and approved by a qualified person to be in compliance with applicable NFPA standards and the North Liberty Fire Code. Any changes to the working plans shall be approved by a qualified person. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Automatic Sprinkler System Layout OR be a licensed engineer with experience in life safety system design. Other qualifications may be approved by the code official.

Section 901.2 (b) Add a new section to read as follows: Fire alarm systems. Working plans submitted to the fire department by a qualified person for fire alarm systems shall be stamped and approved by a qualified person to be in compliance with applicable NFPA standards and the North Liberty Fire Code. Any changes to the working plans shall be approved by a qualified person. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Fire Alarm Systems OR be a licensed engineer with experience in life safety system design. Other qualifications may be approved by the code official.

Section 901.6.2.2 Add a new section to read as follows: Inspection Record Submission. Contractors who perform installation, inspection, testing and/or maintenance services on fire and life safety systems are required to electronically submit all installation and compliant & non-compliant inspection reports to the Fire Department via a method approved by the Fire Code Official within 30 calendar days of the installation/inspection date. Reports submitted after 30 calendar days may incur late fees.

Section 901.7 Add a sentence to the end of the section to read as follows: A person assigned to firewatch must walk through the building at least once every 30 minutes checking for fire or smoke. A firewatch must be continued until the fire alarm system and/or fire protection system has been restored to normal operating condition or the building has been evacuated. A competent adult

familiar with the building must conduct the firewatch. If a fire is discovered, call 911 and immediately evacuate the building.

Section 903.3.1.1.2 Delete the section and replace with: Bathrooms. Sprinkler protection shall be provided in all bathrooms in NFPA 13 & NFPA 13R systems regardless of the bathroom size.

Section 903.3.5.3 Add a new section to read as follows: Water supply safety margin. Provide a minimum 10%, but not less than 5 psi, safety margin below the available water supply flow test curve at full system demand and required hose stream allowances. Flow test must have been conducted within 90 days of the fire sprinkler plan submittal to the city and third party reviewer (if applicable).

Section 903.3.5.4 Add a new section to read as follows: Fire Sprinkler Riser Room. Fire sprinkler riser room shall be separated from electrical room and have no electrical panels inside the rooms other than the outlets required for the use of the fire sprinkler system or fire alarm panel. The fire sprinkler riser room shall have an exterior access door and a floor drain. The room shall have a hard cleanable walking from the fire department access road.

Exception: Non-mixed use R-2 Occupancies and approval by Code Official.

Section 903.4.2 Delete the section and replace with: Alarms. An approved weatherproof horn/strobe device shall be mounted directly above the fire department connection between seven (7) and ten (10) feet in height above grade. The water-flow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Approved and supervised audible visual notification appliances shall be installed throughout each level of the interior of the building as required by the fire code official and NFPA 72.

Section 903.5 Add a sentence to the end of the section to read as follows: An inspector's test valve is required at the most remote location in each fire sprinkler system or tenant/floor control valve space, for use at the acceptance test and to remove air from the system after maintenance work is done on the system.

Section 903.7 Add a new section to read as follows: Zones. Automatic sprinkler system zones shall not exceed the area permitted by NFPA 13 or NFPA 13R and shall provide a sprinkler control valve and water flow device for each normally occupied floor or normally occupied space in a multi-tenant building. Except by approval of the fire code official, all control valves shall be located in the sprinkler system riser room.

Section 903.8 Add a new section to read as follows: Fire sprinkler for canopies. A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door

if the canopy extends more than 4 feet out from the door and is 12 feet or less in height from the ground regardless of whether the canopy is combustible or noncombustible. Canopies that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the total canopy

regardless of whether the canopy is combustible or non-combustible. Exception: If the Code does not require a building to have a fire sprinkler system, section 903.8 does not apply.

Section 904.12.2.1 Add a new section to read as follows: System Annunciation. Commercial cooking automatic fire extinguishing systems installed in buildings that do not have a fire alarm system, shall be connected to an approved audible and visible emergency notification device to warn of system discharge. The horn/strobe and signage shall be installed in a location approved by the fire code official, typically in the kitchen.

Section 904.12.6.4 Add a new section to read as follows: Ventilation Operation. The ventilation system shall shut down the make-up air to the hood and continue to exhaust upon activation of the hood fire extinguishing system. Supply air openings other than part of the hood system shall be a

minimum of 6 feet from any part of a Type 1 Hood. Supply air openings closer than 6 feet must shut down upon activation of the extinguishing system. Exception: Section 904.12.6.6 may be revoked if the fire extinguishing agent will not perform to specifications due to exhausting requirements.

Section 905.1.1 Add a new section to read as follows: Delete all references to class II standpipe system and replace with class III standpipe systems.

Section 905.3.9 Add a new section to read as follows: Additional Standpipe Systems: Additional standpipe systems may be added to new buildings or structures as deemed necessary by the Code Official.

Section 905.9 Delete exception 2 without substitution. Section 906.1 Delete the exception without substitution.

Section 906.3 Add a sentence to the end of the section to read as follows: The minimum size and rating of any required portable fire extinguisher for Class A, Class B, or Class C hazard shall be 5lb. 2-A, 10-B C.

Section 907.1.4 Add a new section to read as follows: Fire alarm control panels and Fire alarm annunciator panels. Installation of fire alarm control panels and fire alarm annunciator panels shall be installed in accordance with section 907.1.4.1 through 907.1.4.5

Section 907.1.4.1 Add a new section to read as follows: Fire Alarm Panel Height: Installation of fire alarm panels shall not exceed 6 feet in height measured from the floor to the top of the panel. Exception: Panel height may be altered by the code official.

Section 907.1.4.2 Add a new section to read as follows: Number of Fire Alarm Control Panels in Buildings: Only one listed fire alarm control panel shall be allowed per building and shall lock in the alarm until the system is reset and shall not be canceled by the operation of an audible – alarm silencing switch. This control panel shall only receive alarm signals from fire protection equipment.

Section 907.1.4.3 Add a new section to read as follows: Combination Fire/Security Alarm System Panels. A listed combination fire/security alarm system panel that meets all the requirements of this code and amendments may be permitted by approval of the fire code official. The fire/security panel shall be capable of providing a signal that can differentiate between the fire and security alarm.

Section 907.1.4.4 Add a new section to read as follows: Password/PIN Protection Prohibited: Fire alarm control panels and/or fire alarm annunciator panels that require a password/PIN to silence an alarm/supervisory/trouble signal and/or to reset an alarm/supervisory/trouble signal shall be prohibited.

Section 907.1.4.5 Add a new section to read as follows: Fire Alarm Annunciator Panels: The fire code official can require addition fire alarm annunciator panels based on the size of building and access to the building, these panels shall meet the requirements of 907.1.4 and 907.2.

Section 907.2 Delete the section and replace with: Where required new buildings and structures. An approved and addressable manual, automatic or manual and automatic fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with 907.10, unless other requirements are provided by another section of this code. A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm system employing automatic fire detectors or water-flow devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

Exceptions:

- 1) The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
- 2) The manual fire alarm box is required for Group R-2 occupancies to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. The manual fire alarm box shall not be located in an area that is accessible to the public.
- 3) Multi-tenant buildings required to have a manual/automatic fire alarms system shall install one manual pull station per tenant space.

Section 907.2.1.2 Add a new section to read as follows: Electrical Shunt for Amplified Sound Conditions. Group A occupancies having an occupancies having an occupant load of 300 or more, electrical shunts shall be provided to de-energize the music or sound systems upon fire alarm activation.

Section 907.2.11.2 Modify by adding a fourth location requirement as follows: 4) Supervised smoke detectors shall be installed in all common corridors and at the top and bottom of all stairway enclosures in Groups R-2, R-4 and I-1 occupancies. In corridors, detectors shall be located within fifteen (15) feet of the end of the corridor and in such a way that one detector is located for each thirty (30) feet of corridor length or spaced as allowed by the code.

Section 907.4.2 Add a sentence to the end of the section to read as follows: Where in the opinion of the code official manual fire alarm boxes may be used to cause false fire alarms, the code official is authorized to modify the requirements for manual fire alarm boxes.

Section 907.5.2.3.4 Add a new section to read as follows: Alarm Signal Deactivation. Both audible and visual appliances shall shut off when the signal silence feature is activated on the fire alarm control panel or the fire alarm annunciator panel. Exception: Exterior water flow horn/strobe.

Section 907.6.4.3 Add a new section to read as follows: Zone and address location labeling. Fire alarm and/or annunciator panels shall have all zones and address points plainly and permanently labeled as to their location on the outside of the panel or on an easily readable map of the building, if no display is present.

Section 907.6.6 Delete the section and replace with: Monitoring. Fire alarms required by this chapter, the International Building Code, or the Code Official, an approved UL listed Central Station service in accordance with NFPA 72 shall monitor fire alarm systems to provide for the immediate and automatic notification of the Fire Department. Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.

3. Automatic sprinkler systems in one- and two-family dwellings
4. Fire alarm systems in one- and two-family dwellings

Section 907.6.6.3 Add a new section to read as follows: Each address point id shall have an alpha/numeric descriptor location. Alpha/numeric descriptor locations are required to be reported to the Emergency Communications/Dispatch Center upon activation of a water-flow tamper and/or alarm conditions as specified by the fire code official.

Section 907.10 Add a new section to read as follows: Approved hold-open devices. When installed in buildings that have a fire alarm system and/or sprinkler system, all approved hold open devices shall release upon activation of a fire alarm and sprinkler water-flow activation.

Section 912.4.1 Delete the sentence and replace with: Locking fire department connections caps. Locking fire department connections caps approved by the fire department are required for all new construction that have a water-based fire protective system and existing structures that have a water-based fire protective system immediately after conducting the five year obstruction and maintenance testing or if one or more of the fire department caps are missing.

Section 912.8 Add a section to read as follows: Fire Department Connection Height. The fire department connection shall be located not less than 18 inches from the bottom of the cap(s) and not more than 3 feet from the top of the cap(s) above the level of the adjacent grade or access level. Deviation from this height may be granted by the Code Official for just cause.

Section 912.9 Add a section to read as follows: Size. Minimum fire department connection size shall be 2 ½" National Standard Thread.

Section 1008.3.3 Delete number 5 and replace with: 5. Public restrooms with an area greater than 50 square feet.

Section 1013.6.2 Delete the section and replace with:. Exit Sign Illumination. In new construction, or if an exit sign is replaced, exit signs shall use an LED lighting system and be illuminated internally. Exit signs shall have a battery backup unless an on-site generator set is used. Luminance on the face of an exit sign shall have an intensity of not less than 5.0 foot-candles (53.82 lux).

Section 1013.7 Add a new section to read as follows. Combination Lights: In new construction, combination exit sign/emergency light devices shall not be allowed.

Section 1013.8 Add a new section to read as follows: Separation of Emergency Lighting. In new construction, emergency lighting shall be separated from the exit sign by a minimum of 6 feet.

Section 1013.9 Add a new section to read as follows: Self-luminous and Photoluminescent exit signs. Self-luminous and photoluminescent exit signs are not allowed. Exception: Approved self-luminous and/or photoluminescent exit may be allowed in tents by approval of the Code Official.

Section 1013.10 Add a new section to read as follows: Self-Testing Exit Signs and Emergency Lights. Exit signs and/or emergency lights mounted higher than 8 1/2 feet from floor level to the bottom of the exit sign or emergency light or if the exit sign or emergency light is mounted in

a location where it cannot be manually tested, the exit sign and/or emergency light shall be self-testing and have a visual diagnostic indicator.

Section 1013.11 Add a new section to read as follows: Exit Signs and Emergency Lights. Exit signs and/or emergency lights that are not self-testing and do not have a visual diagnostic indicator shall be on a dedicated electrical circuits for the purpose of conducting monthly and yearly testing requirements; the circuits shall have lockable breakers.

Section 1013.12 Add a new section to read as follows. Additional Exit Signs: Exit signs may be required at the discretion of the code official to clarify an exit or exit access.

Section 1103.1.2 Add a new section to read as follows: Existing fire alarm systems monitoring requirements. Existing fire alarms systems that are currently not monitored by an approved UL listed Central Station shall become monitored within 1 year from receiving notice in accordance with section 907.
6.6.

Section 1103.1.3 Add a new section to read as follows: Existing sprinkler systems monitoring requirements. Existing sprinkler systems shall have all valves controlling the sprinkler system and water flow electrically supervised and monitored by an approved UL listed Central Station in accordance with sections 903.4 and 903.4.1 within 1 year from receiving notice.

Section 5003.11.3.6 Add a new section to read as follows: Tier II Reporting. Facilities reporting hazardous chemical inventories in excess of their Threshold Planning Quantities pursuant to Section 312 of the Emergency Planning and Community Right to Know Act shall use an approved electronic "Emergency and Hazardous Chemical Inventory" form or show reason to use paper forms and submit the electronic or paper form prior to March 1 of each year.

Section 5601.1.3 Delete exception 4 and insert in lieu thereof: The possession, storage, sale, handling and use of gold star producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury or caps used in cap pistols.

Section 5704.2.9 Add a sentence to the end of the section to read as follows: For above ground storage tanks of 276 gallons capacity or more, the minimum distance between such above ground tanks and any Residential Zone boundary must be at least 100 feet. If the above ground tank is located in an approved vault, the minimum separation distance from a Residential Zone boundary may be reduced to no less than 50 feet.

Section 5704.2.11.1 Add a #4 to the end of the section to read as follows:

4. A minimum distance of ten (10) feet shall be maintained between underground tanks and any Residential Zone boundary.

Section 5704.2.13.2.4 Add a section to read as follows: Existing above-ground tank hazards. Existing above-ground tank installations, even if previously approved, that are determined to constitute a hazard by the fire code official, shall not be continued in service. Unsafe tanks shall be removed as required by the fire code official and in accordance with this code.

Section 5705.5.1 Add an exception to read as follows:

6. Corridor installations are prohibited in Group-E occupancies.

Section 45 Referenced Standards. Amend the NFPA referenced standards list to reflect the most current NFPA editions.

Appendix D, Fire Apparatus Roads, Table D103.4. Delete 96' Diameter Cul-de-sac and replace with Public and private turnarounds shall be a minimum eighty (80) foot diameter cul-de-sac with no obstructions or parking within the cul-de-sac.

Appendix D, Multiple-Family Residential Developments. Add section D106.4 Multi-family dwelling units are defined in this section any dwelling unit constructed under the International Building/Fire Code.

Appendix D, One- or Two Family Residential Developments. Add section D107.3 One- or Two Family dwellings units are defined in this section as any dwelling unit constructed under the International Residential Code.

SECTION 2. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____, 2016.
Second reading on _____, 2016.
Third and final reading on _____, 2016.

CITY OF NORTH LIBERTY:

ATTEST:

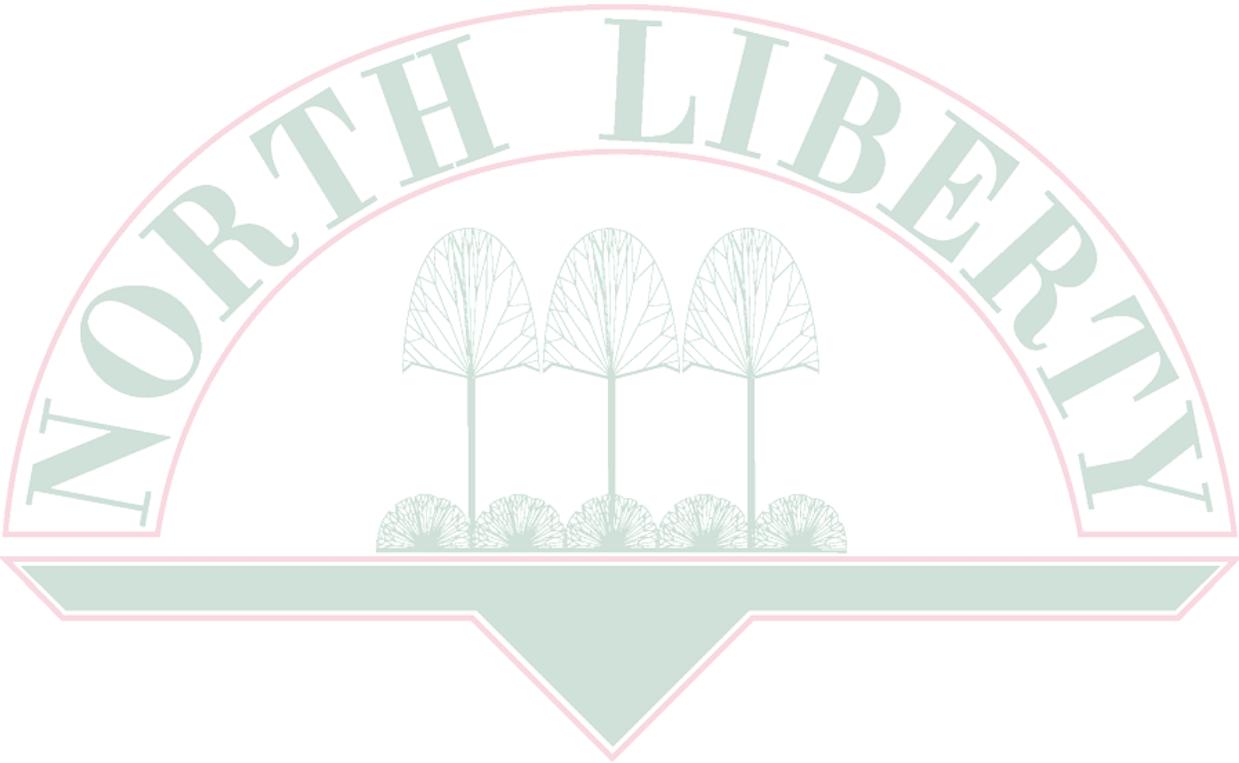
AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty *Leader* on the ____ day of _____, 2016.

TRACEY MULCAHEY, CITY CLERK

IamResponding Contract





SUBSCRIPTION RENEWAL AGREEMENT

FULL SUBSCRIBER NAME:

NORTH LIBERTY FD (IA)

(The name of the entity that is subscribing, hereinafter "Subscriber")

RENEWAL SUBSCRIPTION
COMMENCEMENT DATE:

November 8, 2016

This Agreement is entered into by and between Emergency Services Marketing Corp., Inc. ("ESMC"), as the duly licensed provider of the IamResponding.com services ("IaR"), and Subscriber. Pursuant to the Terms and Conditions set forth herein, ESMC agrees to provide Subscriber with access to IaR, for the term and at the costs set forth herein. Subscriber is solely responsible for obtaining its' own internet connection and hardware.

1. This renewal subscription shall commence on the Renewal Subscription Commencement Date set forth above, and shall terminate one, three or five year(s) from the Commencement Date, depending on the option selected in paragraph 2(a) below. Subscriber's access to IaR shall not be provided by ESMC until ESMC has received this signed Subscription Agreement from Subscriber.
2. a) Term and Base Subscription Fee:
The subscription term and fee selected by Subscriber is as follows:
(In this section, you must check at least one box, and in some cases, two boxes.)
 - One-year Subscription - **\$800**
 - Three-year Subscription
Subscriber will pay this (select a payment option below, and check the box):
 - Annually, at **\$725/year**; or
 - Up-front, for a total of **\$2,066** (5% discount from annual payment rate)
 - Five-year Subscription (**BEST VALUE!**)
Subscriber will pay this (select a payment option below, and check the box):
 - Annually, at **\$650/year**; or
 - Up-front, for a total of **\$3,087** (5% discount from annual payment rate)
- b) Telephone Call Costs: **\$10/year.**
This is paid annually, together with your annual Base Subscription Fee. If you have selected a multi-year Term, paid up front, then the amount due up front is \$10, times the number of years of your selected Term (\$30 for a 3-year agreement; \$50 for a 5-year agreement).
3. The subscription fee for one-year subscriptions, and for three and five year subscriptions at the paid up-front rate, shall be paid in full on or before the Commencement Date of the subscription.

Subscription Agreement to IamResponding.com (KGF)

Please return by facsimile to: (315) 314-7748

Or mail to: Emergency Services Marketing Corp., Inc. P.O. Box 93, Dewitt, NY 13214-0093

Page 1 of 4

Subscription fees for three and five year subscriptions paid annually shall be paid to ESMC in equal annual payments which shall be due and payable, in advance, on each anniversary of the Commencement Date for the duration of the subscription, without invoice.

4. All subscription fees are in US funds, and shall be paid in US funds.
5. This Subscription Agreement expressly adopts and incorporates the Terms of Use of IaR, which are posted on the IaR site at www.iamresponding.com.
6. Subscriber shall not share the functionality, or any portion, of IaR with any other entity, at any time. Any such sharing shall be deemed a material breach of this Agreement.
7. If Subscriber defaults in any respect whatsoever with regard to the terms and conditions of this Subscription Agreement or the Terms of Use, ESMC shall have the right, in its sole discretion, to suspend or terminate Subscriber's subscription to IaR, and to suspend or terminate Subscriber's access to IaR. Any payments not timely made shall be considered a material default by Subscriber.
8. ESMC reserves the right to modify the appearance, content and/or functionality of IaR at any time, in its sole discretion, with the understanding that core functionality will be maintained.
9. If Subscriber has a website for its department or agency on which it is able to place links to other websites, Subscriber shall add a link on its site to www.iamresponding.com.
10. Subscriber warrants that its subscription to IaR was not procured through the efforts of any sales person other than None (insert "none" if no sales person was involved in procuring this subscription).
11. Subscriber understands that the subscription fee that is being paid for each year of a multi-year subscription is a discounted fee made available to Subscriber only because of Subscriber having entered into a multi-year Subscription Agreement. Subscriber further understands that ESMC has or may enter into certain financial obligations based upon projections which rely upon Subscriber honoring its multi-year agreement. If Subscriber terminates a multi-year Subscription Agreement for any reason whatsoever, Subscriber agrees to pay, as liquidated damages for such termination, a sum equal to 1.25 times the average annual subscription fee set forth in Section 2(a) for each full and partial year of the subscription between the Commencement Date and the termination date (any subscription fee payments already paid to ESMC for that time period will be credited against this charge). For paid up-front subscriptions, the average annual fee shall be the total fee set forth in Section 2(a), divided by the number of years paid for.
12. ESMC shall provide Subscriber with 24x7x365 email technical support. Support requests shall be addressed to support@emergencysmc.com. Subscriber understands that ESMC will use its best efforts to classify the level of urgency of each support request, that such classifications shall be made in the sole discretion of ESMC, and that the response time for each support request will be dependent upon such classification.
13. Subscriber understands that there may be periodic service interruptions to IaR as the result of events or circumstances beyond the control of ESMC. ESMC has taken, and will continue to exercise, commercially reasonable efforts to mitigate such interruptions.
14. If all or part of any provision of this Subscription Agreement or of the Terms of Use shall be held by a court of competent jurisdiction to be illegal, invalid or unenforceable, such portion(s) of the provision(s)

as are held to be illegal, invalid or unenforceable shall be construed to reflect the parties' original intent, and the remaining portions and provisions shall remain in full force and effect.

15. This Subscription Agreement may be signed in counterparts, each of which, when combined, shall constitute the whole agreement.
16. This Subscription Agreement and the Terms of Use constitute the entire agreement between Subscriber and ESMC and govern Subscriber's use of IaR, superseding any prior agreements between Subscriber and ESMC. In the event of a specific conflict between the terms and conditions of this Subscription Agreement and the Terms of Use of IaR, the terms and conditions of this Subscription Agreement shall control.
17. Subscriber certifies that Subscriber (**check one box below**):
- IS** a tax-exempt organization, exempt from state and local sales and use taxes on its purchases, and its tax exemption (and/or exempt organization) number is:
42-6004805 (Please attach tax exemption certificate).
 - IS NOT** a tax-exempt organization, and is NOT exempt from state and local sales and use taxes on its purchases.
18. Subscriber warrants that the individual signing this Agreement possesses all authority and consents necessary to enter into this Subscription Agreement on behalf of Subscriber.

Subscribing Entity's Name: North Liberty Fire Department

Printed Name of Authorized Signor: Bryan Hardin, Assistant Fire Chief

Date: 09/13/2016

Signature: *Bryan Hardin*

Emergency Services Marketing Corp., Inc.

By: _____ Date: _____
Daniel R. Seidberg, President

Please return this ENTIRE agreement to us; not just the signature page!

***All checks should be made payable to: Emergency Services Marketing Corp., Inc.
Tax Identification No.: 20-5787005***

PLEASE HELP US CONTAIN YOUR COSTS BY USING THIS FORM AS YOUR INVOICE

IamResponding.com

Emergency Service Marketing Corp., Inc.
 P.O. Box 93
 Dewitt, New York 13214-0093
 Phone: (315) 701-1372 Fax: (315) 314-7748

Self Made Invoice

Date: 09/13/2016

To (insert your department name and billing address):

North Liberty Fire Department
 Attn: Bryan Hardin
 PO Box 77
 25 W. Cherry St.
 North Liberty, IA 52317

DESCRIPTION	AMOUNT
<p>Please select <u>ONE</u> applicable payment option below:</p> <p><input checked="" type="checkbox"/> One-Year Term (\$800 Base Fee + \$10 Telephone Fee = \$810)</p> <p><input type="checkbox"/> Three-Year Term, Paid Annually (\$725 Base Fee + \$10 Telephone Fee= \$735)</p> <p><input type="checkbox"/> Three-Year Term, Paid Up-Front (\$2,066 Base Fee + \$30 Telephone Fee = \$2,096)</p> <p><input type="checkbox"/> Five-Year Term, Paid Annually (\$650 Base Fee + \$10 Telephone Fee = \$660)</p> <p><input type="checkbox"/> Five-Year Term, Paid Up-Front (\$3,087 Base Fee + \$50 Telephone Fee = \$3,137)</p>	
	Total : \$810.00

Please update your billing contact information!

<p>Billing Contact Name: <u>Bryan Hardin</u></p> <p>Billing Contact Email: <u>bhardin@northlibertyiowa.org</u></p> <p>Billing Contact Phone: <u>319-626-5709</u></p> <p>Billing Contact Fax: <u>319-626-3238</u></p> <p>Billing Address: <u>PO Box 77, 25 W. Cherry St</u> <u>North Liberty, IA 52317</u></p>	<p>All payments in US funds ONLY</p> <p>Make checks payable to: Emergency Services Marketing Corp., Inc. (Tax ID #: 20-5787005)</p> <p>Thank you for your business!</p>
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Resolution No. 2016-104

RESOLUTION APPROVING THE SUBSCRIPTION RENEWAL AGREEMENT WITH EMERGENCY SERVICES MARKETING CORP, INC. FOR CERTAIN ADMINISTRATIVE SERVICES FOR FIRE DEPARTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

WHEREAS, the City of North Liberty, as part of its responsibility for providing fire protection services, relies on volunteers to respond to calls;

WHEREAS, the Fire Department operates more effectively and more efficiently when it knows which volunteers are responding to particular calls; and

WHEREAS, Emergency Services Marketing Corp., Inc. provides IamResponding.com's Emergency Responder Reply System that allows for automated communication and tracking of timely responses by volunteers in response to calls.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Emergency Services Marketing Corp., Inc. to provide the aforementioned service through its Emergency Responder Reply System and, further, authorizes the Fire Chief to execute said agreement.

APPROVED AND ADOPTED this 27th day of September, 2016.

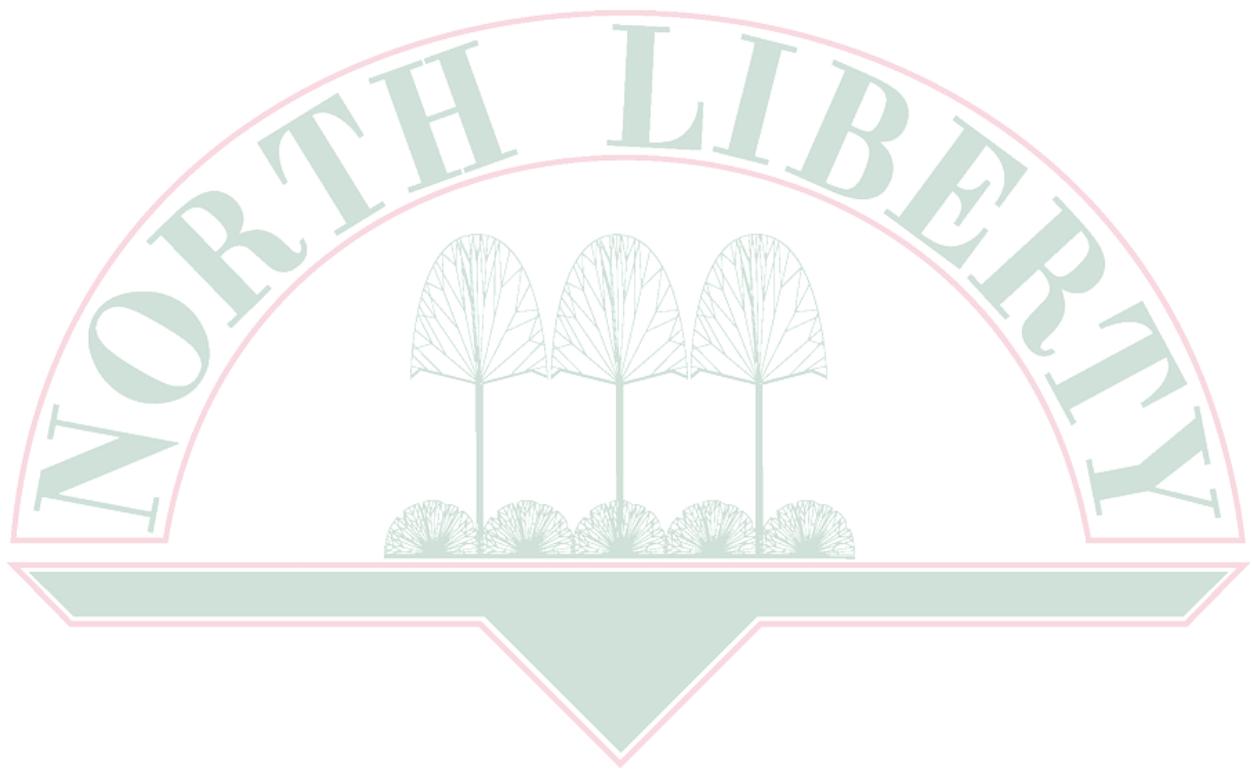
CITY OF NORTH LIBERTY:

ATTEST:

AMY NIELSEN, MAYOR

TRACEY MULCAHEY, CITY CLERK

Additional Information





Board of Appeals
Minutes
August 31, 2016

Roll Call

At 7:00 p.m., Lee called the August 31, 2016 meeting of the North Liberty Board of Appeals to order. Members present: Terri Alter, Marcus Dyer, and Doug Lee; absent: Tom Kazmierczak, Josephine Bathke.

Others present: Stefan Juran, Bryan Hardin and Tom Palmer.

Agenda Approval

The vote was all ayes. Agenda approved.

Appointment of Chairperson

Doug Lee was appointed as acting chairperson.

Building and Fire Codes

Staff Presentation.

Hardin and Palmer presented the proposed ordinances to adopt 2015 International Building and Fire Codes.

Public Comments.

No public comment was offered.

Questions and Comments.

Alter asked Hardin who would be responsible to pay the required late fees for not submitting inspection reports on time. Hardin explain that with the online reporting system the contractor is responsible to file the reports on time and the system would require the contractor to pay the fee to file an overdue report.

Recommendation to the City Council.

Alter moved, seconded by Lee, to recommend to city council to adopt the proposed amendments to Chapters 157 and 158 as submitted by the fire marshal and building official. The vote was: Alter, Dyer, Lee absent: Kazmierczak and Bathke. Motion carried.

Adjournment

At 7:30 p.m. meeting was adjourned.

**North Liberty Community Library Board of Trustees Meeting
September 19, 2016**

Board Members Present:

President: Barbara Beaumont

Members: Marcia Ziemer, John Henk, Bud Forbes

Library Director: Jennie Garner

The meeting was called to order at 6:35 pm.

Beaumont noted that Youth and Teen Services librarian **Erin Silva's** presentation would be moved up in the order to accommodate her attendance. Silva proceeded to provide an update on Youth and Teen Services initiatives, including summary of regularly scheduled programs. She highlighted Autism program that is alternating with Iowa City Library during off hours when library is closed to general public. Plans are to further encourage participation with local families to offer a wider variety of therapeutic and interactive options. She also highlighted importance of engaging with pre-teens as a means to build participation through teenage years. Henk asked if the library was lacking in anything that was needed to attract this demographic. Silva responded there was not, it was a matter of actually realizing the participation given busy schedules. Additional initiatives to bring in teens were discussed, including potential bus stops and partnership initiatives once the new Liberty High School was complete. The Board thanked Silva for her report and efforts.

Additions/Changes to the Agenda

None

Public Comment

None

Approval of Minutes

It was moved by Forbes and seconded by Ziemer to approve August minutes. Resolution passed.

Reports

Garner provided oral update and summary of reports. Including:

Budget.

Garner noted budget remains on track and noted variance in cleaning services line item would be prevalent in future reports. This will be accommodated through adjustments to individual line items and is not anticipated to impact overall adherence.

Friends.

Funding requests and fund-raising events were reviewed, including annual waffle breakfast October 15th. Garner encouraged involvement with ticket sales and reviewed options, including purchase of ticket books. Noted Friends will be accommodating shelving request for children's area.

Staff Reports

Review of multiple staff training opportunities and conferences/planned events reviewed. Summary of staff in service day from previous Friday was reviewed. Forbes questioned what was covered and Garner noted it was on conflict resolution and customer service, which were very applicable and well-received.

Garner noted efforts to identify additional functionality within cataloging software.

Children's area in process of being redesigned. Shelves have been moved and plan is to add donated wood trains for child engagement.

Impact of postponement of the State Library of Iowa annual report discussed, including the potential need to recreate data if delay proves too lengthy.

Desire to add more programs to aid families with children with disabilities discussed. Garner noted this was personal mission and her contacts would be useful to identify opportunities and potential offerings.

It was noted that we are reaching the end our 3 year plan, so will be looking to refresh with help of outside facilitator.

Partnering with local businesses for National Library Card Month discussed. Desire is to expand and encourage use.

Success of Sunday hours were noted, with average door count at 170. This reflects the demand.

Forbes requested name tags to facilitate library advocacy, particularly at sponsored events.

Garner endorsed the idea and will review with the City Administrator, then produce and distribute them to members.

Henk noted Elaine Hayes running for ILA Executive Board. Garner noted past participation by other staff members and encouraged her running for election.

Policy Review

Library Board By-laws: This was held over from August for final review after suggested revisions were made, including adjusting meeting frequency. Ziemer motioned for approval with noted revisions, Forbes seconded, resolution passed.

Collection Development Policy: Garner reviewed recommended revisions, including condensing repetitive areas and excluding specific references to reduce the need to revise as frequently as minor changes occur. Related to collection development, Forbes questioned the ability to make online donations and if cards are accepted. Garner noted they were but there was a fee charged by the payment provider. She noted that the webpage launch to facilitate online donations is scheduled for Oct 1st. Garner also noted desire to expand solicitation of donations from area businesses, and that a letter to this effect was underway. Ziemer motioned for approval of policy with noted revisions, Henk seconded, resolution passed.

Old, New, or Other Business

No old, new, or other business

Ziemer motioned to adjourn the meeting, Forbes seconded, motion passed.

The meeting was adjourned at 7:25 PM.

Respectfully submitted,
John Henk

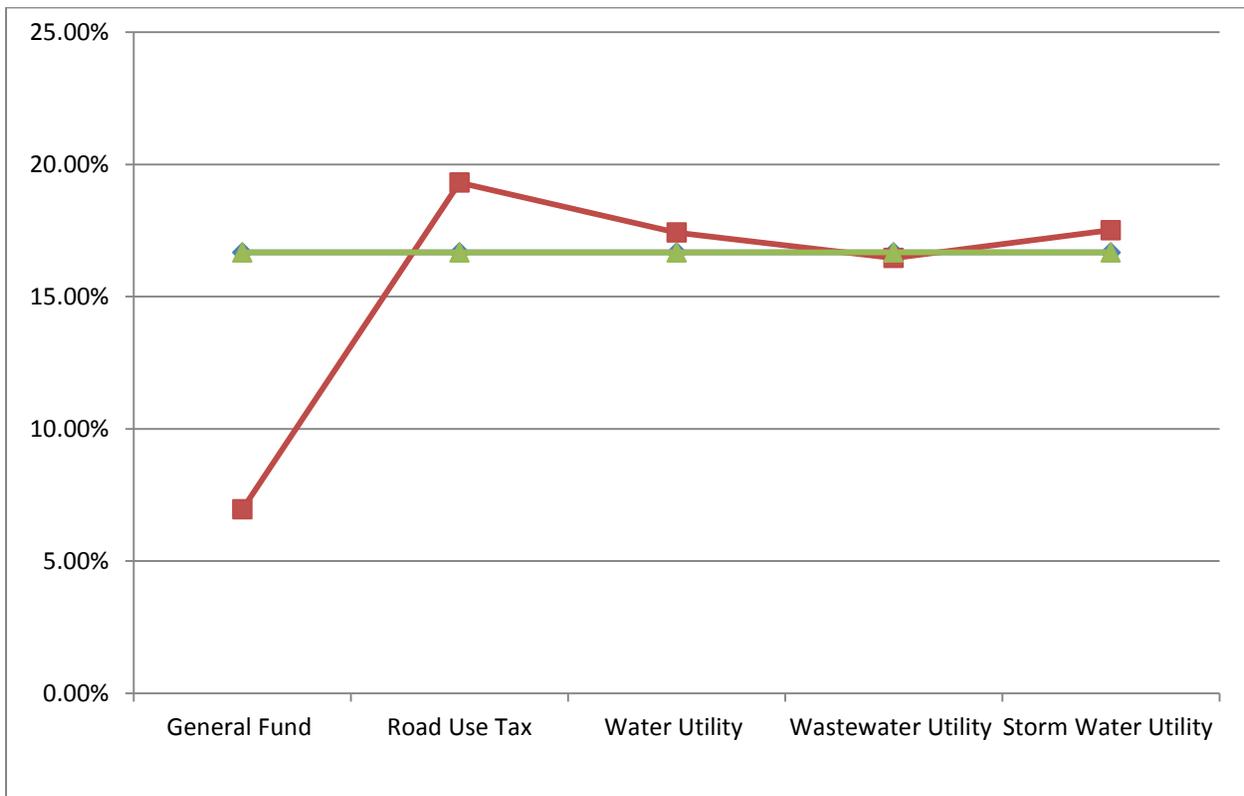


Monthly Report Summarization

August 31, 2016

This report provides a summarization of the budget status after the end August, 2016. At the end of August, the City is 16.67% through the budget year. The red line indicates the percentage where the budget area is and green/blue line is the percentage of the budget year. Any particular area falling approximately 10% below or above the percentage of the budget year will be explained below.

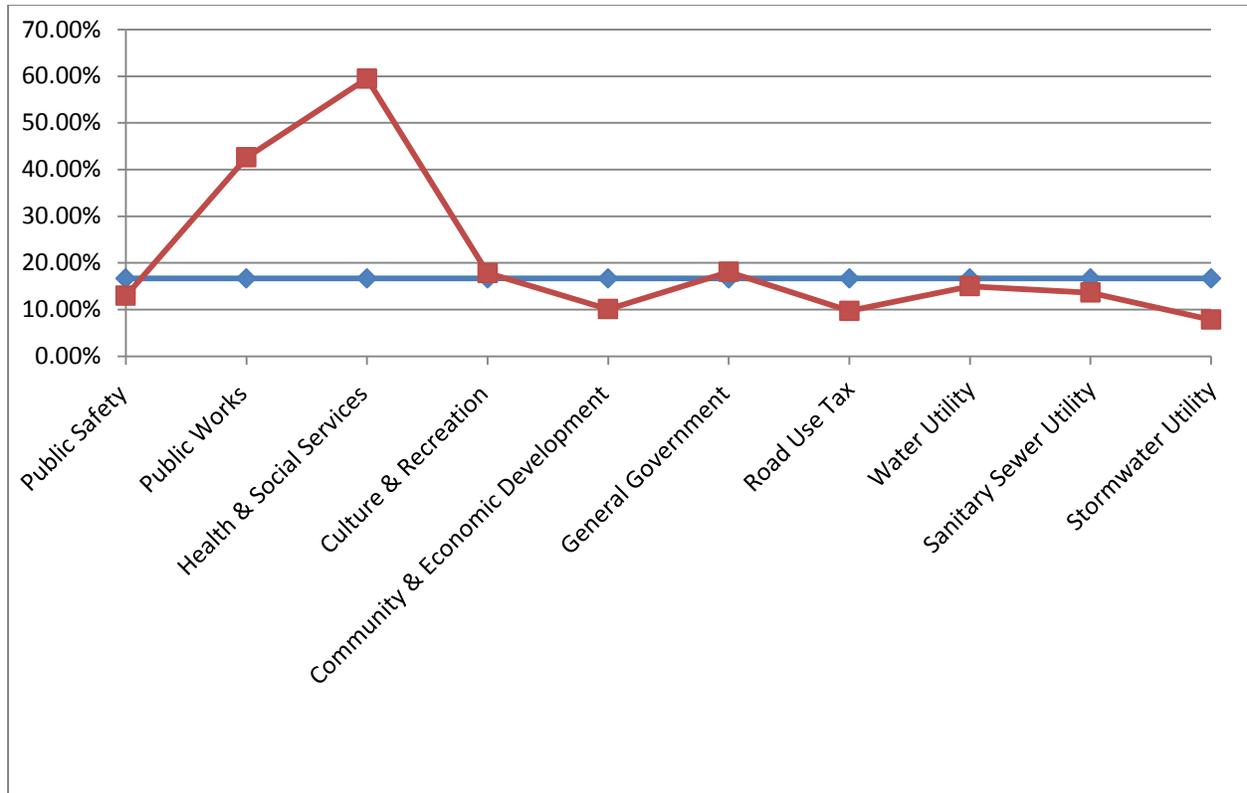
Revenues: The following chart demonstrates the condition of the City's budgeted revenues as of August 31, 2016:



- This chart represents the historical view at the end of August. The City will receive the first half of the property tax revenue in October and the second half in April.

Overall revenues for the year to date are \$5,905,609.18, 9.59% of the budgeted amount. This amount is less than the budgeted mark. Property tax revenues will bring this number in line with projected amounts.

Expenditures: The following chart demonstrates the condition of the City’s budgeted expenditures as of August 31, 2016:



- Health and Social Service expenses are higher due to the payment to the Food Pantry and the School Family Resource Centers and other social service commitments in July and August.
- Public works is higher than expected due to the volume of garbage sticker and bin costs paid in July and August.

Year to date total expenditures are \$8,354,617.04 or 13.84% of the projected budget amounts. This amount is less than the 16.67% of the fiscal year completed due to expenditures occurring later in the fiscal year.

Following is the Treasurer’s Report for August. The General Fund Balance is comprised of more than just the 010 General Fund. For accounting purposes of the budget and reporting, other funds such as Library Capital, Fire Capital and others are incorporated into the General total. The General

Fund for operating expenses has a fund balance of \$2,666,538.57. The other funds in the total shown here are obligated to specific departments or types of activities. The other funds are separated out to keep those obligations clear for future expenditures.

CITY OF NORTH LIBERTY

TREASURER'S REPORT

August 31, 2016

FUNDS	BALANCE FORWARD	REVENUE	EXPENSE	BALANCE ENDING
	08/01/2016			08/31/2016
GENERAL	5,781,660.55	684,873.27	-1,354,825.73	5,111,708.09
SPECIAL REVENUE	2,722,612.50	183,894.56	-104,425.68	2,802,081.38
DEBT SERVICE	264,869.78	164.92	0.00	265,034.70
CAPITAL PROJECTS	-2,294,923.70	283,810.40	-783,391.79	-2,794,505.09
WATER ENTERPRISE	3,960,291.08	407,101.35	-367,236.64	4,000,155.79
WASTEWATER ENTERPRISE	1,060,011.92	1,755,986.15	-1,503,186.86	1,312,811.21
STORM WATER ENTERPRISE	127,558.43	18,961.96	-4,566.99	141,953.40
TOTAL	11,622,080.56	3,334,792.61	-4,117,633.69	10,839,239.48

If you have questions regarding this document or would like additional information, please contact Tracey Mulcahey.



North Liberty Telecommunications Commission

Meeting Minutes

Monday, Sept. 12, 2016

6:00 p.m. Regular Session

City Council Chambers, 1 Quail Creek Circle

1. Call to order.

Hoffman called the meeting to order at 6 p.m.

2. Roll call.

Present were commissioners Hoffman, Arnold, Gattas, Wells and Fields. Also present: Nick Bergus, Jillian Miller and Stefan Juran.

3. Public comment for items not on the agenda.

There was none.

4. Staff report.

Bergus discussed ongoing playback server implementation and training and upcoming staff turnover. Miller discussed the success of Porchfest.

5. Mission statement.

Staff proposed a departmental mission statement: "The mission of the Communications Department is to publicize community information, be a catalyst for community cohesion and promote engagement in North Liberty." After discussion, the commission approved the statement.

6. Community event support policy.

Staff proposed a departmental policy setting guidelines for selecting community events the office would offer support, and spelling out what types of support the office would provide. After discussion, the commission asked staff to spell out events the department would not be able to support, such as for-profit, political and individual fundraiser events, as well as to add a preamble that better framed the policy.

7. Community bench marking survey.

The commission discussed the various ways to approach a "community bench marking survey": including what areas of satisfaction to look at, what benchmarks to compare North Liberty with and what a reasonable budget would be. Hoffman would research what other municipalities have done and report back at the next meeting.

8. Approval of minutes.

Wells moved, Gattas seconded, to approve the minutes of the July 11, 2016, meeting. It passed with all in favor.

9. Old business.

a. Smartphone app.

Bergus reported that the app was still broken, and, while he was still in contact with the vendor, MyCommunityMobile, the company was slow to fix the app. Bergus discussed possible options, including continuing to work with the same vendor, working with a new vendor, or ceasing support for an app. After discussion, the commission agreed that the ceasing app support was the best path forward.

b. Telecommunications commission ordinance.

Bergus said he was marking up the current ordinance and would consult with the city attorney.

10. New business.

a. Formats for video providers.

Bergus noted that the new video automation server no longer ingested DVDs, and staff wanted to require, after a reasonable transition time, the three providers of DVDs to begin providing digital files of their videos for NLTV playback. Staff would information on how to make that transition to program providers and offer reasonable support.

b. Foreign language discussion.

Staff discussed ways to offer additional language support. After discussion, staff will pursue offering certain webpages and printed materials, such as those for new residents, in multiple languages, focusing first on Spanish.

11. Next meeting date.

The next meeting was set for Oct. 3, 2016, at 6 p.m.

12. Adjourn.

At 7:06 p.m., Arnold moved, and Gattas seconded, to adjourn, with all voting in favor.