

ORDINANCE NO. 045-09

AN ORDINANCE AMENDING CHAPTER 33 OF THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY ADDING THERETO A NEW SECTION 33.50 ENTITLED THE INTERNATIONAL EXISTING BUILDING CODE 2009 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Chapter 33 of the Municipal Code of the City of Cedar Rapids, is amended as follows:

Section 1. A new Section 33.50 of the Cedar Rapids Municipal Code is hereby enacted as follows:

"33.50 INTERNATIONAL EXISTING BUILDING CODE ADOPTED. Except as hereinafter added to, deleted, modified or amended, there is hereby adopted that certain building code known as the International Existing Building Code, 2009 Edition (hereinafter to be known as the IEBC), as published by the International Code Council, Inc. The purpose of said International Existing Building Code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare as determined by the governing code official to the repair, alteration, change of occupancy, addition and relocation of all existing buildings."

Section 2. Any person, firm or cooperation violating and provision, section or paragraph of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine of at least \$65.00 but not more than \$625.00, or be imprisoned for not more than 30 days, or both. That each day a violation occurs shall constitute a separate offense.

Additionally, violation of any provision, section, or paragraph of this ordinance constitutes a municipal infraction subject to all the penalties and other relief provision as set forth in Iowa Code Section 364.22 (2007, as amended).

As part of the penalty provision of this Ordinance, Sections 1.06 and 1.12 of the Municipal Code, City of Cedar Rapids, Iowa, are adopted, and shall apply to this Ordinance, and supersede the penalty clause as above provided when this Ordinance is incorporated into and made a part of the Municipal Code, City of Cedar Rapids, Iowa, and such penalty clause is herewith adopted and made applicable to all violations of this Ordinance.

Section 3. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 5. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 28th day of October, 2009

Passed this 10th day of November, 2009.

Kay Halloran, Mayor

Attest:

Amy Stevenson, Deputy City Clerk