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Director

Kim Reynolds  
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Lt. Governor

May 15, 2019

Ryan Waller, City Manager  
City of Indianola  
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Charlie  
FYI  
Rya

**RE: State Plumbing and Mechanical Codes**

The Plumbing and Mechanical Systems Board has requested that the Iowa Department of Public Health inform local jurisdictions that the board is in the process of adopting new statewide codes for plumbing and mechanical systems. The board is in the process of adopting the 2018 Uniform Plumbing Code and 2018 International Mechanical Code, as required by Iowa Code 105. The Notices of Intended Action will be officially published in the Iowa Administrative Bulletin on May 22, to formally begin the rulemaking process.

The Iowa legislature passed a law in 2013 requiring local jurisdictions with a population of more than 15,000, or cities who had adopted a local code as of April 26, 2013, to adopt the state plumbing code and state mechanical code by December 31, 2016 (see Iowa Code section 105.4(1)(c)). In addition, any city that adopts standards that are more restrictive, must “promptly provide copies of those standards to the board.” [IC 105.4(1)b] The board is required to maintain the text of any local jurisdiction standards that are different from state code so that licensees and other interested parties can go to a single source to find the applicable plumbing and mechanical code throughout the state of Iowa.

The board understands that cities may not be aware of the 2013 law change that obligates cities to adopt the state plumbing and mechanical codes. The board encourages cities to verify or take action to ensure local plumbing and mechanical codes comply with Iowa Code section 105.4(1)(c). If a city has already adopted the state plumbing and mechanical codes, then it’s possible that no action is needed. Please also note that under the law (Iowa Code section 105.4(1)(b)), cities can adopt standards that are more restrictive than the state codes. However, please remember that cities that do so must also notify the state plumbing and mechanical systems board office so that they can be linked or published on our state website.

Home rule authority does not allow cities with a population more than 15,000 to enact or maintain plumbing and mechanical codes different from the state codes, because a municipal code that does not adopt the state code is “inconsistent with the laws of the general assembly” under article III, section 38A of the Iowa Constitution. As stated in a 2006 Iowa Supreme Court decision, “municipalities do not have authority to act if a particular power has been denied them by statute.” *Iowa Grocery Indus. Ass’n v. City of Des Moines*, 712 N.W.2d 675, 679 (Iowa 2006).

Feel free to contact the board office with any questions. And, importantly, thank you for your continued work toward promoting Iowans' health and safety.

Sincerely,

A handwritten signature in black ink, appearing to read 'K-Young' with a stylized flourish at the end.

Kane Young  
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Division of ADPER & EH  
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cc: David M. Ranscht, Assistant Attorney General